

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING, AUGUST 22, 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 August 22, 1994.

Present: Chairman, Henry Dunlap; Vice Chair Uva Holland; Commissioner Mary Hayes Holmes; Commissioner Margaret Pollard; Commissioner E. T. Hanner; County Manager Ben Shivar; County Attorney Robert L. Gunn; and Clerk to the Board Sandra B. Lee

The meeting was called to order by the Chairman at 7:03 p.m.

**AGENDA**

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

Commissioner Holmes asked that Cleo Smith from the Canoe Club be allowed to speak regarding the Highway 64 access.

Commissioner Holmes moved to approve the agenda as presented with the above noted request. Commissioner Hanner seconded the motion.

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

**CONSENT AGENDA**

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

Commissioner Holmes moved to approve the items listed on the Consent Agenda as read by the Clerk. 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 minutes of the Regular Meeting, August 8, 1994

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

2. **Amendment to Board of Commissioner Procedures:** Consideration of Resolution #94-34 amending change to procedures to include Public Input Session

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

3. **Approval of Tax Releases:** Consideration of a request for approval of Tax Releases

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

4. **Approval of Refunds of Solid Waste Disposal Fees Paid in Error:** Consideration of a request for approval of Refunds of Solid Waste Disposal Fees paid in error

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

5. **Approval of Solid Waste Disposal Fees Releases:** Consideration of a request for approval of Solid Waste Disposal Fees Releases

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

### **PUBLIC WORKS**

**Solid Waste/Recycling Issues:** Conduct a public meeting to receive public comment on siting of staffed solid waste/recycling collection centers

1. Site A - Siler City area
2. Site B - Crutchfield Crossroads area

**Mark Ashness**, former Public Works Director for Chatham County, spoke regarding the two proposed solid waste/recycling sites: The Siler City site is located east of Siler City on US #64 and the other site is located near the Crutchfield Crossroads. He stated that one of the first endeavors made to find suitable sites for the centers was to go into the areas and target people who might be interested in voluntarily selling their land.

He stated that the Siler City site was chosen because of its close proximity to and easy accessibility to Highway #64. It is a densely wooded site which offers an advantage of buffering it visually from the road to passers-by. There are also pre-existing commercial uses in this area. This tract is located on the edge of a large parcel of land rather than in the middle of one. He asked for public comments concerning the Siler City site.

**Lynda Smith**, 518 West Park Drive, Siler City, NC spoke on behalf of Mr. James Boling who owns the land. She stated that the road of the proposed site has a very dangerous intersection at which one death occurred two years ago and a serious wreck since then. She stated that Mr. Boling wants to donate this property as a nature conservatory and he has offered another piece of property to the County.

**Henry Smith, Jr.**, 518 West Park Drive, Siler City, NC spoke on behalf of Mr. Boling stating that he was planning to give the land back to the County and the people. He stated that Mr. Boling and his family have done a lot for the people of Chatham County. He said he thinks it is now time for the County to do something for him.

**Mark Ashness** next spoke regarding the Crutchfield Crossroads location. He stated the Crutchfield Crossroads site was chosen when the center locations were realigned. Mr. Ashness stated that after a meeting with people living in the area, it was decided that the "green box" area was the site which would be second choice.

**Lewis Phillips**, 2455 South Second Avenue Ext, Siler City, NC stated that he owned the Crutchfields Crossroads property and he did not wish to sell it. He stated that there was a pond on the site for his cows; the property had no trees for a visual barrier; and that the property had been in his family for hundreds of years and they just did not want to sell it.

**Nancy Thomas**, 57 Tom Stevens Road, Siler City, NC stated that she was a landowner on the opposite side of the proposed Crutchfield Crossroads site. She delivered a petition in which over two hundred people had signed stating they did not feel it was right for the County to condemn their land or force the people to sell it. She stated that she felt the site on Jesse Bridges Road would be a better site because of the trees and another business in the area. Another area she felt would be more suitable is beside of Mr. Rogers on the Silk Hope Road. She hopes that the Commissioners will be willing to consider other sites.

**Ike Gray**, 3837 Silk Hope-Liberty Road, Siler City, NC stated that he lived in Crutchfield Crossroads on the opposite side of the road from the proposed solid waste/recycling center. He stated that he was by no means opposed to the growth in

Chatham County, but he feels that there is other property that could be bought and would be suitable for the proposed site. He stated that Bridges Road would be another option. He stated that the traffic at the Crutchfield Crossroads has picked up considerably since Jordan Lake has opened and that there are a lot of people who use it as a short cut rather than traveling Hwy. #64. Due to this increased amount of traffic, he felt that other options should be considered. He stated that there should be a better site for the center that would not be in front of someone's home and one that someone would not mind selling.

### **EMERGENCY OPERATIONS**

**Above-Ground Fuel Storage Tanks:** Consideration of a request to allow above-ground fuel storage tanks for automotive service stations in Chatham County

**Mr. Tom Bender**, Chatham County Fire Inspector, spoke regarding the hazards of above-ground fuel storage tanks. He stated that there was nothing to substantiate major accidents with above-ground fuel storage tanks in the last twenty years. He stated that strict state codes regulate the placement of these tanks.

Commissioner Holmes moved to lift the moratorium on above-ground fuel storage tanks. Commissioner Holland seconded the motion.

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

### **PLANNING AND ZONING**

**Amendment of Planning Board Ordinance:** Consideration of amendment to "An Ordinance to Establish a Planning Board for Chatham County, NC" to allow Commissioners to appoint Planning Board Members for more than two terms

Keith Megginson, stated that there were pros and cons to this idea. He said that if you have a good member whom you wish to continue to serve, then you can continue to appoint that person to the planning board. However, it may difficult to tell someone that it is time for someone else to serve if you want someone else to do so. If the ordinance is left the way it is now, the person serving on the board after two terms must go off the board.

Commissioner Holmes moved to deny revision to the ordinance to appoint Planning Board members for more than two consecutive terms. Commissioner Pollard seconded the motion.

The motion carried three (3) to two (2) with Commissioners Holmes, Pollard, and Holland voting to deny revision. Commissioners Hanner and Dunlap voted to revise the ordinance.

**Subdivision sketch design request for Sadlers-West:** Consideration of a request to grant sketch approval with roads shown to state standards including the connection of Neodak Road to S.R. #1759

Commissioner Holland moved to postpone a request to grant sketch approval with roads shown to state standards including the connection of Neodak Road to S.R. 31759 until the next Board meeting on September 6, 1994. Commissioner Hanner seconded the motion.

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

**Revision of Conditional Use Permit:** Consideration of a request by Mary Hardin for Revision to Conditional Use Permit for four residential units in Cole Place Planned Unit Development to be used for after school programs

Commissioner Holmes moved to follow the recommendation of the Planning Board and Planning Department that the five findings be made and the request be approved for an expansion of the day care in four existing units from 19 to 20 children and after school care in four units with a maximum of 20 children each with the condition that the loop road from the north providing one access to the center be blocked until it is improved to state standards. Commissioner Holland seconded the motion.

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

**Preliminary and Final Approval of Governors Club Phase XVI:** Consideration of a request by Wade Barber for preliminary and final approval of Governors Club Phase XVI with 140 lots

Commissioner Holland moved to follow the recommendation of the Planning Board and Planning Department that the request be granted preliminary and final approval with the condition that the plat not be recorded until the financial guarantee is approved and the road names be approved or revised as recommended by the County. Commissioner Hanner seconded the motion.

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

**University Lake Zoning Change:** Consideration of a proposal by the Board to change zoning of land at University lake from RA-90 to RA-40

Commissioner Holmes moved to change the zoning district to RA-40. Commissioner Holland seconded the motion.

The motion carried three (3) to two (2). Commissioners Holmes, Holland, and Hanner voted for the zoning district change. Commissioners Dunlap and Pollard voted against the zoning district change.

#### **WASTE/SEWER ISSUES**

**Wastewater Feasibility Study:** Consideration of appointments to Selection Committee for wastewater feasibility study for Chatham County

Commissioner Pollard stated that she felt the staff should be called upon for their expertise and research capabilities. She moved that the committee should be made up of a Commissioner, four public-spirited citizens, and a Water Board member. Commissioner Hanner seconded the motion.

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

Commissioner Holmes moved that Commissioner Holland serve as the Commissioner on this committee. Commissioner Hanner seconded the motion.

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

Commissioner Pollard moved that the Manager advertise in the local media for possible members who are interested in wastewater issues and/or have some expertise in this area. Commissioner Hanner seconded the motion.

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

**Chatham County/Governor's Club Agreement:** Consideration of County/Governor's Club agreement regarding oversizing of lines and pump station

Commissioner Holmes moved to adopt the agreement between Chatham County and Governor's Club, paying Governor's club for oversizing of lines within their development which would benefit the entire County water system. A copy of the agreement is attached hereto and by reference made a part hereof. Commissioner Pollard seconded the motion.

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

**COUNCIL ON AGING**

**Temporary Use of Beard Property:** Consideration of a request for the Chatham County Council on Aging for the temporary use of the Beard property to house the agency from February, 1995 until the completion of the new building

Cassie Wasko, Director of Council on Aging, spoke regarding the Council on Aging's need for temporary housing. She stated that Mark Ashness had been asked to check into improvement costs and electrical upgrading of the building.

Commissioner Holmes moved to follow the Council on Aging Board of Directors request that the County provide office space for a one-year period beginning in February, 1995 utilizing the currently vacant Beard property for that housing. Commissioner Holland seconded the motion.

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

**Proclamation of Senior Citizen Week and Senior Citizen Day:** Consideration of a request to proclaim September 5-11 Senior Citizen Week and Sunday, September 11, Senior Citizen Sunday

Commissioner Pollard moved to proclaim September 5-11 Senior Citizen Week and Sunday, September 11, as Senior Citizen Sunday. A copy of the Proclamation is attached hereto and by reference made a part hereof. Commissioner Holland seconded the motion.

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

**Chore Contract:** Consideration of Council on Aging Chore Contract

Commissioner Holmes moved to approve the contract with the Council on Aging for provision of Chore services subject to the County Attorneys recommendation. A copy of the Contract 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 SOCIAL SERVICES**

**Increase in Foster Care Board Rate:** Consideration of a request to increase Foster Care rates

Commissioner Holmes moved to approve the newly established board rates retroactive to July 1, 1994 and that the rates be applicable to the adoption assistance payments for hard-to-place children. Commissioner Holland seconded the motion.

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

**SHERIFF'S DEPARTMENT**

**Deputy Specialist - Narcotics Officer:** Consideration of a request to redirect personnel funds in 1994-95 Budget to allow Administrative Support III to be deleted and the position of Deputy Specialist-Narcotics Officer to be funded

Commissioner Pollard moved to support the Staff recommendation to upgrade drug enforcement in Chatham County by deleting the Administrative Support III position and funding a Deputy Specialist-Narcotics Officer for the 1994-95 budget year. Commissioner Holland seconded the motion.

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

**BOARD OF COMMISSIONERS MATTERS**

**Letter of Support for Family Resource Center Grant Application:** Consideration of a letter of support from Commissioners to participate in application process for a grant from the North Carolina Department of Human Resources Division of Family Development to provide a Family Resource Center for the Siler City Community to be made through a local non-profit (JOCCA) agency

**Bill Lail** explained that Family Resource Centers are an essential part of Governor Jim Hunt's crime prevention initiative. They promote voluntary parental participation and ownership in the center and in programs offered through the center. They link families with community services and support systems that can help meet their needs before they reach crisis proportions. He stated that they create supportive networks designed to enhance parenting skills and self-sufficiency.

**Wayne Sherman**, Health Director, explained that there would be no matching costs for the County but that there may be contributions of service providers in the community to function within the Family Resource Center. He stated that the amount of the grant will be \$250,000 for three years with no County money involved. He also stated that this grant would provide the County an excellent opportunity to "piggy back" on a current grant project, the Kellogg Grant, working with minority communities particularly within the Siler City area.

Commissioner Holmes expressed appreciation to the County's Human Service Agencies for coming together and working on this project.

Commissioner Pollard moved to submit a letter of support from the Board and approve a continuation of the grant application process which must be finalized by August 31, 1994. Commissioner Holmes seconded the motion.

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

**Occupancy Tax:** Consideration of a request to set a Public Hearing date on September 6, 1994 to receive public comment on a Resolution to levy a Room Occupancy Tax

Commissioner Holmes moved to set the date for public hearing on a Resolution to levy a Room Occupancy and Tourism Development Tax for Tuesday, September 6, 1994 at 10:00 a.m. Commissioner Holland seconded the motion.

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

**Environmental Affairs Committee:** Consideration of a Resolution establishing an Environmental Affairs Committee

Ben Shivar, County Manager, discussed a draft of Environmental Affairs bylaws which was developed by the Planning Director and modeled after the bylaws for the Lee County environmental Affairs Board. He addressed several concerns as follows: (1) the ability of the staff to be able to provide support services to another committee. However, he stated that he had discussed the situation with the Extension Service Director who agreed that staff member Craven Hudson could take the lead role in providing support to this committee. (2) There is also a concern about coordination with other boards or committees that already exist in the County. This comes from the fact that the topics that this committee might review would cross lines in a number of different areas which is obvious from the list of topics in the draft bylaws. The staff and committee members would have to be very careful that proper coordination is maintained on issues that they consider. (3) It would require a resolution from the Board. He recommended the Board should continue to discuss the issues involved in creating this committee and, should they be resolved, the Board could then direct the staff to prepare the necessary resolution and corrections to the bylaws in order that this committee can be established at a future meeting.

Commissioner Pollard stated that she felt it was important to get someone from the Haywood-Moncure area to serve on this committee.

Commissioner Holmes stated that she felt there should be one member from each town appointed to the committee.

Wayne Sherman, Health Director, requested that in the interest of a balanced committee, an Environmental Health Specialist be appointed to the committee.

Chairman Dunlap expressed a desire to see someone from agriculture and one from the business community as an appointee.

**Smart Start Program - Chatham County Partnership for Children:** Consideration of a request for funds to be used for preparation of Smart Start Application for Health Department and Department of Social Services

Ben Shivar, County Manager, explained that at its last Board meeting, Commissioners allocated \$200 to cover representation of the County Manager and Commissioner Holland to the committee. Also included are The Health Department, The Department of Social Services, and The Extension Service. The Manager stated that even though the Executive Committee's request is a small amount, the purpose of the allocation should be approved by the Board before the funds are allocated.

Commissioner Holmes moved to approve the allocation of \$300 to the Chatham County Smart Start Program for the development of the grant application. Commissioner Pollard seconded the motion.

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

**Impact Fees:** Consideration of a process for developing Impact Fees

Ben Shivar, County Manager, stated that it has become evident that developing Impact Fees is much more complicated than he originally anticipated. He stated that the staff would like clarification as to what the Board's real interest is in this issue. For example, there may be other approaches to paying for certain services as a result of increased demand from development. Another mechanism to do this is through what is known as an Impact Tax. He stressed that the Board may or may not desire to investigate those other alternatives and proceed with an Impact Fee. There are many questions that need to be addressed including the type facilities that would be covered by Impact Fees,

the full cost of administration of these fees and other similar items. He believes the staff should be directed to do more thorough research and present a detailed report to the Board of Commissioners.

**STAR Team Report:** Consideration of approval of contract allowing County to contract with North Chatham Fire Department

Ben Shivar, County Manager, stated that he had talked with the County Attorney and the contract still has a few provisions which need to be worked out. He stated that he will have it ready by the next meeting.

**Manager Evaluation Process:** Consideration of forms for possible use of Manager's performance evaluation

The Manager stated that he desired development of a standard evaluation format to be used by the Board of Commissioners in evaluating the Manager's performance. He felt that this was important so that both he and the Board would understand what is expected of the Manager in the way of his performance. He stated that he would have the performance appraisal prepared on County stationery by the next meeting.

**Method of Nominations:** Consideration of a procedure for filling vacancies on the Board of Commissioners

Renee Dickson, Assistant to the Manager, spoke regarding the Board of Commissioner Rules of Procedure adopted earlier this year. She stated that no provision was made for filling vacancies on the Board or in appointing individuals to the Board to fill vacant seats or electing the Chair and Vice Chair of the Board. She explained that the method the Board currently uses is to take nominations and vote on each candidate. This procedure then places Board members in the uncomfortable positions of having to vote against a candidate.

Commissioner Holmes moved to accept the Resolution amending the Chatham County Board of Commissioners Rules of Procedure to include provisions for making appointments on the Board of Commissioners. The motion died for lack of a second.

**Redistricting:** Consideration of a request from the Chatham Democratic Party concerning voting districts

The Manager presented a list of the experiences of Dare, Johnston, Duplin, Nash, and Wilson Counties in redrawing their district lines. He stated that a number of them had done so because of the threat of court action because of minority representation.

Chairman Dunlap proposed the Board secure the services of Attorney Michael Crowell's office and Jerry Cohen at the legislature to go through the material we have and work with percentages, numbers, and possibilities and get a proposal that is fair.

**Hubert Oakley**, from Mann's Chapel precinct, spoke from the floor saying that the resolution had been amended by the Democratic Party to include the school board.

Commissioners Dunlap and Holmes both stated that they preferred five members. Commissioner Holland also spoke about the issue and stated that after having talked to different people regarding the number of members, was advised to stay with five members.

Commissioner Hanner moved to go with the Chairman's recommendation. Commissioner Holmes seconded the motion.

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



### **MANAGER'S REPORTS**

#### **Manager's Reports:**

**Sanford Steel Corporation Grant:** The Manager told Board Members that a state economic development grant for \$220,000 had been approved for working capital expenses for Sanford Steel Corporation. He asked that the Board specifically accept the grant award.

Commissioner Holmes moved to accept the grant. Commissioner Pollard seconded the motion.

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

**Pole Buildings:** The Manager stated that at a previous meeting, the Commissioners had a discussion regarding Pole Buildings and their requirements. He stated that Bob Strowbridge, Bob Gunn, County Attorney, and he will get together and recommend a policy on how they will proceed with that at the next meeting.

**Out-of-Town Travel Request:** The Manager stated that the Department of Social Services has requested out-of-state travel for Caroline Craig for a minority adoption conference at Region 4. The total amount of the travel \$321.40. It was budgeted and the dates of travel are August 30-September 1, 1994.

Commissioner Pollard moved to approve the travel request for the Department of Social Services to out-of-state travel for the minority adoption conference. Commissioner Hanner seconded the motion.

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

### **COMMISSIONER'S REPORTS**

There were no reports from the Commissioners.

**Cleo Smith**, from the Carolina Canoe Club, asked the Commissioners for input and influence with any State, County, or official agency that would be willing to assume management of the canoe access area where US #64 crosses the Haw River. Mr. Smith stated that there is money to cover costs of building a parking lot and the road to it. He said he felt that the Core of Engineers should accept responsibility for the land and the Parks and Recreation should manage it. He also stated that Jordan Lake Parks will accept responsibility if they are officially told to do so by the State but they will not ask for it.

Commissioner Holmes moved to send a letter to the Core of Engineers asking them to take over the canoe access area assuming that it is going to be given by Duke; that it be maintained by Parks and Recreation; that Parks and Recreation at the State level ask Jordan Lake Recreation to maintain the access area; and that a copy of the letter be sent by the County Manager to all of our legislators. Commissioner Pollard seconded the motion.

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

### **EXECUTIVE SESSION**

Commissioner Holland moved that the Board recess from Regular Session and go into Executive Session to discuss property acquisition and a personnel matter. Commissioner Hanner seconded the motion.

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

Commissioner Hanner moved that the Board adjourn from Executive Session and reconvene as the Board of Commissioners. Commissioner Pollard seconded the motion.

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


Commissioner Pollard moved that the County retain Haywood King as a public works engineer at a maximum of twelve hours per week. Commissioner Holland seconded the motion.


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

### **ADJOURNMENT**

There being no further business to come before the Board, Commissioner Hanner moved to adjourn the meeting. Commissioner Pollard seconded the motion.

The motion carried five (5) to zero (0) and the meeting adjourned at 11:00 p.m.

  
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Henry H. Dunlap, Jr, Chairman

  
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Sandra B. Lee, Clerk to the Board