

**MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING JANUARY 24, 1994**

The Board of Commissioners (the "Board") of the County of Chatham, North Carolina, met in regular session in the District Courtroom, located in the Courthouse Annex, Pittsboro, North Carolina, the regular place of meeting, at 7:00 p.m. on January 24, 1994.

ATTENDANCE

Present: Chairman Dunlap; Commissioners Holland, Holmes and Hanner; County Manager Ben Shivar; County Attorney Robert L. Gunn; and Clerk to the Board Sandra B. Cape.

Absent: Commissioner Murchison.

The meeting was called to order by Chairman Dunlap at 7:12 p.m.

AGENDA

Commissioners Holmes moved to approve the Agenda as presented. Commissioner Holland seconded the motion.

The motion carried four (4) to zero (0).

APPROVAL OF MINUTES - JANUARY 3, 1994

Commissioner Holmes moved to approve the Minutes of the Board of Commissioners meeting held January 3, 1994, as presented. Commissioner Holland seconded the motion.

The motion carried four (4) to zero (0).

DEEP RIVER PARK ASSOCIATION - APPROPRIATION OF FUNDS

Resolution 94-3: Commissioner Holmes moved to adopt the Resolution authorizing the Finance Officer to release funds in the amount of \$250 to the Deep River Park Association, a copy of which is attached hereto, marked Resolution 94-3, and by reference made a part hereof. Commissioner Holland seconded the motion.

The motion carried four (4) to zero (0).

PLANNING DEPARTMENT - GREENHILL COMMUNITY DEVELOPMENT BLOCK GRANT

Commissioner Holmes moved to accept the Activities Status Report and Financial Status Report on the Greenhill Community Development Block Grant as presented. Commissioner Holland seconded the motion.

The motion carried four (4) to zero (0).

COMMISSIONER MURCHISON - REPORT ON CONDITION OF HEALTH

The Manager stated that Commissioner Murchison was hospitalized more than a week prior to the meeting due to concern regarding his heart. He stated that he is currently undergoing tests at Wake Medical Center in Raleigh. The Manager relayed Commissioner Murchison's disappointment in being unable to attend the meeting.

PLANNING AND ZONING

Public Hearing

Rename a .5 Mile Portion of Chatham Church Road (S.R. 2153) to Asbury Church Road. The Manager stated that a petition had been received requesting that a .5 mile portion of Chatham Church Road (S.R. 2153) be renamed to Asbury Church Road. He stated that the petition meets the sixty percent (60%) property owner consent requirement.

Pursuant to advertisement of the public hearing in The Chatham Record on January 12 and 19, 1994, Chairman Dunlap declared the public hearing open at 7:17 p.m., and requested public comments from those individuals concerned with this matter.

Leonard Gunter, of Route 4, Box 810, Sanford, North Carolina, stated that he was a life-long resident of the Asbury Community. He requested that the .5 mile portion of Chatham Church Road (S.R. 2153) be renamed to Asbury Church Road, as petitioned, in honor of this Church and the community.

There being no further public comments, the Chairman closed the public hearing at 7:20 p.m.

Commissioner Holmes moved that the .5 mile portion of Chatham Church Road (S.R. 2153) be renamed to Asbury Church Road, as petitioned. Commissioner Hanner seconded the motion.

The motion carried four (4) to zero (0).

Public Hearing

Rename Hancock Road (S.R. 2117) to Dan Henry Siler Road. The Manager stated that the petition requesting that Hancock Road (S.R. 2117) be renamed to Dan Henry Siler Road meets the sixty percent (60%) adjoining property owner requirements. He further noted that the Planning Board recommends approval. He stated that there is no compelling reason to make this change from an emergency management standpoint.

Pursuant to advertisement of the public hearing in The Chatham Record on January 12 and 19, 1994, Chairman Dunlap declared the public hearing open at 7:22 p.m., and requested public comments from those individuals concerned with this matter.

Virginia Horton, of Route 2, Box 544, Siler City, North Carolina, stated that she is the daughter of Dan Henry Siler, and that this land has been owned by her family for more than one hundred years. She requested that this renaming be approved. Mrs. Horton stated that there is only one other house on this road, and it is currently vacant.

There being no further public comments, the Chairman closed the public hearing at 7:30 p.m.

After discussion, Commissioner Hanner moved that the petition requesting the renaming of Hancock Road to Dan Henry Siler Road be approved as submitted. Commissioner Holland seconded the motion.

The motion carried four (4) to zero (0).

Public Hearing

Rename a 1.2 Mile Portion of N. Main Street in Goldston (S.R. 2333) from its intersection with Old U.S. 421 (S.R. 1176) to its intersection with U.S. 421 to Ralph Sipe Road. The Manager presented a petition requesting that a 1.2 mile portion of N. Main Street in Goldston from its intersection with Old U.S. 421 to its intersection with U.S. 421 be renamed to Ralph Sipe Road. He stated that the petition meets the sixty percent (60%) property owner requirement. The Manager pointed out that the Bear Creek Postmaster had requested that this petition be approved. The Planning Board, the Planning Department and the staff recommend approval.

Pursuant to advertisement of the public hearing in The Chatham Record on January 12 and 19, 1994, Chairman Dunlap declared the public hearing open at 7:29 p.m., and requested public comments from those individuals concerned with this matter.

There being no public comments, the Chairman closed the public hearing at 7:30 p.m.

Commissioner Hanner moved to approve the petition to rename a 1.2 mile portion of N. Main Street in Goldston (S.R. 2333) from its intersection with Old U.S. 421 (S.R. 1176) to its intersection with U.S. 421 to Ralph Sipe Road. Commissioner Holland seconded the motion.

The motion carried four (4) to zero (0).

Public Hearing

Petition to Rename Dick Bridgers Road (S.R. 1103) to Jordan Lane Drive. The Manager stated that this petition meets the sixty percent (60%) property owner requirement. The Manager noted that the Planning Board recommended denying this petition because there are currently four (4) other roads within the County which begin with the word "Jordan."

Pursuant to advertisement of the public hearing in The Chatham Record on January 12 and 19, 1994, Chairman Dunlap declared the public hearing open at 7:32 p.m., and requested public comments from those individuals concerned with this matter.

There being no public comments, the Chairman closed the public hearing at 7:34 p.m.

After discussion, Commissioner Holland moved that this matter be tabled, and that the Board instruct the Emergency Operations Director to contact those individuals petitioning for this change to obtain additional name choices. Commissioner Holmes seconded the motion.

The motion carried four (4) to zero (0).

(Note: See page 6 of these Minutes for a continuation of this matter.)

Sketch Design - Wendy Hill Ranch

Request by Developer Lewis Ballard for Subdivision Sketch Approval of Wendy Hill Ranch in Williams Township on S.R. 1739. Planning Director Keith Megginson presented information on Lewis Ballard's request for sketch design approval as stated above. The Planning Director stated the following: this design calls for private roads with lots averaging more than five (5) acres in

size; road is shown to be stubbed out to adjacent property of Gene and Josephine Sears; County regulations do not require this be stubbed out; this is in case the developer and adjacent property can reach agreement on a connecting road; and Planning Board and Planning Department recommend approval.

After discussion, Commissioner Holmes moved the Board approve the sketch design, as shown on blue-line drawing, prepared by Philip N. Post, dated December 16, 1993, as presented. Commissioner Holland seconded the motion.

The motion carried four (4) to zero (0).

Subdivision Preliminary Approval - Broadlands

Request by Developer William Swartz for Subdivision Preliminary Approval for Broadlands Subdivision in Hickory Mountain Township on S.R. 1506 and S.R. 1505. The Planning Director presented drawings ("Preliminary Plan - Lot Layout, Proposed Broadlands Subdivision," prepared by J.W. Harris & Associates, Inc., Consulting Engineers, dated February 17, 1993) and background information regarding the above request for preliminary approval. The Planning Director noted: there are extensive agenda notes on this matter, including a report entitled "Evaluation of the Impact of the Proposed Broadlands Development in Chatham County, N.C., on Ground-Water Availability," prepared by Ralph C. Heath, Consulting Hydrogeologist, dated November 1993; other review agencies, including Health Department, Department of Transportation, the Division of Land Quality and Division of Army Engineers, have all approved this subdivision for preliminary consideration; the Planning Department recommends approval with recorded notes regarding the agricultural nature of the surrounding area and the lack of public water supply; and the Planning Board is recommending denial.

The Chairman stated that requests had been received from both sides of this issue for an opportunity to speak before the Board. He noted that Attorney Frank Swain would speak on behalf of the developer and Attorney Joe Hackney would speak on behalf of the surrounding property owners. The Chairman stated that each speaker would be given ten (10) minutes to state his views on this matter.

Frank Swain, attorney representing William Schwartz, requested that the Board approve the developer's request for subdivision preliminary approval and stated his case for such approval.

Joe Hackney, attorney and adjoining property owner, requested that the Board deny the developer's request for subdivision preliminary approval and stated his case for such denial.

Ralph C. Heath, Consulting Hydrogeologist, and author of "Evaluation of the Impact of the Proposed Broadlands Development in Chatham County, N.C., on Ground-Water Availability," stated that his report did cover the proposed development.

The Chairman thanked the individuals for their input into this matter. He further stated that the Planning Board and the Board have done considerable study on this matter.

Commissioner Hanner moved that preliminary plat approval for Broadlands Subdivision be denied based on the following findings of fact:

1. The area of and surrounding the proposed subdivision has been studied by Ralph C. Heath, a noted and experienced hydrogeologist, because of concerns raised by neighbors about inadequate groundwater. Mr. Heath made several visits to the area.

2. Because of the physical and geological features present at the site, including steep slopes and an unusually thin "regolith" layer on top of the bedrock, and the presence of rock formations underlying the area which are among the least productive of water of any in the Piedmont, there is a substantial risk of the proposed wells in the proposed subdivision yielding insufficient water during dry spells in the late summer and fall to supply the normal residential needs in the proposed subdivision and normal agricultural needs in the adjacent areas.

3. Such recharge inadequacy during dry periods has already been experienced by surrounding landowners, and is likely to be made worse by the proposed subdivision. No public water is available at the site.

4. Approval of the subdivision as planned, given the physical and geological features which are present and which have resulted in these conditions, may endanger the health and property of the lot owners of the proposed subdivision, because inadequacy of water is a health hazard and may also damage property. It would also mean that each building lot is not suitable for habitation, because adequate water is necessary for habitation.

5. Approval of the subdivision as planned would also endanger the health and property of the surrounding landowners on the uphill (south) side, for the same reasons set forth above.

6. Denial of the subdivision approval does not preclude development in lots of ten acres or more, which would be much less of a danger to health or property, as described above, than would development and subdivision as proposed in the preliminary plat.

7. The Chatham County Planning Board recommended denial of preliminary plat approval for the foregoing reasons on two separate occasions, by votes of five (5) to four (4) and seven (7) to three (3).

8. The Commissioners conclude that the Subdivision Ordinance specifically permits the Board of County Commissioners to find land unsuitable for development for reasons of unsuitable physical and geological conditions affecting health or property; adequacy of water is a substantial health and property issue; the proposed subdivision is physically unsuitable for development for lots smaller than ten acres pursuant to Section 6.1A.(1) of the Subdivision Ordinance; and the preliminary plat, therefore, fails to meet the minimum standards for approval pursuant to Section 6, entitled "Requirements and Minimum Standards For Improvements, Reservations, and Design," and fails to protect the health and safety and property of the citizens of the County.

Commissioner Holland seconded the motion.

The motion carried four (4) to zero (0).

Sketch, Preliminary and Final Approval - Raymond E. Lilly

Request by Landowner Raymond E. Lilly for Subdivision Sketch, Preliminary and Final Approval of Commercial One Lot Subdivision in Matthews Township on U.S. 64. The Planning Director presented the above request and stated: This is just one lot cut from a larger tract; is within one-half mile of Rocky River but in the area which allows non-residential use of land; the DOT has approved commercial driveway permit; the only issue is storm water being retained on site; the Planning Board recommended approval of sketch, preliminary and final approval with condition that the first 1/2 inch of runoff from the impervious surface be retained on site by dispersion to adjacent soils or caught in a holding pond; and Planning Department concurs with Planning Board recommendation.

Commissioner Holmes moved that the Board approve sketch, preliminary and final approval of the request by Raymond E. Lilly, as presented, with the condition that the first 1/2 inch of runoff from the impervious surface be retained on site by dispersion to adjacent soils or caught in a holding pond. Commissioner Hanner seconded the motion.

The motion carried four (4) to zero (0).

PLANNING AND ZONING - ROAD RENAMING CONTINUED

Request to Rename Dick Bridgers Road (S.R. 1103) to Jordan Lane Drive. The Chairman acknowledged that individuals petitioning for the re-naming of Dick Bridgers Road to Jordan Lane Drive, for which a public hearing had been opened earlier, had arrived and wished to speak. The Chairman explained that this matter has been tabled until the next meeting of the Board. He further stated that there was a problem with the name "Jordan Lane Drive" because "Jordan" was used as the first portion of four roads currently existing within the County, and suggested that the petitioners consider alternative choices.

Frankie Mathews, a resident on Dick Bridgers Road, stated that he represented the entire group and requested that the Board allow a renaming of the road because Dick Bridgers never resided on this road. He suggested that the petitioners would be willing to change the name to "Maplewood Drive" or "J & L Community Road." Mr. Mathews stated that the Lane and Jordan families have been long-time residents of this community.

The Chairman stated that the alternative names would be researched to ensure no duplication of names within the County, and this matter would be reconsidered by the Commissioners at their next regular meeting. The Board suggested that the petitioners consider the name "Lane Jordan Road," and requested that the Emergency Operations Director contact Petitioners with this suggestion.

EMERGENCY OPERATIONS

Fire Prevention Inspections

Interlocal Agreements with the Towns of Siler City and Pittsboro for Providing Fire Prevention Inspections. Emergency Operations Director Rod Tidy requested that the Board approve two (2) separate Interlocal Agreements with the Towns of Siler City and Pittsboro for providing fire prevention inspections. He further stated that both Towns' governing boards have approved the proposed contracts.

Commissioner Holmes moved that the Board approve two (2) separate contracts, each of which is entitled "Agreement to

Provide Fire Prevention Inspection Services," within the Towns of Siler City and Pittsboro, respectively, and authorize the Chairman and the Clerk to execute same. Commissioner Holland seconded the motion.

The motion carried four (4) to zero (0).

PUBLIC WORKS

Recycling

Magazine Recycling Contract with Orange Recycling Services. Recycling Coordinator Matt Young requested that the Board approve an Agreement for Contractor Services with Orange Recycling Services, Inc. to provide containers and transport services for recycling of magazines in Chatham County. He stated that this method of handling magazine recycling would be a cost savings for the County.

Commissioner Holmes moved that the Board approve the Agreement for Contract Services with Orange Recycling Services, Inc., and authorize the County Manager and Clerk to the Board to execute the agreements as presented. Commissioner Hanner seconded the motion.

The motion carried four (4) to zero (0).

BOARDS AND COMMITTEES

Recreation Advisory Board

Appointments. Recreation Specialist Tracy Burnett stated that there are currently five (5) vacancies on the Recreation Advisory Committee, presenting vacating members and appointing Commissioner, respectively: Gary Leonard and Susan Reece, Chairman Dunlap; Pam Cornelison, Commissioner Holmes; Clarence McClain, Commissioner Hanner; and Jimmy Perry, Commissioner Holland. The Recreation Specialist stated that she had received telephone calls and/or correspondence from nine individuals who were interested in serving on this Board.

The following names were proposed by the Commissioners indicated:

Commissioner Holland:	Douglas Horton
Commissioner Hanner:	Ronald Taylor
Commissioner Dunlap:	Charles Hackney Gwendolyn Powell

Commissioner Holmes stated that she would have an appointee at the next meeting.

The Board instructed the Recreation Specialist to verify the willingness of the above-listed individuals to serve on this Board, stressing the importance of regular attendance, and, further, requested that a copy of the Recreation Advisory Board's By-Laws be furnished to the Board at the next meeting, together with verification of current members' attendance. It was determined that new members would be appointed at the next regular meeting of the Board.

Private Industry Council (PIC)

Private Sector Appointments. The Manager requested that the Board appoint three members to the Private Industry Council.

Commissioner Holmes moved that Col. Gerald Totten, Lea Bradley, and Diane Gatlin be appointed to serve as private sector representatives to the Mid-Carolina Private Industry Council for one-year terms, with terms to expire July 1, 1994. Commissioner Hanner seconded the motion.

The motion carried four (4) to zero (0).

Domiciliary Home Community Advisory Committee

Appointments. Assistant to the County Manager Renee Dickson stated that there are currently six (6) vacancies on this Committee. She stated that this is a particularly difficult Committee to keep filled because of the time necessary in fulfilling the obligations as a member. She noted that current members Fleet Reddish and Maida Lynch had indicated that would be willing to continue to serve. The Assistant to the County Manager requested guidance from the Board on how to assist the Board in making these appointments.

Commissioner Holland stated that she had spoken with Rev. Peter Bell recently and he had indicated he would be willing to continue to serve.

Commissioner Holmes moved that the Board re-appoint Fleet Reddish, Maida Lynch and Rev. Peter Bell (Rev. Bell's appointment being contingent upon his continued willingness to serve) to the Domiciliary Home Community Advisory Committee, each to serve three-year terms to expire on January 31, 1997. Commissioner Holland seconded the motion.

The motion carried four (4) to zero (0).

The Board requested that the staff publish notice in the Fearrington Newsletter and ask for assistance from Department Heads and non-profits in soliciting possible candidates for these vacancies. The Board stated that this matter should be brought back before the Board at a later date.

BOARD MATTERS

Rules of Procedure

The Chairman requested that discussion on the proposed Rules of Procedure for the Chatham County Board of Commissioners be tabled until a later date in order to allow for more time to study the proposed Resolution.

Commissioner Holland moved that the proposed Rules of Procedure be postponed until the Board's second regular February meeting. Commissioner Hanner seconded the motion.

The motion carried four (4) to zero (0).

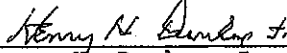
Board Retreat

The Manager stated that the remaining portion of the Board Retreat will be held from 9:00 a.m. to 1:00 p.m., February 17, 1994, at the Allied-Signal Conference Room, Moncure, North Carolina. The Chairman requested that the proposed Rules of Procedure be discussed at the Retreat.

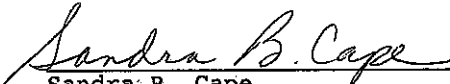
ADJOURNMENT

Commissioner Holmes moved that, there being no further business to come before the Board, the meeting be adjourned. Commissioner Holland seconded the motion.

The motion carried four (4) to zero (0), and the Chairman adjourned the meeting at 9:10 p.m.


Henry H. Dunlap, Jr., Chairman
Chatham County
Board of Commissioners

ATTEST:


Sandra B. Cape
Clerk to the Board

