

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MARCH 21, 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 March 21, 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: None

The meeting was called to order by the Chairman at 7:00 p.m.

AGENDA

Commissioner Holmes moved that two items be added: (1) Mason House letter and (2) regarding fishing from bridges; and that the Agenda be approved with the addition of those two items. Commissioner Hanner seconded the motion.

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

CONSENT AGENDA

The Chairman directed the Clerk to the Board to read the Consent Agenda.

Commissioner Hanner moved that the Board approve the items listed on the Consent Agenda as presented. Commissioner Holland seconded the motion. The Consent Agenda, with the vote on each item, is as follows, and was read verbatim by the Clerk to the Board.

1. **Minutes:** Approval of the following minutes:
 - A. February 17, 1994
 - B. February 21, 1994

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

2. **Tax Releases and Tax Refunds:** Consideration of a request for approval of Tax Releases and Tax Refunds, a copy of which is attached hereto and by reference made a part hereof.

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

3. **Health Department - Debt Write-Off for Chatham County Health Department:** Consideration of a request to approve bad debt write-off for the general health services division of the Chatham County Health Department.

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

4. **Health Department - Immunization Action Plan (IAP):** Consideration of acceptance of additional state funds allocated for the County's IAP administered by the Health Department.

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

5. **Out-Of-State Travel - Director of Economic Development:** Request for approval of out-of-state travel request for the Economic Development Commission Director to travel to

Boston in May 1994 to attend a recruitment trip with North Carolina's Central Region.

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

PRESENTATIONS

Carrie Lee Ferguson - Health Department

The Chairman read the "Resolution Honoring Carrie Lee Ferguson for Forty Years of Service to Chatham County." Ms. Ferguson thanked the Board for its acknowledgement of her service to the County.

Resolution 94-10. Commissioner Holmes moved that the Board adopt the "Resolution Honoring Carrie Lee Ferguson for Forty Years of Service to Chatham County," a copy of which is attached hereto, marked Resolution 94-10, and by reference made a part hereof. Commissioner Holland seconded the motion.

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

RECREATION DEPARTMENT

Public Hearing

Earl Thompson Recreation Park - Land and Water Conservation Fund Grant

Recreation Specialist Tracy Burnett presented the following information: (1) the Earl Thompson Recreation Park (the "Park"), which is located in Bynum, is the only park that the County owns and operates; (2) the County is applying for a Land and Water Conservation Fund Grant ("LWCF"); (3) this grant is being requested in order to improve and expand the Park; (4) the LWCF is a 50/50 matching grant, i.e., the County must match the State's contribution; (5) the County is applying for \$14,550.35 from the Grant; (6) the total project cost is \$29,170.00; and (7) the improvements consist of construction of an access road, twenty additional parking spaces, and two outdoor concrete basketball courts, which will lead to more opportunities for recreation and will improve the overall image of the County's recreation program.

The Chairman opened the public hearing on this matter at 7:10 p.m. and gave instructions on procedures to be following for those wishing to speak.

Rebecca Mann, 83 Thompson Recreation Road, Bynum, North Carolina (phone: 542-2447), submitted two letters (one from Katherine L. Hibbard and one from Margo D. Tesh, copies of which are attached hereto and by reference made a part of this public hearing) voicing concerns over the proposed improvements to the Park. In addition, Ms. Mann voiced her concerns over the problems connected with the Park, i.e., traffic, parking, a shooting in the Park, safety, access for Bynum residents to use the facility, and the fact that there are many elderly people in the community. She requested that this matter be delayed by the Board until further information could be obtained by the residents of Bynum.

Duncan McChesney, #2 Thompson Recreation Road, Bynum, North Carolina, submitted a letter from himself and his wife, a copy of which is attached hereto and by reference made a part hereof, and requested that the Board deal with the problems of traffic, crowding, and parking, all of which inhibit emergency response capabilities and endanger the lives and property of those owning property around the Park, and monitoring of activities taking place at the Park.

Snookey Sroczyński, Route 2, Box 77, Pittsboro, North Carolina, stated that he does not live on the hill in Bynum but that he knows Bynum quite well; he is involved in the softball team league and sees potential for the Park; he understands the problems with parking, crowds and violence, but stated that this is a beautiful spot which can only be enhanced by the proposed improvements. He spoke favorably for expansion of the Park and its facilities for the benefit of the entire County, as well as the community of Bynum. Mr. Sroczyński acknowledged the Recreation Specialist's dedication to the entire County of Chatham and its recreational opportunities.

Robert Waldrop, #34 Bynum Church Road, formerly of #2 Thompson Recreation Road, questioned the construction of parking spaces under the "Land and Water Conservation Fund" stating that he did not feel parking spaces qualified as land conservation. He proposed that the County consider renting unused parking spaces around the Mill, the Church and the Ruritan Club for use by participants in the activities provided at the Park. He stated that he was instrumental in getting the fence installed at the Park to eliminate motorcycles from using the Park. He asked that additional law enforcement be used to monitor the Park, and requested that the Park remain closed access.

The Chairman requested that the Recreation Specialist show the drawing of the park which includes both short-term plans for improvements which are currently under consideration (the twenty parking spaces with access road and the two outdoor concrete basketball courts) and the long-term plans which are not at this time under consideration. The Recreation Specialist explained the proposed improvements and the reasons for placement of same within the Park. She stated that the Park was available to anyone who calls the office and requests access, subject to any prior reservations. She stressed the need for parking as a safety precaution. She noted that basketball courts could be utilized by the largest number of people at any given time.

Toby Constantine, Durham Eubanks Road, Route 4, Box 142, Bynum, requested clarification on the additional road, which was explained by the Recreation Specialist.

The Recreation Specialist explained that the long road around the Park was part of the long-term plan and not currently under consideration. She pointed out that the long-term plan is to construct two outdoor tennis courts, additional 72 parking spaces, a playground and a walking trail.

Kevin Taylor, #3 Bynum Church Road, Bynum, North Carolina, stated that his concern was that Bynum residents had not been contacted and had not been given a chance to give input into the proposed changes. He stated that the ballgames disrupt traffic flow, they cause congestion, the lights stay on late, there is no benefit to Bynum, and promised landscaping has not been done. He requested that the Board gather additional information from Bynum residents prior to going through with the proposed improvements.

Toby Constantine stated that he welcomes the facilities but has concerns about traffic and congestion during tournaments, lack of law enforcement during activities, and requested that the Board address safety concerns prior to going through with the proposal. He stated that he was in favor of the improvements if safety problems were first solved.

Gracie Robinson, Bynum Road, Bynum, North Carolina, stated that she took exception to the comment made by one of the other speakers who stated that "nobody in Bynum would benefit." She stated that she had lived in Bynum for three years and has two children which must be taken to Chapel Hill to play. She stated

that there would be parks within Chatham County, including the Bynum area. She stated that, with caution, this would be a wonderful place for children to play after school.

Rebecca Mann asked to again address the Board. She stated that she is open to proposals but asked that the Board address the problems noted at this public hearing prior to moving forward with this proposal.

The Chairman closed the public hearing at 7:45 p.m.

The Board asked if there could be changes to the proposed plan prior to submitting the grant application. The County Manager stated that the Grant application was due Friday, March 25, 1994, thus there was not time to re-do the proposed plans.

The Commissioners discussed the proposal, its effects on the problems voiced by the residents with regard to eliminating some of the parking problems, the use of additional law enforcement particularly during planned activities, and the possibility of changing some of the proposed improvements and the effect such changes would have on the grant application.

Mary Council, Bynum, North Carolina, asked if the Park was going to be supervised all the time. She stated that the Park was being misused, and people were drinking beer in the backyards of the adjoining property owners. She requested supervision at all times.

Commissioner Holmes moved that the Board approve submission of the Land and Water Conservation Fund grant application to the State with language to the effect that there is an adjustment needed to the plan; that the Recreation Specialist and staff work with the Bynum community and see if there is an acceptable plan; then if there are changes needed, the County will approach the State with those changes as agreed to by the Bynum community; and that the Board require that this matter come back before the Board prior to any construction or expenditure of funds with regard to the improvements to the Park. Commissioner Holland seconded the motion.

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

Joe Yadusky, #8 Thompson Recreation Road, Bynum, North Carolina, asked that the citizens of Bynum be furnished with the proposed plan and additional information prior to the decision of the Board. He stated that he was in favor of basketball courts, a lighted basketball court; he stated that he was in favor of tennis courts, lighted tennis courts. He questioned the rush to push this matter and approve the application for the grant at this time and later come back with concerns of Bynum citizens.

Rebecca Mann questioned if anyone from Bynum had been invited to join the Recreation Board or the Park Committee and how a person could be appointed to these Boards.

The Recreation Specialist stated that there was a Park Committee which has reviewed these plans together with plans for other areas within the County. She stated that there was also a Recreation Committee made up of citizens throughout the County. She noted that there had been vacancies on the Recreation Committee that had been advertised; however, no residents from Bynum had expressed an interest in serving.

Resolution 94-8 and 94-9. Commissioner Holmes moved that **Resolutions 94-8 and 94-9** "Resolution Authorizing Improvements to Earl Thompson Recreation Field" and "Resolution for the Assurance of Availability of Match" be adopted, copies of which are attached

hereto and by reference made a part hereof. Commissioner Hanner seconded the motion.

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

PLANNING AND ZONING

Zoning Matter - Public Hearings

The Planning Director stated that this item and the next item were to be heard jointly by the Board and the Planning Board.

Steve T. Ammons - Conditional Use Light Industrial District and Conditional Use Permit: The Planning Director stated that a zoning matter public hearing was in order to receive public input on a request by Steve T. Ammons for a Conditional Use Light Industrial District and Conditional Use Permit for an automobile repair garage and for repair and servicing of industrial equipment machinery (except railroad equipment) on 4.49 acres on S.R. 1011 (Old No. One) in Haw River Township. He stated that those wishing to speak about this conditional use request and the conditional use request by Leslie Walton must be sworn in and must give sworn testimony. The Chairman issued the oath to those wishing to speak.

The Planning Director stated that the procedure for this request by Steve T. Ammons was as follows: tonight a public hearing was being held for the Board and the Planning Board to receive public input; the matter would be taken back before the Planning Board to be considered, together with staff recommendations, at its meeting in April; and then the Planning Board's recommendations would be brought back to the Board of Commissioners on the third Monday in April. He stated that no action would be required of the Board until its April 18, 1994 meeting.

The Chairman declared the public hearing open.

Steve Ammons, 4811 Farrell Road, Sanford, North Carolina, stated that he purchased the land that is the subject of this request with the understanding that the building was zoned light industrial with a conditional use to sell and repair steam cleaners and manufacture soap. He stated that he has leased the property for use as an automobile and industrial equipment repair shop. He stated that this property meets land size, frontage, and other requirements for light industrial zoning.

Dennis Sears, P. O. Box 33, Moncure, residing on SR 1011 which is Old U.S. 1, just north of subject property, stated that a meeting was held a year or so ago regarding same matter at which time a zoning request was denied for industrial purposes. He stated that he believed Mr. Ammons was misinformed regarding the zoning. He stated that he was not totally against this zoning change if it is specifically for the purposes named. He stated that he foresaw a problem with tractor trailer traffic on Old U.S. One because of the narrowness of the road. He stated that his main objection is the idea of industrial-type equipment being carried along the road and blocking same.

Rex Deffenbaugh, 361 Old U.S. One, the property east of the subject property, stated that he has a business in Cary and that his wife is a teacher at Deep River School. He stated that he moved to this area because it was a rural residential area and chose this property because it met that criteria. He stated that there were no other businesses in the area and that was the reason he purchased his property. He stated that he had never known of this property being anything other than residential and questioned whether this building should have been built at all. He stated that he had found open barrels of chemicals on that property and open 220 volt power accessible at low height which has been

corrected. He stated that he operates off a water well in the area and voiced concern about the chemical problem in the area. He requested that the request be denied.

Lois Weinstein, 9121 Deep River Road, Sanford, North Carolina, stated that she owns property near the subject property and questioned the effect of this zoning change on the value of her property.

It was noted that Ms. Weinstein was not sworn prior to this hearing. The Chairman administered the oath to Ms. Weinstein.

The Planning Director stated that Ms. Weinstein would need to ask her question of a real estate appraiser since the members of the Board, the Planning Board members and staff were not qualified to value property.

Ms. Weinstein asked why the Board was considering this as industrial since she purchased her property as residential and expected it remain as residential. She questioned Mr. Ammons right to have his property rezoned. She further stated that she believed the cable fence across the entrance road onto this property was on her property and not that of Mr. Ammons.

Steve Ammons stated that he had heard a concern about the chemicals on the property. He stated that he had EPA perform testing on the property prior to his purchasing same. He offered to supply copies of the EPA survey which determined that the property was not contaminated in any way. He further stated that the road and security cable were on his property as far as he believed. He offered to change the security cable if it was found to be on another property owner's property. Mr. Ammons pointed out that between his property and Mr. Deffenbaugh's property there is a gorge which separates the properties. He stated that no trees would be cut in such a way as to expose the buildings to other property owners. He stated that Jim Allred was the prior owner of the property and that he had been informed by Mr. Allred that the building met all light industrial restrictions and that his business of steam cleaner sales and repairs was allowed out of this building. He stated that he knew the bank had been denied industrial zoning and asked if it had been rezoned to residential zoning at the time the bank asked for industrial zoning. He understood that the bank's request had been denied because it was asked as an open-end industrial use whereas he was asked for one specific purpose, the repair of automobile and industrial equipment.

Thomas Wagner, a member of the Planning Board, questioned Mr. Ammons on when he purchased the property.

Mr. Ammons stated that it was around October of 1992 after the bank foreclosed on the property. He stated that he purchased the property at auction with the intent of moving into it and using it as his residence. He stated that he was asked to lease the property to a friend who wished to use this property as his residence and his repair business.

Mr. Wagner asked when this business operation began.

Mr. Ammons stated that it had been almost a year on a part-time, on and off, basis but that he has now decided to make this his full-time employment and his livelihood. He stated that he believed Mr. Allred was truthful when he told him that it had been light industrial at one time. He stated that he believed the County had rezoned it to residential at a later date.

Mr. Wagner reiterated that Mr. Ammons had stated that the property was vacant and that there was no business there for at

least two years. He stated that if a person has a conditional use and it is not used for a period of a year, it reverts back to the original zoning.

Mr. Ammons stated that he was not aware of that reversion clause in the zoning ordinance.

Mr. Sears stated that the building was built prior to zoning restrictions being placed on this area, and was therefore grandfathered. He stated that he believed Mr. Ammons had been misled about the prior zoning of this property.

Mr. Ammons stated that light industrial requirements had been met in the construction of this building.

Mr. Sears restated his concern over the traffic flow on Old U.S. One as being a problem. He further stated that he believed the subject property had never been zoned anything other than residential/agricultural.

Mr. Ammons stated that if loading of equipment was a problem, he would put in a facility to keep trucks off the road and eliminate any problem in that area. He noted that, with bridge construction going on at this time, it was more of a problem. He stated that he would put in whatever facility was needed to get loading/unloading trucks completely off the roadway.

The Planning Director asked if anyone else wished to speak on this matter. There were no other requests to speak.

The Planning Director stated that he would furnish staff notes on this matter to the Planning Board and the Board of Commissioners.

The Chairman declared the public hearing on this matter closed.

Leslie A. Walton - Conditional Use Permit for a Planned Unit Development. The Planning Director stated that the next item was a public hearing concerning a request by Leslie A. Walton for a Conditional Use Permit for a Planned Unit Development on 64 acres on S.R. 1568 in Baldwin Township in an RA-90 zoning district. He asked that those wishing to comment on this matter raise their hands and be acknowledged by the Board.

The Chairman declared the public hearing open.

Philip Post, 401 Providence Road, Chapel Hill, North Carolina, stated that he was the Engineer who drew the preliminary site plan for Highland Forest Estates. He stated that this development had nothing to do with any of the developments in the area but took the name "Highland Forest Estates" because the Highland Forest development was nearby. He stated that the developer was requesting 30 lots on 64 acres. He noted that the existing zoning was RA-90, which is basically a density of one lot per two acres, therefore the development meets the existing zoning requirements. He stated that the reason for the Conditional Use Permit is because of the desire to leave some buffer space around the development and to save the creek and pond on the property. He noted that preserving the creek, the buffer and saving the pond would eliminate the need to attempt to utilize property not suitable for construction. He noted that this was an in-fill development which raises issues about building in the other development's back yard. By way of connecting roads and changing people's concept of their backyards, he noted that the developer was expecting some response on the part of other property owners; however, the developer is attempting to

buffer in appropriate areas to eliminate disturbance of existing adjacent owners. He asked if the Board members had questions.

Rod Genadio, 4382 Chatham Lane, stated that he did not have problems with the proposed zoning; however, he stated that he has concerns about disturbing the street on which he resides. He noted that Chatham Lane is now used for bike riding and is quiet and peaceful and he requested that it be maintained as such. He stated his concern about this development being attached to Chatham Lane and to Highland Forest, which is high density. He asked that Chatham Lane not be used as a freeway from Highland Forest. He stated that he has no objection to attaching the proposed development to Chatham Lane but not attaching it to Highland Forest as well.

Sarah Glowacki, Route 3, Box 208, Chapel Hill, stated that she lives on the annex of Jo Nan Court which is connected to Chatham Drive, and stated that she was concerned about the proposed connection to Highland Forest. She noted that her street has six or seven small children who are accustomed to playing in the streets. She also stated that access from Manns Chapel to Chatham Drive is extremely dangerous because it is at the bottom of a hill on Manns Chapel and drivers exceed speed and tailgate along that road. She also stated her concern about signage and asked if there would be a traffic sign at the end of Jo Nan Court. She stated that she has questions about the watershed regulations in this area and the environmental impact this development may have on certain lots along the back of Jo Nan Court and Chatham Drive. She stated that a cul-de-sac would be a better configuration than going into Highland Forest. She also asked if this road would be used for construction equipment during development.

Vicki Souther-Genadio, 4382 Chatham Drive, stated that she shares concerns of others who had spoken. She stated that her primary concern was that Chatham Drive was going to become an extension of Highland Forest. She stated that if Highland Forest Estates would end in a cul-de-sac, she did not believe it would pose a problem; however, if Chatham Drive becomes an extension into Highland Forest, it would mean that a great deal more traffic would utilize Chatham Drive. She also pointed out that when she purchased her home, it was a quiet street with no extension into Highland Forest and she wished to keep it that way.

Jim Hodgkin, 130 Norwood Road, stated that he was a resident of the Mt. Pleasant area and had been for approximately 28 years. He stated that he objected to many things proposed in the Highland Forest Estates preliminary drawings, as follows: connection with Highland Forest; zoning R-90 should be upheld, i.e., 90,000 square feet per lot as required; watershed regulations being considered; the buffer area and creek being open area when in fact it is a very steep slope and could not be utilized as an open area when it is non-useable land; if the variance is granted, a wrong message would be sent to the citizens of the County because it is saying that there is no zoning because of the ease of changing zoning; and he requested that the Board deny this request.

The Chairman administered the oath to Skip Snyder.

Skip Snyder, 155 Norwood Road, stated that he and his wife live directly adjacent to this property with the creek bed being the property line. He thanked the Board for advising the people in this area that this proposed development was coming before the Board, and he thanked Mr. Post for answering questions openly when contacted. He voiced concerns over the use of roads by Highland Forest's 300 units. He stated that if the zoning was scheduled for a set number of houses per acre, that is what the Board should require. He stated that the plan looked good to him, but requested that the zoning regulations be strictly adhered to.

Mr. Post stated that he wanted to address the watershed concerns. He noted that all of the lots are in compliance with watershed requirements. He also stated that the reason for the Conditional Use Permit is because the developers wanted to concentrate the lots in the best area from the standpoint of roads, septic and buffer reserves. He stated that the areas that were not usable as building sites were utilized as buffers and to preserve the pond and creek area which conforms to the watershed regulations.

Ms. Glowacki asked about the status of repaving Chatham Drive, which was originally a dirt road. She requested that the Board check to see if it would be made a 60-foot road if repaving is planned for this road.

The Planning Director stated that he would check with the Department of Transportation on this matter.

The Planning Director stated that this matter would be taken before the Planning Board which will meet in the Agriculture Building at its regular time, which meeting is open to the public. He requested that any written comments be sent to the Planning Board. He submitted a letter from James O. Cansler, who could not be present at the public hearing, which set forth Mr. Cansler's concerns on this matter (a copy of Mr. Cansler's letter is attached hereto and by reference made a part hereof).

The Chairman closed the public hearing on the Walton Conditional Use.

ZONING BOARD OF ADJUSTMENT

Commissioner Holmes moved to recess as a Board of Commissioners and convene as the Zoning Board of Adjustment. Commissioner Hanner seconded the motion.

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

The Minutes of the Zoning Board of Adjustment Meeting are attached hereto and by reference made a part hereof as if fully set forth.

RECONVENE AS BOARD OF COMMISSIONERS

Commissioner Holmes moved that the Zoning Board of Adjustment be adjourned and that the Board reconvene as a Board of Commissioners. Commissioner Hanner seconded the motion.

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

ZONING ORDINANCE CHANGE

Commissioner Holmes moved that the Board ask the Planning Board and Planning staff to proceed with steps for a public hearing and notices to change the requirements in the Zoning Ordinance with regard to University Lake drainage area to R-40. Commissioner Holland seconded the motion.

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

The Planning Director stated that this requested Zoning Ordinance change would be taken before the Planning Board and would proceed to public hearing; however, there would be nearly 2,000 acres of property owners who must be notified, therefore, it would take some time before this change could be completed.

PUBLIC WORKS

Solid Waste/Recycling

Bennett Solid Waste/Recycling Collection Center: Public Works Director requested that the Board grant authorization for the County Attorney and the Public Works staff to proceed with land acquisition and preparation of construction drawings for a solid waste/recycling collection center in the Bennett Community. He also brought the Board up-to-date on the progress of securing land at the various locations throughout the County.

The County Attorney stated that the County would not be obligated for any particular piece of property at any particular price until the matter had been brought back before the Board for approval.

Commissioner Hanner moved that the Board authorize the Public Works staff and the County Attorney to proceed with negotiations to acquire land in the Bennett community for a solid waste/recycling collection center and development of construction drawings for such center, with the understanding that any land acquisition proposal would be brought back before the Board for consideration. Commissioner Holland seconded the motion.

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

Use of Collection Centers by Churches and Other Not-for-Profit Organizations. The Public Works Director stated that inquiries had been made by various churches and not-for-profit organizations regarding the use of collection centers by these organizations. He noted that current policy is that collection centers can only be utilized by residents who are paying the annual household charge.

Commissioner Holmes moved that the Board follow the recommendations made by the Solid Waste Management Task Force and approve the use of the solid waste/recycling collection centers by Chatham County churches, provided that the annual solid waste fee is paid and that the current process allowing for exemptions on a case-by-case basis for other not-for-profit agencies be retained.

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

The Public Works Director noted that a letter offering this opportunity would be sent to all the Chatham County churches that fit the qualifications for this policy and the churches would have to notify the Public Works Department if they choose to participate; if they choose not to participate, they would not be exempted.

Water Issue

Waterline Extension - Siler City - Snow Camp Road (SR 1004). The County Manager stated that this item was a follow-up from the February 21, 1994 regular meeting of the Board wherein the Board directed the Health Director to test wells in the subject area. He stated that the Environmental Health Department had reviewed several wells. The County Manager requested that the Health Director and the Environmental Health Supervisor report to the Board on this matter.

Jimmy Collins, Environmental Health Supervisor, stated the following: several of the wells in the area had been reviewed; none of the wells reviewed qualified for water testing in accordance with State regulations; all ten wells were constructed prior to the adoption of the Chatham County Well Ordinance; no samples could be taken; ground water is probably not contaminated but this cannot be determined without testing a well in the area that meets State

requirements for testing; recommendation is that no one drink water from any of the reviewed wells; additional recommendation is to repair the well with the least amount of problems and test same at an approximate cost of \$25.00.

Eleanor Paige, of Siler City, stated that the people in the area believe that the ground water is contaminated and requested that the County do whatever necessary to test the ground water.

The Manager requested that the Board authorize him to discuss this situation with the Town Manager of Siler City to pursue options available, such as use of low-interest loan program through the bond program set up last November and grants related thereto, which would be the quickest solution to the problem. He noted that the current County policy prohibits water line extension into the Town's extraterritorial jurisdiction in which this area lies.

Commissioner Holmes moved that the Board direct the County Manager to discuss options for solutions to this problem with the Siler City Town Manager and report to the Board at the April 4, 1994 Board meeting. Commissioner Holland seconded the motion.

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

Commissioner Holmes moved that the Board authorize the Health Department to correct one well needing the least amount of repairs to qualify for State testing, to test the well, and to report back to the Board when results are obtained. Commissioner Holland seconded the motion.

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

HEALTH DEPARTMENT

Comprehensive Adolescent Health Care Project at Horton Middle School. The Health Director requested approval of acceptance of a \$26,500 Comprehensive Adolescent Health Care Grant.

Commissioner Holmes moved that the Board follow the recommendations of the Chatham County Board of Health and the Health Director and approve the acceptance of \$26,500 Adolescent Health Care Project Grant funds for the fiscal year 1993-94 to be utilized for staffing, supplies and equipment and approve Budget Amendment #40, a copy of which is attached hereto and by reference made a part hereof. Commissioner Holland seconded the motion.

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

EMERGENCY OPERATIONS

Facilities

Carolina Power and Light Company Maintenance Facility. The Emergency Operations Director stated that Carolina Power and Light Company Maintenance had offered to lease the County its abandoned maintenance facility on Russell's Chapel Road for the Department of Emergency Operations as a Field Operations Unit.

Commissioner Hanner moved to approve the lease by and between Carolina Power & Light Company and Chatham County of the premises located on Russell's Chapel Road, a draft copy of which is attached hereto and by reference made a copy hereof, subject to final approval by the Finance Officer and the County Attorney. Commissioner Holland seconded the motion.

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

Road Naming

Naming of Private Roads in Chatham County as Follows: Willett Road, Huss Beal Drive, Mountain Lane and Kevin Road

Commissioner Holmes moved to approve the following road names as petitioned by residents along said roads: Willett Road, Huss Beal Drive, Mountain Lane and Kevin Road. Commissioner Hanner seconded the motion.

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

Public Hearing Date Scheduled to Clarify Public Road Names as Follows: Shannon Road to West Shannon Road, Hillcrest Road to North Hillcrest Road, Lee Road to West Lee Road, and Green Hill Drive to West Green Hill Drive

Commissioner Hanner moved to schedule a public hearing for April 18, 1994, for the purpose of clarification of public road names for the following public roads: Shannon Road to West Shannon Road, Hillcrest Road to North Hillcrest Road, Lee Road to West Lee Road, and Green Hill Drive to West Green Hill Drive. Commissioner Holmes seconded the motion.

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

ECONOMIC DEVELOPMENT

1994 Small Business Person of the Year for the State of North Carolina. The Manager stated that Jim Fore, Sr., President of Communication Cable, Inc., in Siler City, was named 1994 Small Business Person of the Year for the State of North Carolina, and, therefore, will be competing on a National level at upcoming ceremonies in Washington, D.C. He noted that this was an honor for the County.

Commissioner Holmes moved that the Board approve the expenditure of funds up to a maximum of \$700 for a reception honoring Mr. James Fore, Sr., 1994 North Carolina Small Business Person of the Year. Commissioner Holland seconded the motion.

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

OUT-OF-STATE TRAVEL

Economic Development Department

Small Business Week Ceremonies in Washington, D.C.. The Manager stated that this out-of-state travel request was necessitated by the agenda item discussed immediately preceding. He noted that this item was not budgeted, since it was not known during the budget process that Mr. Fore would win the award; however, funds are available. The Manager stated that the Economic Development Commission did sponsor Mr. Fore for the award, and Mr. Fore has asked that the Economic Development Director accompany him on the trip.

Commissioner Holland moved that the Board approve out-of-state travel for the Economic Director to go to Washington, D.C. with Jim Fore, Sr., for the national presentation for Small Business Week. Commissioner Hanner seconded the motion.

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

DEPARTMENT OF SOCIAL SERVICES

Commodity Program in Chatham County. Robert Hall, Social Services Director, and Irma Stein, who works with the 45 volunteers

who assist in administering the program, gave a presentation on the Commodity Program in Chatham County and advised the Board of the current costs and problems involved in administering this program.

Capital Improvements Project. Kurt Lent, Architect for the expansion of the Department of Social Services building, presented information to the Board on the design of the proposed expansion of this building.

Commissioner Holmes moved that the Board approve the proposed addition of 1,598 square feet at an estimated cost of \$136,000. Commissioner Holland seconded the motion.

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

BOARDS AND COMMITTEES

Council on Aging

Home and Community Care Block Grant Committee.

Commissioner Holmes moved that the Board appoint the following as members of the Home and Community Care Block Grant Committee with terms to commence immediately and expire January 1, 1994: Wayne Sherman, Robert Hall, Gloria Williams, Cassie Wasko, Esther Talcott and Uva Holland. Commissioner Hanner seconded the motion. 7

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

MANAGER'S REPORTS

Council on Aging

Aging Services Block Grant Monitoring Report by Triangle J Area Agency on Aging. The Manager stated that the Board had received copies of the Aging Services Block Grant Monitoring Report by Triangle J Area Agency on Aging. Cassie Wasko, Director, Council on Aging, stated that this is a report by Triangle J Area Agency on Aging which reports on how Council on Aging is performing and lists any non-compliance issues.

BOARDS AND COMMITTEES (Continued)

Economic Development Commission

Appointment to Economic Development Commission.

Commissioner Holmes moved that the Board appoint Dave Smith to replace Carol Hewitt, whose term will expire on December 31, 1994, to the Economic Development Commission with term to commence immediately and to expire December 31, 1994. Commissioner Holland seconded the motion.

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

Appearance Commission

Appointments to Appearance Commission. Assistant to the County Manager Renee Dickson stated that there were three current members of the Appearance Committee (Dan Owens, Bunny Stone and Jule Hackney), whose terms expire on April 30, 1994, and who had expressed an interest in being re-appointed. She also noted that Eric Britson had resigned from the Committee necessitating an appointment to complete his term. In addition, she noted that the ordinance establishing the Appearance Commission calls for nine members. She stated that if the four appointments listed above were filled, one vacancy would remain in order to have the number required.

Commissioner Holmes moved to re-appoint Dan Owens, Bunny Stone and Jule Hackney, with terms to commence May 1, 1994, and to expire on April 30, 1997. Commissioner Holland seconded the motion.

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

Commissioner Holmes moved that the Board direct the staff to advertise in the local newspaper for persons interested in the two remaining vacancies. Commissioner Holland seconded the motion.

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

BOARD MATTERS

North Piedmont Resource Conservation and Development Area, Inc.

Resolution - Oil Overcharge Fund for Implementing a Statewide No Till Drill and Dry Hydrant Program.

Resolution Number 94-11. Commissioner Holmes moved to approve the Resolution regarding the use of the Oil Overcharge Fund for implementing a statewide No Till Drill and Dry Hydrant Program, a copy of which is attached hereto, marked Resolution Number 94-11, and by reference made a part hereof. Commissioner Holland seconded the motion.

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

Conversion of Annual Vacation Leave to Sick Leave

Resolution Number 94-12. The Assistant to the County Manager stated that in the 1993 Session of the General Assembly, legislators approved a bill to allow state employees and teachers to convert excess vacation hours to sick leave. She noted that the County's Personnel Committee had discussed this policy and recommended that the Board approve same for County employees.

Resolution Number 94-12. Commissioner Holmes moved that the Board adopt the Resolution Authorizing Conversion of Excess Annual Vacation Leave to Sick Leave, a copy of which is attached hereto, marked Resolution Number 94-12, and by reference made a part hereof. Commissioner Holland seconded the motion.

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

Management and Personnel Services (MAPS)

Contract with MAPS to (1) Update Class Specifications to include ADA and OSHA Requirements, and (2) to Study Seven Positions for Possible Reclassification. The Assistant to the County Manager presented information on the proposed contract with MAPS.

Commissioner Holland moved that the Board approve the "Memorandum of Agreement for Personnel Services" between MAPS and Chatham County in the amount of \$3,675. Commissioner Hanner seconded the motion.

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

Filling of Vacancy - Board of Commissioners

The County Attorney presented information on the procedures required by N.C.G.S. 153A-27 to be followed by the Board in filling the vacancy on the Board of Commissioners occasioned by the death of Mr. Murchison. He noted that the Executive Committee of the Democratic Party had called a meeting for 7:30 p.m., Monday, March 28, 1994, for the purpose of discussing possible recommendations for this position. Commissioner Holmes noted that each of the

Democratic Party had called a meeting for 7:30 p.m., Monday, March 28, 1994, for the purpose of discussing possible recommendations for this position. Commissioner Holmes noted that each of the Commissioners were members of the Executive Committee by virtue of their office.

The County Attorney recommended that the Board withhold further discussion on this matter until after recommendations had been received from the Executive Committee. He further noted that any discussion on the filling of this position by the Board must be done in open session as the Open Meetings Law specifically prohibits discussion in executive session. In addition, he noted the law does not require that the Board follow the recommendation of the Executive Committee.

Chatham County Arts Council

Request for Letter of Intent to Increase Funding in the Amount of \$5,000.00. The Manager stated that the Chatham County Arts Council has requested that its appropriation be increased from \$10,500 to \$20,000 for the upcoming fiscal year; the Council has not submitted its budget request forms for the budget process; and the Council is eligible for matching state funds up to \$5,000 for increases it receives in its budget for the upcoming year.

Commissioner Holmes moved that the Board approve a letter of intent indicating a \$4,000 increase in funding from the County for the upcoming fiscal year. Commissioner Hanner seconded the motion.

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

Proposed Development in Western Part of Cary

Proposed Development in Western Part of Cary that Would Extend into Chatham County. The Manager stated that he had received a letter from the Cary Town Manager requesting the County's comments and concerns regarding a proposed development which, if developed as proposed, would extend into Chatham County. He noted that the Cary Town Manager fully expects the developer to petition for annexation into the corporate limits of the Town of Cary, which would mean that Cary's corporate limits would extend into Chatham County. He advised that the Cary Town Manager expects to contract with the County for the collection of property taxes.

Commissioner Holmes moved that the Board direct the Manager to send a letter to the Cary Town Manager addressing the following County comments and concerns regarding the proposed development and its impacts on Chatham County:

1. The land lies within a WS-IV protected area of Jordan Lake according to the County Watershed Ordinance. Due to the proximity to the lake, the County recommends that the 50 feet stream buffer from intermittent and perennial streams be maintained even if manmade stormwater measures are implemented.
2. The abandoned Norfolk Southern Railroad right-of-way lies along the western boundary of a portion of the project. The right-of-way is planned as a rail trail from Durham to Bonsal and is called the American Tobacco Trail. It is recommended that said rail corridor be preserved for said planned use.
3. U.S. Geological Survey quadrangle maps indicate one cemetery located on the property. It is recommended that public access to the cemetery be preserved.

4. Due to the proximity to Jordan Lake and the prolonged and varied use of pesticides and herbicides, it is recommended the developer be required to perform ground water and surface water monitoring similar to those required of Governors Club.
5. It is recommended that an invitation be given to the State Office of Archeology to access the property to do a reconnaissance archeological survey prior to ground disturbing activities. Many artifacts were found at lower elevations on the Governors Club property during construction of the golf course. This property should prove similar.
6. It is recommended that the Wildlife Resources Commission Non-Game Section and the U.S. Army Corps of Engineers be consulted about possible roost and nest sites of bald eagles in the area.
7. The County is concerned about the additional automobile traffic that would result from this development. The Board is aware that the Town does have standards for traffic management. The Board would like to know more detail about those standards.
8. The Board would like to know what the Town's policy is on the extension of water and sewer services beyond the corporate limits. For example, if a property owner adjacent to the proposed development wanted water and sewer services to his property, what would he have to do to receive these services from the Town of Cary?
9. The Board asked that the developer hold a meeting in the general area of the development on the Chatham County side to answer questions from any interested citizens.

Commissioner Holland seconded the motion.

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

MANAGER'S REPORTS (Continued)

Board of Commissioners Retreat Summary. The Manager stated that the Commissioners had in their agenda packages a copy of the facilitators notes on the Board of Commissioners Retreat. He advised that the staff is currently reviewing the summary.

Criminal Justice Partnership. The Manager stated that he would meet with the Orange County Manager on March 22 to discuss possible joint efforts under this grant program and to discuss the possibility of including a third county in this joint effort.

Resolution in Memoriam Honoring Commissioner Murchison. The Manager stated that the North Carolina Association of County Commissioners had adopted a "Resolution in Memoriam" honoring Commissioner Murchison.

Joint District Meeting, Districts 7, 8 and 9. The Manager stated that a Joint District Meeting of Districts 7, 8, and 9 was scheduled for April 21, 1994, from noon until 4:00 p.m., at the Holiday Inn North in Raleigh, and that registrations must be in by April 8.

BOARD MATTER

Smart Start. Commissioner Holland noted the following regarding the status of the Smart Start Program in Chatham County: Chatham County has been awarded \$13,560 for the "Needs and Resource Assessment;" the application has been sent to the State; Childcare

Networks will receive the money; a partnership with other counties will probably have to be formed; an attorney has volunteered time to draw the partnership documents; on April 27, Walter Shepherd, Director, North Carolina Partnership Private Non-Profit Organization, that will be providing technical assistance to the counties, will be coming to the County; Smart Start will be in the Short Session in May; proposal will be for eight more counties to be included; and Childcare Network is the manager at this point.

Work Session Board Meeting. The Board determined that due to the lateness of the hour, this matter would be held until a future date.

NACo Legislative Conference. The Board determined that due to the lateness of the hour, this matter would be held until a future date.

Bridge Ordinance. The County Attorney stated that he would have a proposed Bridge Ordinance prepared for consideration at the Board's April 4, 1994 meeting.

Change of Regular Meeting Time. It was noted by the County Manager that beginning with the April 18, 1994 meeting, the time would revert to 7:30 p.m. because of daylight savings time. Commissioner Holland asked if the Board would consider adding discussion of regular meeting times to the Agenda at this point. It was the consensus of the Board that this matter could be discussed.

After discussion, Commissioner Holland moved that the Board meetings regularly held on the third Monday of each month commence at 7:00 p.m. year-round and not change because of daylight savings time. Commissioner Holmes seconded the motion.

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

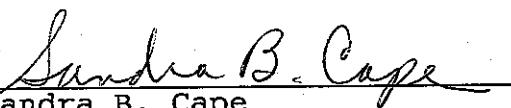
John Mason House. The County Manager stated that a letter of response has been mailed regarding the rehabilitation of the John A. Mason House.

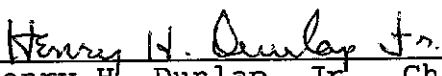
ADJOURNMENT

Commissioner Hanner moved that the meeting be adjourned. Commissioner Holland seconded the motion.

The motion carried four (4) to zero (0) and the meeting was adjourned at 11:45 p.m.

ATTEST:


Sandra B. Cape
Clerk to the Board


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

