

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**MARCH 12, 2001**

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The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the District Courtroom, located in Pittsboro, North Carolina, at 7:00 PM on March 12, 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 7:03 PM.

**AGENDA**

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

Charlie Horne, County Manager, asked that, due to the expected length of the meeting with the five public hearings, consideration be given to place the following items on the Consent Agenda:

- .. **Resolution Establishing the Chatham County Board of Equalization and Review**
- .. **Standard Procedure for the Selection of Architectural, Engineering, and Surveying Services**
- .. **Resolution to Exempt Digital Utility Mapping Project from Provisions of General Statutes 143-64.31**
- .. **Stockyard Road Sewer Project and Contract Award**
- .. **Purchase of Diesel Utility Service Truck for Public Works Water Distribution**
- .. **Resolution Declaring Electronic Property Surplus and Authorizing Sale of Same**

The County Manager also asked that the following item be removed from the Consent Agenda and placed on the Regular Agenda for discussion as Item #10A:

- .. **Preliminary Approval of “North Chatham Park”**

The County Manager asked that Items #10, #10A, #11, and #16 as follows to be discussed before the public hearings:

- .. **Request for Conditional Use Permit for Planned Unit Development for Colvard Farms Development Corporation**

- .. **Preliminary Approval of “North Chatham Park” to Item #10A**
- .. **Relief of Discovery Penalty**
- .. **Digital Utility Mapping Contract and Award**

Commissioner Pollard moved, seconded by Commissioner Outz, to approve the Agenda with the noted requests. 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 Givens moved, seconded by Commissioner Pollard, 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 February 19, 2001, Work Session held February 19, 2001

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

2. **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).

- ~~3. **Preliminary Approval of “North Chatham Park”:** Consideration of a request by Center Suites, LLC for subdivision preliminary approval for “North Chatham Park”, consisting of seven lots, on 22 acres, off US #15-501 North and SR #1724 (Old Lystra Road), in Williams Township~~

This item was removed from the Consent Agenda to the Regular Agenda.

4. **Final Approval of “Seminole Point”:** Consideration of a request by Ricky Spoon Builders, Inc., for final approval of “**Seminole Point**”, consisting of 25 lots on approximately 49 acres, off SR #1506, Pleasant Hill Church Road, in Hickory Mountain Township

As per the Planning Board and the Planning Department recommendation, final approval of the plat was approved as submitted.

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

5. **Resolution Establishing the Chatham County Board of Equalization and Review:** Consideration of a request for approval of **Resolution #2001-05 Establishing the Chatham County Board of Equalization and Review**, attached hereto and by reference made a part hereof.

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

6. **Standard Procedure for the Selection of Architectural, Engineering, and Surveying**

**Services:** Consideration of a request to adopt Standard Procedure Number One, "Selection Procedure for Architectural, Engineering and Surveying Services", attached hereto and by reference made a part hereof.

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

7. **Resolution to Exempt Project from General Statutes:** Consideration of a request to approve **Resolution #2001-06 to Exempt Digital Utility Mapping Project from the Provisions of General Statutes 143-64.31**, attached hereto and by reference made a part hereof.

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

8. **Stockyard Road Sewer Project and Contract Award:** Consideration of a request to award the Stockyard Road Sewer Engineering Services Contract and the Administrative Services Contract based on the "Ranking Guide for Architectural, Engineering, and Surveying Services" and adopt a Project Ordinance Concerning the Stockyard Road Sewer Project, attached hereto and by reference made a part hereof.

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

9. **Purchase of Diesel Utility Service Truck for Public Works Water Distribution:** Consideration of a request for the purchase of a diesel utility service truck for Public Works water distribution

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

10. **Resolution Declaring Electronic Property Surplus and Authorizing Sale of Same:** Consideration of a request to approve **Resolution #2001-07 Declaring Electronic Property Surplus and Authorizing the Sale or Disposal of Said Property**, attached hereto and by reference made a part hereof.

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

**END OF CONSENT AGENDA**

## **PUBLIC INPUT SESSION**

There was no one present who wished to make public comments.

## **PLANNING AND ZONING**

### ***Zoning and Ordinance Amendment:***

**Request for Conditional Use Permit for Planned Unit Development for Colvard Farms Development Corporation:** Consideration of 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 Hwy. #751

Commissioner Givens moved, seconded by Commissioner Atwater, to approve the Conditional Use Permit for a planned unit development as per the Planning Department and Planning Board request with the

following conditions:

1. There shall be a minimum 50-foot undisturbed buffer area along the outside property line adjacent to the US Army Corps of Engineers property.
2. There shall be a minimum 50-foot building setback from the 50-foot undisturbed buffer.
3. Within the required minimum 50-foot building setback there shall be a restriction prohibiting the cutting of trees 18 inches diameter at breast height (dbh).
4. Signs shall be made and erected at the developer's expense along the boundary with the US Army Corps of Engineers' property informing viewers of the hunting on public game lands and of the residential development adjacent to said game lands. The signs shall be visible from a distance of 75 feet and shall be placed at sufficient intervals to provide warning of potential conflicts of land use.
5. Turning lanes shall be constructed to Department of Transportation standards at the entrance of the subdivision road with NC #751.
6. Lights shall be shielded from upward glare and shielded on the sides or placed to prevent light spillage onto adjacent properties.
7. The developer shall cooperate with the Chatham County Historical Association in the evaluation and disposition of existing structures on the property.
8. The developer shall send a copy of reports required by the State on the waste water treatment facility to the environmental health section of the Chatham County Health Department so such may be conveniently available for local review

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

### ***Preliminary Subdivision Approval***

**Preliminary Approval of "North Chatham Park":** Consideration of a request by Center Suites, LLC for subdivision preliminary approval for "North Chatham Park", consisting of seven lots, on 22 acres, off US #15-501 North and SR #1724 (Old Lystra Road), in Williams Township

Commissioner Atwater moved, seconded by Commissioner Outz, to grant preliminary approval of the plat, as per the Planning Board and the Planning Department recommendation, with the following condition:

1. The final plat is to designate a 60 foot wide access easement from North Chatham Parkway to the adjacent property currently owned by William Brown. Subject to agreement between the owners requiring conveyance of the easement for fair market value and a reasonable agreement regarding shared maintenance expense (until North Chatham Parkway maintenance is assumed by D.O.T.), the adjacent property owner is to be granted the right to build the access any time in the future. The access road may remain a private road but must be a paved road access.

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

### **TAX ADMINISTRATION**

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

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

## **PUBLIC WORKS**

**Digital Utility Mapping Contract and Award:** Consideration of a request to award the Digital Utility Mapping Project based on the "Ranking Guide for Architectural, Engineering, and Surveying Services" and adopt a Project Ordinance Concerning the Digital Utility Mapping Project for FY 2001

Commissioner Pollard moved, seconded by Commissioner Givens, to award the Digital Utility Mapping Project based on the "Ranking Guide for Architectural, Engineering, and Surveying Services" and adopt a "**Project Ordinance Concerning the Digital Utility Mapping Project**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

## **PLANNING AND ZONING**

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

**Proposed Amendment to Chatham County Subdivision Regulations:** Public hearing to receive public comments on a proposal to amend the Chatham County Subdivision Regulations Section 6.4, C. (1) to increase the size for newly created lots dependent on individual wells and individual sewerage disposal systems from 40,000 square feet (approximately one acre) to 80,000 square feet (approximately two acres)

**E. E. Suits**, 2290 Stockyard Road, Staley, NC, stated that he was in the modular home business; that limiting lot sizes could be a problem for him and his business; that it depends on the area of the County in which you are in; and that it also depends on the homeowner and what they can afford.

**Proposed Amendment to Chatham County Subdivision Regulations:** Public hearing to receive public comments on a proposal to amend the Chatham County Subdivision Regulations Section 6.5, A. (2) to require payment for recreation at a rate of the value of 1/35 of an acre of land per dwelling unit or at the County's option to accept the dedication of land equal in value to the payment

There was no one in attendance who wished to make public comments.

**Proposed Amendment to the Chatham County Watershed Ordinance:** Public hearing to receive public comments on a request by Patrick H. Barnes, III on behalf of Andrew S. Barnes, for an amendment to the Chatham County Watershed Ordinance, Section 302 (D) (d) for an addition to Attachment A, permitted uses, for a high-tech precision computerized machine shop

**Ray Greenlaw**, 2 Jordan Woods, Pittsboro, NC, stated that he wished to express his concern with regard to chipping away at the protection of Jordan Lake; that Jordan lake is the principal source of water for the County and surrounding areas; that this will cause a domino affect for other modifications; and that this will hurt the people of the County now and for years to come.

**Andrew S. Barnes**, 345 McCoy Road, Apex, NC, stated that he is the owner of Precision Machines

and that his family was impacted by the construction of Jordan Lake; that this expansion is the type of business that Chatham County needs; and that his is a low-impact type business.

**Light Industrial Conditional Use District with a Conditional Use Permit:** Public hearing to receive public comments on a request by Patrick H. Barnes, III, on behalf of Andrew S. Barnes, for a Light Industrial Conditional Use District with a Conditional Use Permit for a high-tech precision computerized machine shop, on approximately four acres, off SR #1746 [McCoy Road], in New Hope Township

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

**Andrews S. Barnes**, 345 McCoy Road, Apex, NC, stated that he had completed all necessary application; that this is an environmentally friendly business; that the required septic system is less than a common residence; and that this expansion is important for their current and future business. He shared examples of the products which he manufactures for sale throughout the United States.

**Heavy Industrial Conditional Use District with a Conditional Use Permit:** Public hearing to receive public comments on a request by G. Wallace Woodall for a Heavy Industrial Conditional Use District with a Conditional Use Permit for the recycling and light manufacturing or processing of commercial grease and grease trap products, on approximately eight acres of a 237 acre tract, off SR #1912 [Christian Chapel Road], in Cape Fear Township

**Cindy Perry**, PO Box 147, Pittsboro, NC, representing the Woodall Family, stated that the family owns 237 acres but that the request for the Conditional Use Permit is for only eight acres; that this is not a project dealing with untreated human waste; and that it was not about more odor to the area. She further stated that the Woodall company currently deals with treated bio-solids from wastewater and water treatment plants and with grease trap waste; that the request is to expand the business to include restaurant fryer grease; that this grease can be recycled into parts to be used on farm and in feed mills; that this is a safe operation; and that the state has approved the process.

**Wallace Woodall**, PO Box 5066, Cary, NC, stated that this product is 98% organic; that when applying waste onto his farm, it is done so with the utmost caution; that buffer requirements are adhered to or surpassed; and that he is trying to eliminate the smell from the grease traps. He invited the Board and any others that would like to visit his farm to do so.

**Harold Gunter**, 7267 Old US Hwy. #1, New Hill, NC, stated that he was speaking on behalf of the Merry Oaks Baptist Church; that they are located directly across the road from the Woodall's property; that it smells all the time in the area; that this situation has been present for many years; and that many problems have been outlined in a recent report in the *News and Observer*. He asked the Board to be very careful about any extension that they may grant with regard to this operation.

**Jack Tilley**, 4295 Old US Hwy. #1, New Hill, NC, stated that this site has smelled for years; that they can deal with the smell but that he is concerned about the drinking water; and that when the drinking water is affected, the damage will be irreparable.

**Sheila Crump**, PO Box 19, 125 Railroad Drive, Moncure, NC, stated that her property was adjacent to the Woodall property; that a solution is needed for the smell in the area; and that she strongly opposes this proposed expansion.

**Ken Harris**, 2219 NC Hwy. #42, Moncure, NC, stated that there were a large number of tankers coming into the property; that Mr. Woodall is under supervision from the state because of environmental and water quality concerns; and that he is unsure about the County's ability to guarantee the residents that all state

regulations will be complied with in the future.

**Earle Smith**, 5046 Christian Chapel road, New Hill, NC, stated that this was just another situation where Southeast Chatham was being dumped on; and that the Board should take a hard look at how this expansion really benefits the County.

**Liz Cullington**, 390 Rocky Hills Road, Pittsboro, NC, stated that she had reviewed two different versions of the zoning request and a copy of the most recent state division of water quality permit for Mr. Woodall; that Mr. Woodall states that he wants to continue to do what he is currently doing with grease trap waste; that she feels that, with this zoning request, he could expand his operations sixteen times; that one of the findings needed for the rezoning is that the activity needs to be essential or desirable for public welfare; that she feels that it is neither; that it also appears that this activity would not be a major money-maker for the County; that for at least two years, the company has operated in violation of the State zoning ordinance and has had other violations, as well; and that there doesn't seem to be enough information for the public to make an informed decision on this proposal at this time.

**Mary McDowell**, Chatham County Employee, stated that she had worked with a geologist and water quality expert on the radioactive waste issue; that she had visited the Woodall property and had concerns about run-off and sedimentation erosion; and that the State can regulate water quality and these issues through its permitting process.

**Ida Donaldson**, 5265 Hwy. #42, New Hill, NC, stated that she had seen two large tanker trucks going into the property in less than fifteen minutes; and that Chatham County should set high fines for illegal dumping and some of the violations for which Mr. Woodall had been fined. She asked the Board to deny this request.

## **BREAK**

The Chairman called for a five-minute break.

## **BOARDS AND COMMITTEES**

**Chatham County Board of Equalization and Review Appointments:** Consideration of a request to appoint members to the Chatham County Board of Equalization and Review

Commissioner Givens moved to appoint Tricia K. Jenkins, 100 North Second Avenue, Siler City, NC to the Chatham County Board of Equalization and Review. Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0).

Commissioner Outz moved to appoint Joe Burke, 125 Mt. Gilead Church Road, Pittsboro, NC, to the Chatham County Board of Equalization and Review. Commissioner Givens seconded the motion. The motion carried five (5) to zero (0).

Commissioner Phillips moved to appoint Judith S. Peterson, 1942 Rock Rest Road, Pittsboro, NC, to the Chatham County Board of Equalization and Review. Commissioner Givens seconded the motion. The motion carried five (5) to zero (0).

Commissioner Pollard moved to appoint J. Wallace Jones, 1828 St. Luke's Church Road, Goldston, NC, to the Chatham County Board of Equalization and Review. Commissioner Phillips seconded the motion. The motion carried five (5) to zero (0).

Commissioner Atwater moved to appoint Bill Lowery, 189 Pleasant Court, Pittsboro, NC, to the Chatham County Board of Equalization and Review. Commissioner Givens seconded the motion. The motion carried five (5) to zero (0).

**(Note: Commissioners Atwater and Outz determined that their appointments were from each other's districts i.e. Atwater's appointment was from District #3 and Commissioner Outz's appointment was from District #1)**

Commissioner Pollard moved, seconded by Commissioner Givens, that the Board waive, under these special circumstances, the district requirement for appointments by Commissioners Atwater and Outz. (See Resolution #2001-05, Section "MEMBERSHIP, Subsection A."). The motion carried five (5) to zero (0).

**(Note: See correction to Appointment to the Chatham County Board of Equalization and Review, Board of Commissioners' Minutes, on April 2, 2001.)**

Commissioner Atwater moved that a correction be made to the March 12, 2001 Board Minutes to reflect that his appointment to the Board of Equalization and Review has been rescinded. Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0).

#### **Alternate Member to the Board of Equalization and Review Committee:**

Commissioner Outz moved, seconded by Commissioner Phillips, to appoint John Cooper, PO Box 1096, Pittsboro, NC, as an alternate member to the Board of Equalization and Review, subject to Mr. Cooper's acceptance. The motion carried five (5) to zero (0).

**Chatham County Water Advisory Board Appointments:** Consideration of a request to appoint two members to the Chatham County Water Advisory Board

Chairman Phillips moved, seconded by Commissioner Pollard, to reappoint Bill Lowery, 189 Pleasant Court, Pittsboro, NC, to the Chatham County Water Advisory Board, term to expire on December 31, 2001. The motion carried five (5) to zero (0).

Chairman Phillips moved, seconded by Commissioner Pollard, to appoint reappoint Craig Bray, 1115 Zeb Brooks Road, Bear Creek, NC, to the Chatham County Water Advisory Board, term to expire on December 31, 2001, The motion carried five (5) to zero (0).

#### **Terms of Chatham County Water Advisory Board:**

Commissioner Atwater moved, seconded by Commissioner Givens, to accept the recommendation of the Chatham County Water Advisory Board to stagger the terms of appointments as follows:

1. The current terms of the incumbent members expire on the established dates, i.e.

Charles Eliason	April 30, 2002
Manfred Piper	April 30, 2002
Tom Ward	May 31, 2002

2. The term of newly appointed member Gary Cox will expire on December 31, 2003.
3. Establish the remaining six appointees terms to expire on the dates as follows:

Two Members	December 31, 2001
Two Members	December 31, 2002
Two Members	December 31, 2003

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

Mr. Greenlaw stated that upon approval of the recommended terms, he would contact each of the remaining six appointees to determine which of the terms they desire to fulfill with the results to be provided to the County Manager to update records on file.

**Piedmont Conservation Council Appointment:** Consideration of a request to appoint a member to the Piedmont Conservation Council

An appointment to this committee was deferred until a later date.

**Chatham County Partnership for Children Appointment:**

Commissioner Atwater stated that he would like to serve on the Smart Start Board.

Commissioner Pollard moved, seconded by Commissioner Givens, to appoint Commissioner Bob Atwater to the Smart Start Board. The motion carried five (5) to zero (0).

## **COMMISSIONERS' REPORTS**

**Tax Revaluation Appeal:**

Commissioner Pollard stated that she had spoken with a taxpayer who expressed a desire to appeal her tax revaluation before the staff and that her request had been denied.

It was determined that there had been a misunderstanding about the procedure which Commissioner Pollard will clarify with the taxpayer and will ask her to re-contact the Tax Office.

**Revaluation Hearing Process:**

Commissioner Outz asked about holding a public hearing at which time citizens could make comments with regard to County-wide revaluations.

It was explained that no public hearings are scheduled, as citizens are to appear before the Board of Equalization and Review to voice their concern about revaluations.

Commissioner Outz asked why Wake County's revaluation had gone up 35% instead of the reported 70% in Chatham County and about how tobacco allotments are taxed. He asked that the Tax Administrator make a report on these items.

**Budget Concerns:**

He also voiced other budget concerns which will be addressed during the budget process. He stated that he would like to have one work session devoted entirely to ways that the County can save money.

**Townsend Funds:**

Commissioner Outz stated that he would contact Senator Jesse Helms if someone would contact Senator John Edwards to see if they could find funds to help Townsends Inc. update its waste water facilities.

**Reimbursement for Expenditures Made by Town of Pittsboro for Hydraulic Analysis of Town's Water Distribution System:**

Chairman Phillips stated that he had received a letter (attached hereto and by reference made a part hereof) requesting reimbursement for direct costs incurred toward providing model calibration of the hydraulic analysis of the water distribution system for the Town of Pittsboro.

After considerable discussion, Commissioner Pollard moved, seconded by Commissioner Givens, to reimburse the Town of Pittsboro for expenses incurred for hydraulic analysis performed on the Town's water distribution system. The motion carried five (5) to zero (0).

**School Funding Meeting with Chatham Education Foundation:**

Chairman Phillips informed the Board of a joint meeting which has been requested by the Chatham Education Foundation for Tuesday, March 27, 2001, 6:30 – 9:00 PM at the Square Dance Barn.

Chairman Phillips asked the Manager to contact Phillip Cates to accept the invitation.

**CLOSED SESSION**

Commissioner Givens moved, seconded by Commissioner Pollard, to go out of Regular Session and into Closed Session for the purpose of discussing property acquisition. The motion carried five (5) to zero (0).

**REGULAR SESSION**

Commissioner Atwater moved, seconded by Commissioner Givens, to go out of Closed Session and reconvene in Regular Session. The motion carried five (5) to zero (0).

**Landfill Buffer Negotiation:**

Commissioner Atwater moved, seconded by Commissioner Outz, to authorize the County Attorney in negotiating for purchase of the landfill buffer to obligate the County to pay agricultural use and forestry use deferred taxes as part of the purchase price. The motion carried five (5) to zero (0).

**ADJOURNMENT**

Commissioner Pollard moved, seconded by Commissioner Givens, that there being no further business to come before the Board, the meeting be adjourned. The motion carried five (5) to zero (0), and the meeting was adjourned at 9:40 PM.

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Gary Phillips, Chairman

ATTEST:

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