

**MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING, JUNE 6, 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 10:00 a.m., on June 6, 1994.

ATTENDANCE

Present: Chairman Dunlap; Commissioners Holmes, Holland, Hanner and Pollard; 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 at 10:00 a.m.

AGENDA

The Chair called for additions, deletions or corrections to the Agenda.

The Chair asked that the adoption of a Resolution, time for Jim Diggs to speak following Department of Transportation presentation, and time for Gregory Shepard to speak on the Highland Forest matter, be added to the Agenda.

Commissioner Hanner moved that the Agenda be approved with the above-stated additions. Commissioner Pollard seconded the motion.

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

CONSENT AGENDA

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

Commissioner Pollard moved that the Board approve the Consent Agenda. Commissioner Hanner 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 Board Minutes:
 - a. Special Meeting/Budget Workshop, May 9, 1994;
 - b. Special Meeting with Legislative Delegation, May 11, 1994;
 - c. Special Meeting/Budget Workshop, May 12, 1994; and
 - d. Regular Meeting, May 16, 1994.

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

2. **Tax Assessor:** Consideration of a request for approval of refund of Solid Waste Disposal Fees paid in error

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

3. **Tax Assessor:** Consideration of a request for approval of Tax Releases and Tax Refunds

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

End of Consent Agenda.

RESOLUTION

The Chair requested that Sandra Cape, Clerk to the Board, come forward and presented a Resolution in Recognition and Appreciation of the Service of Sandra Cape.

Resolution #94-17: Commissioner Holmes moved that the Board adopt the Resolution in Recognition and Appreciation of the Service of Sandra Cape, a copy of which is attached hereto and by reference made a part hereof. Commissioner Holland seconded the motion.

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

DEPARTMENT OF TRANSPORTATION

Public Hearing

Secondary Improvement Program and Secondary Improvement Supplement Trust Fund, 1994-95: Public Hearing on and consideration of a request by the North Carolina Department of Transportation for adoption by the Board of a Resolution authorizing expenditures of Secondary Improvement Program and Secondary Improvement Supplement Trust Fund funds. Commissioner Holmes introduced Jeff Picklesimer, NC DOT District Engineer, Lex Kelly, Division Maintenance Engineer, and Marty Tillman, County Maintenance Engineer.

Mr. Picklesimer presented information on the Secondary Improvement Program and Secondary Improvement Supplement Trust Fund for the 1994-95 fiscal year, offered to answer any questions by the Board or the general public, and requested that the Board hold a public hearing and adopt the Resolution (Resolution #94-18).

The Chair opened the public hearing on the Secondary Improvement Program and Secondary Improvement Supplement Trust Fund, 1994-95, at 10:20 a.m.

There being no public comment, the Chair closed the public hearing at 10:22 a.m.

Resolution #94-18: Commissioner Holland moved that the Board adopt Resolution #94-18, entitled "Resolution Secondary Improvement Program and Secondary Improvement Supplement, Trust Fund, 1994-95," a copy of which is attached hereto and by reference made a part hereof. Commissioner Pollard seconded the motion.

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

Jim Diggs, Route 6, Box 375, Chapel Hill, North Carolina, stated that he was a resident of the Farrington Community, just above Jordan Lake. He stated that he wanted to bring three things to the attention of the Board: (1) safety; (2) historical name of the Farrington Community; and (3) beautification of the entries into Chatham County. He noted that Mt. Carmel Church would like to improve the right-of-way on the entry into the County. He stated that the intersection of SR 1008 at Farrell's Store is a dangerous location with an abnormal number of accidents. He noted that there is a lot of construction traffic at this location. He requested that the speed limit be dropped back to 45 miles per hour on portions Farrington Road. He stressed that he wished to have his community marked with a "Farrington Community" sign as it once was. Mr. Diggs thanked the Board for its consideration in these issues.

Mr. Kelly stated that plans for the right-of-way improvements should be drawn and submitted to NC DOT so that its engineers could review the plans. He also noted that a new intersection has been designed for the location in question and DOT is currently in the

process of obtaining right-of-way for the proposed changes. He requested that Mr. Diggs request the speed limit change in writing and mail same to Mr. Picklesimer who will direct that a study be done. Mr. Kelly noted that the "Farrington Community" sign was a County matter over which NC DOT had no jurisdiction.

NC DOT Road Additions: Consideration of a request for adoption of a Resolution for the addition of part of Highland Trail, the remaining section of Stone Hill Road, Eagle Rock Court, and Wood Bend Court, Phases 3, 4, and 5 of Highland Forest Subdivision recorded on Plat Slide 88, Page 194.

Resolution #94-19: Commissioner Holmes moved that the Board adopt Resolution #94-19, entitled "Resolution Adding Streets to the State System of Road," a copy of which is attached hereto and by reference made a part hereof. Commissioner Hanner seconded the motion.

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

Chatham County Road Status: Report from NC DOT County Engineer on the status of roads in Chatham County. County Maintenance Engineer Marty Tillman updated the Board on the progress on the following projects:

SR 2320 is being graded with completion scheduled in approximately a month;

SR 2165 paving will be completed;

SR 1506 from US 64 South as far as right-of-way will permit;

Shoulder crew is working in the Bonlee area;

Hanks Chapel Road is scheduled for widening shoulders;

NC 87 is also scheduled for work; and

Work will be done at the Bonlee School shortly after school is out.

He noted that construction should start by June 27 on US 64 since construction has been approved, and construction bids for making US 421 four-lanes have been let and should commence shortly.

The Manager asked about the possibility of getting two-tenths of a mile paved, SR 2206, just off SR 1506. He noted that a resident on SR 2206 had come to his office and requested that this be considered since SR 1506 was being paved. Mr. Tillman noted that SR 2206 was number sixty-five on the priority list and could not be considered at this time.

PLANNING AND ZONING

Highland Forest Estates: Consideration of 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.

The Chair called on Gregory Shepard, Planner from Philip Post & Associates, who had requested time to speak on this matter. Mr. Shepard stated that the applicant on this project is Philip Post & Associates, which is representing Dr. Walton, the owner of the property. He noted that the current proposed developer is Kim Henry; however, she is not the first proposed developer and may not be the actual developer. He noted that the Planning Director's notes to the Board indicate that the "proposed developer of

Highland Forest Estates" does not object to the connection to Highland Forest. He stated that this is not true for the current owner who does object to the connection. He noted that there are several alternate access roads out of Highland Forest. He also stated that it was not imperative that Highland Forest have access directly to Manns Chapel Road. Mr. Shepard stated that the current owner, represented by his company, is requesting that the road not connect Highland Forest with Manns Chapel Road but rather that it be a cul-de-sac. He stated that the current owner objects to providing public access to the Webster property but noted that this matter should be handled during preliminary plat approval rather than during this request for Conditional Use Permit.

Planning Director Keith Megginson noted that there has been several changes since this matter was originally brought before the Board, and he explained the changes. He noted that the Conditional Use Permit runs with the land. Discussion ensued regarding the Planning Board's recommendations, the staff recommendations, owner desires and general public welfare of the various plans.

Commissioner Holmes moved that the Board make the five findings of fact as required by the Zoning Ordinance in approving a Conditional Use Permit and approve the request for a Conditional Use Permit for Highland Forest Estates with the following conditions: (1) establish a 50 foot wide buffer area as defined in the Chatham County Watershed Protection Ordinance around the existing pond; (2) the lots adjacent to the pond shall have a minimum lot size of 1.5 acres excluding the pond area; (3) the existing log house on the property is not to be destroyed during construction of the subdivision by the developers; (4) the size of the lots minus the road right-of-way shall average 90,000 square foot; (5) access road to pond for fire department and emergency use; (6) a stub-out to the Webster property; and (7) a paved road to the Highland Forest property line, paved to state standards. Commissioner Pollard seconded the motion.

The motion carried four (4) (Commissioners Holmes, Holland, Hanner and Pollard voting in the affirmative) to one (1) (Chairman Dunlap voting in the negative).

PUBLIC WORKS

Award of Contract - Landfill Closure: Consideration of a request to award contract for landfill closure project to Sanford Grading Company. Public Works Director Mark Ashness stated that the landfill was closed last fall and is required to be completely closed, covered and grassed by October 1994. He outlined the bid procedure followed in this matter and recommended approval of the Sanford Grading Company.

Commissioner Holmes moved that the Board approve the contract by and between the County and Sanford Grading Company in the amount of \$305,265, pending final approval by the County Attorney of the contract's legal form and substance. Commissioner Hanner seconded the motion.

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

HEALTH DEPARTMENT

Siler City Health Department Building - WIC Funds: Consideration of a request to accept \$40,000 in State WIC (Women, Infants & Children's Nutritional Supplement Program) funds to build an additional 500 square feet to the new Health Department Building in Siler City.

Health Director Wayne Sherman presented this item and explained that the WIC Program is providing these funds in order to expand its Siler City operation. He requested that the Board approve acceptance of these funds.

Commissioner Pollard moved that the Board approve acceptance of \$40,000 from the WIC Program to build an additional 500 square feet to the new Health Department building in Siler City, which funds shall be expended prior to June 30, 1994. Commissioner Holland seconded the motion.

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

BOARDS AND COMMITTEES

Animal Control Advisory Committee: Consideration of an appointment of "veterinarian" member to the Animal Control Advisory Committee.

Commissioner Holmes moved that the Board reappoint Ann Tysor as veterinarian member to the Animal Control Advisory Committee, effective July 1, 1994, through June 30, 1997. Commissioner Hanner seconded the motion.

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

Chatham County Advisory Committee for Central Carolina Community College (CCCC): Consideration of an appointment of a Commissioner to replace the late Commissioner Murchison on the Chatham County Advisory Committee for CCCC.

Commissioner Hanner moved that the Board appoint Commissioner Pollard to the Chatham County Advisory Committee for Central Carolina Community College to complete the term of the late Commissioner Murchison, which term shall expire on December 31, 1996. Commissioner Holland seconded the motion.

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

BOARD OF COMMISSIONERS MATTERS

Habitat for Humanity: Consideration of a request to adopt a Resolution declaring two lots in Crestview Subdivision surplus to the County's needs and conveying same to Chatham County Habitat for Humanity. The Manager explained that there are three lots in Crestview Subdivision, located just outside Siler City corporate limits, which are owned by the County. He noted that these lots came into the County's possession through the Housing Authority some years ago. He stated that two of the lots are vacant; one of the lots has a sewer lift station which is owned and operated by the Town of Siler City. He noted that this lot should be turned over to Siler City and that he will pursue that matter at a future meeting. He noted that the two vacant lots appear to be appropriate for use by Habitat for Humanity. He requested that the County Attorney brief the Board on the legality of this matter.

County Attorney Robert L. Gunn stated that these lots were originally a part of a Community Development Block Grant in the 1970's. He explained that, if the Board wished to transfer these lots to Habitat for Humanity, it must first declare the lots surplus property by resolution, advertise properly, and then negotiate a sale to Habitat for Humanity. He noted that an attempt had been made to discover the terms of the grant by which the County obtained the lots but were unsuccessful in locating records of this grant. He advised that the deed to Habitat would require certain language.

Resolution #94-20: Commissioner Holland moved that the Board adopt Resolution #94-20 declaring two lots in Crestview Subdivision surplus to the County needs and authorize the County Manager to dispose of the lots by private sale, a copy of which is attached hereto and by reference made a part hereof. Commissioner Holmes seconded the motion.

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

Note: Commissioner Pollard asked to be excused from the meeting.

Commissioner Holmes moved that the Board excuse Commissioner Pollard from the meeting. Commissioner Holland seconded the motion.

The motion carried five (5) to zero (0), and Commissioner Pollard left the meeting.

DEPARTMENT OF SOCIAL SERVICES

Telephone System Bid by Carolina Telephone: Consideration of a request to approve bid for new DSS telephone system by Carolina Telephone. Social Services Director Robert Hall presented information on the bid process for a new telephone system for the Department of Social Services. He noted that three companies bid the system; the lowest bidder did not meet the bid specifications; and he recommended acceptance of the Carolina Telephone bid due to the fact that the bid met the criteria requested. He also explained the benefits of the system.

Commissioner Hanner moved that the Board approve the bid received from Carolina Telephone at a cost of \$33,612.07. Commissioner Holmes seconded the motion.

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

BOARD OF COMMISSIONERS MATTERS (Continued)

Budget Public Hearing: The Manager explained that the General Statutes require a public hearing prior to acceptance of the budget.

Commissioner Holmes moved that the Board schedule a public hearing on the 1994-95 Fiscal Year Chatham County Budget for June 13, 1994, at 7:00 p.m., in the District Courtroom, Courthouse Annex, Pittsboro, North Carolina. Commissioner Hanner seconded the motion.

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

Budget Workshops: Scheduling dates for Special Board Meetings/Budget Workshops. The Manager requested that the Board schedule special meeting dates during the month of June to discuss the budget.

Commissioner Holmes moved that special Board meetings for the purpose of discussing the Fiscal Year 1994-95 Chatham County budget be scheduled for June 9, 1994, at 9:00 a.m., in the Classroom, of the Health Department/County Administration Office Building, Pittsboro, North Carolina, and at 7:00 p.m., June 13, 1994, after the above-scheduled public hearing, in the District Courtroom, Courthouse Annex, Pittsboro, North Carolina.

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

COUNCIL ON AGING

Home and Community Care Block Grant: Consideration of a request for approval of the proposed 1994-95 County Funding Plan as presented by the Home and Community Care Block Grant Committee

Senior Services Director Cassie Wasco presented information regarding the proposed 1994-95 County Funding Plan for the Home and Community Care Block Grant.

Commissioner Holland moved that the Board approve the 1994-95 County Funding Plan as presented by the Home and Community Care Block Grant Committee. Commissioner Hanner seconded the motion.

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

MANAGER'S REPORTS

Criminal Justice Partnership: The Manager stated that Orange County has agreed to enter into a joint effort with Chatham County but has not, as yet, appointed a Commissioner to the workgroup. He stated that as soon as notification has been received from Orange County, he will proceed with scheduling meetings.

Small Business Expo: The Manager reported on the success of Chatham County's first annual Small Business Expo, held May 4, 1994. He noted that between 800 and 1,000 people attended, and 40 vendor booths sold out in advance of the closing deadline. He encouraged the Commissioners to attend future Small Business Expo's.

Cary Annexation: The Manager advised that the Town of Cary has agreed to meet with County officials to discuss the Amberly Development. He recommended that the Chair and Vice Chair meet initially with the Mayor and Mayor Pro Temp and the two Managers and report back to the full Board. He noted that the developer has also agreed to hold a public meeting in Chatham County.

COMMISSIONERS' REPORTS

US 15-501: Commissioner Holmes stated that there is a law stating that DOT must repay some cities if water lines are changed but not counties.

Commissioner Holmes moved that the Board send a letter to the Legislative Delegation requesting that counties be reimbursed for relocating water lines necessitated by DOT road projects. Commissioner Holland seconded the motion.

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

Employee Picnic: Assistant to the County Manager Renee Dickson reminded the Board that the Chatham County Employee Picnic is scheduled for Tuesday, June 14, 1994, and stated that the employees would like for all the Commissioners to attend.

Note: Commissioner Holmes asked to be excused from the balance of the meeting.

Commissioner Holland moved that Commissioner Holmes be excused from the meeting. Commissioner Hanner seconded the motion.

The motion carried four (4) to zero (0), and Commissioner Holmes left the meeting.

LUNCH

The Chair recessed the meeting at 12:10 p.m. for lunch.

The Chair reconvened the meeting at 1:40 p.m.

Note: Commissioner Pollard returned to the meeting.

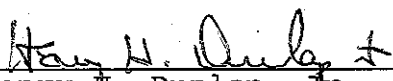
BOARD OF COMMISSIONERS MATTERS (Continued)

It was determined that since there were no members of the general public present in the audience, and each Commissioner present at the meeting had met privately with the Manager for the purpose of budget review, that the Fiscal Year 1994-95 Budget Presentation would be withdrawn from the agenda and a presentation would be made at the June 9, 1994, special meeting.

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

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

The Chair adjourned the meeting at 1:45 p.m.



Henry H. Dunlap, Jr., Chairman

ATTEST:



Clerk to the Board