

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**JANUARY 16, 2001**

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The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in the Chatham County Courthouse, Superior Courtroom, 1 Courthouse Circle, located in Pittsboro, North Carolina, at 7:00 PM on January 16, 2001.

Present: Chairman Gary Phillips; Vice Chair Margaret Pollard; Commissioners Bob Atwater, Rick Givens, and Carl Outz; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Assistant County Manager, Paul Spruill; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Lee

The meeting was called to order by the Chairman at 7:05 PM.

**WASTE INDUSTRIES ANNOUNCEMENT**

The Chairman informed those in attendance that after a morning meeting between Waste Industries, Commissioner Pollard, County Manager, Charlie Horne, and himself, the company was advised that they did not believe that there was sufficient support for a franchise agreement by the Board of Commissioners and that there was no support in the County for a franchise agreement with Waste Industries; and that this was the unanimous consensus of the Board.

When asked if the issue would return, the Chairman stated that the people who own the land have a right to make a proposal; that if another proposal for the property comes through, the first thing that should be done is to appoint a citizens review committee; that it should include the Strategic Plan Committee, the Solid Waste Task Force and citizens from the affected community; that this places a special responsibility on all citizens to begin thinking, talking, and praying about charting a waste policy in Chatham County.

**AGENDA**

The Chairman asked if there were additions, deletions, or corrections to the Agenda.

The County Manager asked that a Closed Session for the purpose of discussing personnel and contracts be added to the end of the Agenda.

Commissioner Givens moved, seconded by Commissioner Outz to approve the Agenda. The motion carried five (5) to zero (0).

**CONSENT AGENDA**

The Chairman asked if there were additions, deletions, or corrections to the Consent Agenda.

Commissioner Atwater asked that Item #4, Request for Revision to Existing Conditional Use Light Industrial District by Sandhills Grading and Pipe Corporation, be removed from the Consent Agenda and

placed on the Regular Agenda for discussion.

Commissioner Pollard moved, seconded by Commissioner Outz, to approve the Consent Agenda with the noted request. The motion carried five (5) to zero (0).

1. **Minutes:** Consideration of a request for approval of Board Minutes for meetings held January 02, 2001, Work Session held January 02, 2001, and Board Retreat held December 6-7, 2000

The motion carried five (5) to zero (0).

2. **Tax Releases:** Consideration of a request for approval of tax releases, attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

3. **Refunds on Tax Bills:** Consideration of a request for approval of refunds on regular tax bills paid in error, attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

4. ~~**Request for Revision to Existing Conditional Use Light Industrial District by Sandhills Grading and Pipe Corporation:** Consideration of a request by Bradshaw, Vernon, and Robinson, L.L.P., Attorneys at Law, on behalf of Sandhills Grading and Pipe Corporation for a revision to the landscape plan of the existing Conditional Use Light Industrial District with a Conditional Use Permit, issued to Herbert and Elizabeth Parker, for a contractor's storage yard, office and staging area for construction contractors including storage and service buildings and related facilities, on approximately 12.55 acres, off SR #1008 [Farrington Road], in Williams Township~~

This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion.

## **END OF CONSENT AGENDA**

### **PUBLIC INPUT SESSION**

**Don McCoy**, 3539 Pea Ridge Road, Corinth, NC, stated that given the decision of the Board with regard to Waste Industries, he wished to express his gratitude regarding the decision to withdraw the proposed franchise agreement. He expressed appreciation that the residents were able to express their opinions on this matter.

**Kim Harris**, 2219 NC Highway #42, Moncure, NC, expressed his appreciation stating that he was grateful for the decision of the Board. He stated that he wished that the Board would have included the public from the beginning of the process. He further expressed thanks for the consideration of the people of Chatham County and stated that Southeast Chatham needs positive development.

**Alan Haley**, 75 School Road, Moncure, NC, thanked the Board for stopping this issue before it went too far. He stated that the residents in that area are ready to work for good development.

**Louis Teleky**, 5097 Old US #1, Merry Oaks, NC, thanked the Board for disapproving the landfill. He stated that his family has lived in the area for years and that he was alarmed that there was a proposal for a landfill in the area.

**G. R. Quinn**, 692 Northern Ranches Road, Sanford, NC, stated that the Board has made a big mistake in saying no to Waste Industries. He asked where all of the trash in Chatham County is going to go.

**Lucille Zane**, 240 Meadow View, Moncure, NC, expressed her thanks on behalf of the people of Moncure. She stated that the situation in Moncure needs direction.

**Evelyn Cross**, 4964 Corinth Road, Moncure, NC, expressed her thanks for the decision on the landfill by the Board. She stated that the community needs sewer to complete the picture and that the area will never develop without sewer.

**Jack Tilley**, 4295 Old US #1, New Hill, NC, presented the Clerk to the Board approximately 1,600 signatures stating their opposition to the proposed landfill. The petitions are attached hereto and by reference made a part hereof.

## **PLANNING AND ZONING**

**Request for Revision to Existing Conditional Use Light Industrial District by Sandhills Grading and Pipe Corporation:** Consideration of a request by Bradshaw, Vernon, and Robinson, L.L.P., Attorneys-at-Law, on behalf of **Sandhills Grading and Pipe Corporation** for a revision to the landscape plan of the existing Conditional Use Light Industrial District with a Conditional Use Permit, issued to Herbert and Elizabeth Parker, for a contractor's storage yard, office and staging area for construction contractors including storage and service buildings and related facilities, on approximately 12.55 acres, off SR #1008 [Farrington Road], in Williams Township

As per the Planning Department and the Planning Board recommendation, Commissioner Atwater moved, seconded by Commissioner Pollard, to grant final approval of the final revised plan [dated 01-08-01] with the following seven (7) conditions and the stipulation that the landscape plan be reviewed by the Chatham County Appearance Commission and that they are satisfied with said plan:

1. The driveway into the property from SR #1008 to the existing parking area is to be paved within six (6) months of approval.
2. The remaining graveled areas shall be watered down by water trucks twice a day except when normal weather conditions occur that eliminate the need for dust control (i.e. rain/snow). Any subsequent difficulty with dust control, as identified by the County Planning staff, may require additional preventive measures approved by staff.
3. The existing driveway on the north side of the property shall be abandoned, the gravel removed and the area returned to a natural state within six (6) months of approval.
4. A 40 foot wide, type A, vegetative buffer shall be planted along the southern boundary of the subject property as the gravel pit is filled in. The applicant shall concentrate its efforts in filling in the southern portion of the borrow pit first.

5. The tree line as shown on the plan at the back edge of the borrow pit shall be of Screen A, Opaque, type vegetation and shall be of sufficient height and type that when planted will meet the Design Guidelines Screen A requirements.
6. The additional vegetative buffer along the northern property line of the subject property as shown on the plan shall be planted ten (10) feet on center.
7. All required landscape plantings shall be completed prior to May 1, 2001, excluding condition #4.

The motion carried five (5) to zero (0).]

## **PLANNING AND ZONING**

### ***Public Hearings:***

The Chairman administered the oath to those in attendance who wished to make public comments.

**Request by Hare Pipeline Construction, Inc. for Conditional Use Permit:** Public hearing to receive public comments on a request by Wayne & Warren Strowd for **Hare Pipeline Construction, Inc.** for a Conditional Use Permit for a contractor's storage yard (pipe storage yard), on three acres of the Strowd property on the southeast side of US #15-501, south of Mt. Gilead Church Road (SR #1700), in Baldwin Township

**Michael Pudick**, Construction Engineer with Hare Pipeline, stated that they are currently using three acres to store pipe; that they were recently awarded a contract to relocate approximately eleven miles of pipeline and need to store about 58,000 feet of pipeline; and that Mr. Strowd was willing to lease the property to them. He further stated that Hare Pipeline started using the property in November, not knowing they needed a conditional use permit; that typically, pipe is stored on the right-of-way, however, because of the holidays and length of pipe, they opted not to use this option; that the current site at Mr. Strowd's provides decent buffering and grade changes; and that this arrangement has worked out well.

**Request by Colvard Farms Development Corporation, LLC for Conditional Use Permit:** Public hearing to receive public comments on a request by Jeff and Neal Hunter for **Colvard Farms Development Corporation, LLC** for a Conditional Use Permit for a Planned Unit Development for a cluster subdivision consisting of 107 lots on 300 acres, located in Williams Township, off NC Highway #751

**Jeff Hunter**, 1923 Myron Drive, Raleigh, NC, representing the development company for Colvard Farms, stated that they are applying for a conditional use permit for a subdivision in the northeast section of the County off NC Hwy. #751; that this is an environmentally and financially green development on a peninsula on Jordan Lake; that this development assigns more than one hundred of three hundred acres as permanent open space; and that this land will be available for passive recreation. He further stated that this development proposes one home for every 2.2 acres; that there are 107 proposed lots on 300 acres; that there are plans for a community water and wastewater operations (a re-use system); and that the tax benefit to the county would be in excess of \$200,000 annually.

**Neal Hunter**, 3515 Courtland Road, Durham, NC, stated that as a landowner, he will live on the land; and that when problems arise, the public has his assurance that they will be taken care of in the development.

An unidentified speaker stated that both water and sewer will remain critical issues in Chatham's future.

**Ed Andrews**, PO Box 30653, Raleigh, NC, hydrologist on the development team stated that he had completed field evaluation for the site and that the reuse of water is part of the water supply solution for the County.

**Ray Greenlaw**, 2 Jordan Drive, Pittsboro, NC, warned the Board to be wary of community-owned wastewater systems and stated that the County would not want a failed wastewater system to be put back on the County's tax base.

**Dwight Little**, 404 Upchurch Farm Road, Durham, NC, stated that he is a landowner in the area; that his primary concern is the roads in that area; and that traffic is already congested. He thanked the company for the temporary road improvements already completed and asked that if a wastewater facility was constructed, would it include the people in and around the area as well. He also asked if it would impede further development in water and sewer area by Durham.

**Request by Glenwood Triangle Company, LLC for Revision to Existing Conditional Use Permit:** Public hearing to receive public comments on a request by **Glenwood Triangle Company, LLC** for a revision to the existing Conditional Use Permit for Cole Park Plaza for a school, [public or private], to be allowed without a time limit, off US #15-501 North, in Williams Township

**Patrick Hennigan**, 132 Greenhill Lane, Mooresville, NC, with the Glenwood Triangle Company, stated that the Woods Charter School was not an anticipated use for the space; that the Board originally amended the conditional use permit but limited the amount of time; and that the company is now asking for a continuance of that amendment for the conditional use permit.

**Peter Travers**, 910 Constitution Drive, #910, Durham, NC, principal of the Woods Charter School was in attendance to answer questions, but none were asked.

### **WASTE INDUSTRIES, INC.**

**Waste Industries Inc. Presentation:** Presentation by Waste Industries Inc. on the proposed regional landfill

This presentation was removed from the Agenda.

### **TAX DEPARTMENT**

**Relief of Discovery Penalty for Flamingo, Inc.:** Consideration of a request to approve relief of discovery penalty on business personal property for Flamingo, Inc.

Commissioner Givens moved to approve the relief of discovery penalty on business personal property for Flamingo, Inc. Commissioner Outz seconded the motion.

After considerable discussion, Commissioner Givens withdrew his motion.

Commissioner Pollard moved, seconded by Commissioner Givens, to deny the request for release of discovery penalty for Flamingo, Inc. and uphold the penalty imposed by General Statute 105-312(h). The motion carried four (4) to one (1) with Commissioner Phillips opposing.

**Relief of Discovery Penalty for Turner Hargrove Wood Products, Inc.:** Consideration of a request to approve relief of discovery penalty on business personal property for Turner Hargrove Wood Products, Inc.

Commissioner Atwater moved, seconded by Commissioner Pollard, to deny the request for release of discovery penalty for Turner Hargrove Wood Products, Inc. and uphold the penalty imposed by General Statute 105-312(h). The motion carried five (5) to zero (0).

## **PUBLIC WORKS**

**Scrap Tire Disposal Contract:** Consideration of a request to approve tire disposal services contract with Central Carolina Tire Disposal (CCTD) pending approval of contract by the County Attorney

Commissioner Pollard moved, seconded by Chairman Phillips, to approve the tire disposal contract between Chatham County and Central Carolina Tire Disposal, pending approval by the County Attorney, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

**Purchase of New Roll-Off Vehicle for Waste Management:** Consideration of a request to waive the competitive bid process and award the bid for the purchase of a new roll-off vehicle for the Waste Management Division of Public Works

Commissioner Atwater moved, seconded by Commissioner Pollard, to waive the competitive bid process under General Statutes 143-129(g). The motion carried five (5) to zero (0).

Commissioner Atwater moved, seconded by Commissioner Givens, to award the bid for a new roll-off vehicle for the Waste Management Division of Public Works to Cavalier Equipment Corporation, Corporation of Cloverdale, VA. The motion carried five (5) to zero (0).

## **BOARDS AND COMMITTEES**

**Solid Waste Advisory Committee:** Consideration of a request to appoint two volunteers to the Solid Waste Advisory Committee

Chairman Phillips moved, seconded by Commissioner Atwater, to appoint Bruce Alexander, 5334B Castle Rock Farm Road, Pittsboro, NC, to the Solid Waste Advisory Committee. The motion carried five (5) to zero (0).

Commissioner Givens moved, seconded by Commissioner Pollard, to appoint Tina Teufel, 915 Tanglewood Drive, Siler City, NC to the Solid Waste Advisory Committee. The motion carried five (5) to zero (0).

Commissioner Atwater suggested that the Solid Waste Advisory Committee amend their bylaws to include a Moncure seat.

**Chatham Trades Inc Appointment:** Consideration of a request to appoint a Commissioner to the Chatham Trades Inc. Board of Directors

Commissioner Givens moved, seconded by Commissioner Atwater, to appoint Commissioner Givens to serve a three-year term on the Chatham Trades Inc. Board of Directors. The motion carried five (5) to zero (0).

**Other Speakers:**

**Jimmy Collins**, 1867 Hanks Chapel Road, Pittsboro, NC, stated that the County has come a long way in their waste disposal and recycling efforts and that Chatham needs solutions for waste disposal. He thanked the Board for their efforts in finding alternatives of which they could be proud.

**Rev. Carrie Bolton**, stated that she is excited about the Board's decision regarding the landfill. She expressed a personal interest in furthering the interests of providing solid waste solutions for Chatham County.

**Al Capehart**, stated that Chatham County has an overlooked resource; that the Rails-to-Trails fund has been created for Chatham and has brought into the County an appreciation of nature in the County. He expressed thanks to the Board for identifying a funding source to help further this project.

**MANAGER' S REPORTS**

There were no Manager's Reports.

**COMMISSIONERS' REPORTS****Proposed Landfill Comments:**

Commissioner Givens praised the efforts of everyone involved in the Waste Industries project.

Commissioner Atwater stated that it had been a pleasure to work with the Board.

Commissioner Pollard stated that she was glad that they had gone through the process with the landfill; that it had really energized the community; that although there were tense moments, she felt that the people came together, are beginning to wrestle with the problem that is not going away, and that they discovered their strengths; that people will continue to work together; and that this will be a step toward the process in creating what their future is going to look like.

Commissioner Phillips stated that he walked into the Moncure meeting scared but walked out of it feeling proud; that he was gratified to see the community gathered together and witnessing in the way in which it did; and that he was glad to be a part of the process.

Commissioner Atwater stated that he did not fear going to the Moncure meeting; that he had faith about it; that the Mayor of Knightdale had stated that he could not believe the discipline, orderliness, and appropriateness of the audience; and that the Moncure people had gotten in front of things to make them happen with the kind of energy and support needed to accomplish their goal.

**Strategic Planning Committee/Solid Waste Advisory Committee:**

Commissioner Phillips suggested that the Strategic Plan has been asking for tasks and he felt that a very appropriate task might be for them to join with the Solid Waste Advisory Committee to design a process for public hearings on solid waste issues.

**Transportation Issues/Transportation Advisory Committee:**

Commissioner Phillips stated that transportation issues are beginning to loom as a big issue in Chatham County; that it might be time for the Board to consider forming a Transportation Advisory Board for the County that would research projects, determine projected impacts, and make suggestions to developers on transportation routes.

### **ADJOURNMENT**

Commissioner Outz moved, that there being no further business to come before the Board, the meeting be adjourned. Commissioner Pollard seconded the motion, and the meeting was adjourned at 9:02PM.

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Gary Phillips, Chairman

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Sandra B. Lee, Clerk to the Board  
Chatham County Board of Commissioners