

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
MAY 07, 2001

The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in the Agricultural Auditorium Building, 45 South Street, located in Pittsboro, North Carolina, at 10:00 AM on May 07, 2001.

Present: Chairman Gary Phillips; Vice Chair Margaret Pollard; Commissioners Bob Atwater, Rick Givens, and Carl Outz; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Assistant County Manager, Paul Spruill; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Lee

The meeting was called to order by the Chairman at 10:05 AM.

AGENDA

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

The County Manager asked that the second reading of the cable franchise agreement be added to the Agenda as Item #21B.

Commissioner Pollard moved, seconded by Commissioner Givens to approve the Agenda with the noted request. The motion carried five (5) to zero (0).

CONSENT AGENDA

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

Commissioner Givens moved, seconded by Commissioner Atwater, to approve the Consent Agenda with the noted requests. The motion carried five (5) to zero (0).

1. **Minutes:** Consideration of approval of Board minutes and work session minutes for meetings held April 16, 2001

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

2. **Tax Releases:** Consideration of a request for approval of tax releases, attached hereto and by reference made a part hereof.

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

3. **Refunds on Tax Bills:** Consideration of a request for approval of refunds on regular tax bills paid in error, attached hereto and by reference made a part hereof.

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

4. **Sketch Design Approval for “Chestnut Crossing”:** Consideration of a request by Ricky Spoon for subdivision sketch design approval for **“Chestnut Crossing”**, consisting of twenty-seven lots on approximately 96.8 acres, off SR #1943 [Gum Springs Church Road], in Haw River Township

As per the Planning Board and the Planning Department recommendation, sketch design approval was granted with the following condition:

1. The preliminary and final plats shall show the floodable area along Stinking Creek and the approximate location shall be staked on the ground.

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

5. **Preliminary Approval for “Shotts Farm”:** Consideration of a request by Louise Barnum for subdivision preliminary approval for **“Shotts Farm”** consisting of six lots, on approximately 31 acres, off SR #1532 [Manns Chapel Road], in Baldwin Township

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

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

6. **Preliminary Approval for “Hillside Subdivision”:** Consideration of a request by Van R. Finch for Richard E. Fox for subdivision preliminary approval for **“Hillside Subdivision”**, consisting of eleven lots, on approximately 14.4 acres, off SR #1561 [Buckner Clark Road] and SR #1511 [Hillside Dairy Road], in Hickory Mountain Township

As per the Planning Board and the Planning Department recommendation, preliminary approval was granted with the following condition:

1. A note be placed on the final plat stating, “This subdivision is located near an area that is presently used for agriculture. Normal agricultural operations may conflict with residential land use. North Carolina Law General Statutes section 106-701 provides some protection for existing agricultural operations against nuisance law suits.

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

7. **Final Approval for “Rosemont Subdivision, Phase I”:** Consideration of a request by Chatham Development Corporation for subdivision final approval for **“Rosemont Subdivision, Phase I”**, consisting of eighteen lots, on approximately 130 acres, off SR #1731 [O’Kelly Church Road], in Williams Township

As per the Planning Board and the Planning Department recommendation, final approval of the plat was granted with the following four (4) conditions:

1. The final plat shall not be recorded until the county attorney has approved the financial guarantee.
2. The final plat shall not be recorded until the Planning Department has received and

approved the road maintenance agreement.

3. The final plat shall not be recorded until the Planning Department has received a copy of the septic easement for Lot #7. This easement shall be recorded at the Office of the Chatham County Register of Deeds along with the final plat.
4. Prior to final plat recordation, the developer is to provide language, satisfactory to the Planning Department, that discloses that the Department of Transportation easement along lots 13 and 15 may be used for parking area for the American Tobacco Rail Trail.

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

8. **Preliminary and Final Approval for "Mountain Ridge":** Consideration of a request by Van R. Finch for Jack and Faye Johnson for subdivision preliminary and final approval for **"Mountain Ridge"**, consisting of ten lots, on approximately 15.7 acres, off SR #1506 [Bowers Store Road], in Hickory Mountain Township

As per the Planning Board and the Planning Department recommendation, final approval of the plat was approved with the following condition:

1. A note shall be placed on the final plat stating the useable area for each lot outside road right-of-way.

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

9. **Site Plan Approval for Public Service of North Carolina:** Consideration of a request by North Chatham Park (Center Suites, LLC) for site plan approval for **Public Service of North Carolina**

As per the Planning Board and the Planning Department recommendation, site plan and building elevation approval was granted the following condition:

1. The Planning Department shall be consulted on revisions to the lighting plan that reduces the brightness of some lights and reduces lighting during some nighttime hours.

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

10. **Property Tax Exemption for Silk Hope Ruritan Club:** Consideration of a request to approve the late application for property tax exemption for Silk Hope Ruritan Club

As per the Tax Department recommendation, property tax exemption for Silk Hope Ruritan Club for FY 2001 was granted.

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Greg Solomon, 406 Buck Branch Road, Pittsboro, NC, stated that he feels that the lower limit of those receiving exemptions needs to be raised with regard to taxes; that those who cannot pay higher taxes should not be punished; that the schools and County services need more funding but not at expense of those who cannot afford higher taxes; that he has some concerns with regard to site selection for the new school; that he wonders who will attend the school; that our school system cannot manage a school with twelve hundred students; and that he wonders why the County is not considering redistricting. He asked when the County was going to hire professional help to find suitable property on which to build the school and that the Board not approve the site selected for the school by the School Board.

Meg Miller, 210 Oakleys, Chapel Hill, NC, stated that both high schools on the western side of the County are three hundred students under capacity; that that the Board of Education should redistrict to equally balance; that growth is coming but that the location is difficult.

Terry White, 45 Maverick Ranch Road, Pittsboro, NC, stated that she is concerned about the direction the County is taking; that she feels that her concerns are those of the majority of the citizens of the County; that they still cherish the traditional American values in the County; that they are people who love people, people who are giving, devoted, proud people living and working in Chatham County; that she is concerned about priorities; that Chatham County is at a crossroad; that the choices regarding the path to be followed will be difficult; that the County is spending so much money defending itself; that most of surrounding counties have an education system far superior to Chatham's. She asked what was wrong with giving the teachers and law enforcement a raise and stated that Chatham County had lost its court battle over the hog farm regulations; that the money should not have been spent; that animal farmers of all types will be next; that many are on tight fixed incomes and may lose their property if property taxes increase; that not only their land, but their pride will be taken away; and that Chatham County needs to get its priorities in order.

Michael Burke, 751 Windsor Road, Chapel Hill, NC, stated that his issue is mainly socioeconomic; that expanding Northwood School is not a real option; that a building bond referendum must be worked on; that the children in Siler City have been in their school under adverse conditions for too long; that the fifty year plan is a good place for a school; that the twenty year plan is not good; and that the issue should be closely studied.

PRESENTATION "GET THE 2-1-1"

"Get The 2-1-1" Presentation: Presentation of "Get the 2-1-1" by United Way

Representatives from Triangle United Way's INFOLINC explained that people who are in need of human services information and live in Chatham, Durham, Orange, and Wake Counties may soon dial 2-1-1; that as early as May 1, 2001, Triangle United Way's Infolinc will be launching the easy to remember number making it possible for callers in need of assistance to more easily make critical connections with appropriate community-based organizations and government agencies; that rather than searching for telephone numbers for human services organizations that can help with particular needs, such as after-school programs, food pantries, homeless shelters, and substance abuse programs, callers will be able to get all information they need from Infolinc's 2-1-1 center; that Infolinc specialists are trained to determine whether a caller may be eligible for other services in the community; that Infolinc's transition to 2-1-1 will be seamless, however, hours of operation will

increase to twenty-four hours per day, seven days a week. They further stated that in North Carolina, three of the four pilot sites, Triangle United Way, United Way of Central Carolinas-Charlotte, and United Way of Asheville/Buncombe County, will be launching 2-1-1 in May; that The United Way of Greater Greensboro will launch mid-summer; that it is their goal to link people who need help to organizations who can offer it; that 2-1-1 promotes self-sufficiency and self-directedness throughout the community; that 2-1-1 will service groups ranging from individuals and families in crisis situations to groups who want information on volunteering donating.

CHATHAM COUNTY BOARD OF EDUCATION

Chatham County Board of Education: Consideration of a property acquisition request by the Chatham County Board of Education

Dr. Larry Mabe Superintendent of Chatham County Schools, presented specifics on the property chosen as the site on which to build a new high school.

Commissioner Pollard stated that, after careful research and consideration, she had determined that surrounding counties have fewer high schools with larger student bodies than Chatham; that at no time had she found that Chatham was to be above the projected number of regional areas; that she did not feel the data supported the expenditure of funds for more schools; and that she did not know how justification for four Chatham County high schools can be made to taxpayers.

Chairman Phillips stated that he is prepared to vote in favor of the school request due to the fact that the Board of Education has determined the need for another school; that he has come to the decision with some difficulty because of the economics involved; that he gets concerned every time he considers the exorbitant commercial construction costs in the County; that he has concerns about district lines; that he does not want to see a multi-tiered educational system in Chatham County; that in order to support equal education for everyone in the County, that careful consideration has to be given to where the district lines are placed; that the only way justification can be given for the large land purchase is for joint use with recreation; that any land the County owns, including the school system, has to be made available for the citizens of Chatham County for recreational purposes. He expressed concern with regard to the land that is to be clear-cut by the owner.

Commissioner Givens stated that he likes the proposed site and stressed, that due to the money involved, there must be joint use of the land for recreation, libraries; standardized school construction/architectural plans; that he would not support a bond issue that did not have this stipulation included; and that he would like to see more funds put into teachers than classrooms. He applauded the Board of Education's efforts in finding the site.

Commissioner Atwater stated that the search had clearly been a long and arduous task, both economically and politically, to site the school; that they appreciated the integrity and sensitivity of the Board of Education in this process; their sensitivity for the Board of Commissioners, and their responsibility for funding this project. He stated that he is confident that the two Boards can enter into a dialogue about outstanding critical issues and that by doing so, that they can create the support in the public to be able to go forward; that he is in favor of the siting of this school; that he has similar concerns as the other Board members; and that they all need to heighten their awareness that new public schools are the most critical issues for economic development in the County.

Commissioner Outz stated that he is not against recreation, and asked if the Board of Commissioners would still control the land and that it not be turned over to the School Board. He

also mentioned that clear cutting is a good forestry practice; and that it is recommended by the university system.

Commissioner Atwater moved, seconded by Commissioner Givens, to accept the terms to purchase land for the Booth Property at Jack Bennett Road (SR #1717) and Lystra Road (SR #1721) for the proposed Chatham County School site. The motion carried four (4) to one (1) with Commissioner Pollard opposing. The purchase agreement is attached hereto and by reference made a part hereof.

PLANNING AND ZONING

Proposal to Amend Chatham County Subdivision Regulations: Consideration of a proposal to amend the Chatham County Subdivision Regulations Section 6.4, C. (1) to increase the size for newly created lots dependent on individual wells and individual sewerage disposal systems from 40,000 square feet (approximately one acre) to 80,000 square feet (approximately two acres)

Commissioner Outz moved, seconded by Commissioner Givens, to accept the Planning Board recommendation that minimum lot size requirement in the subdivision regulations for lots with individual wells and individual waste water disposal systems be increased to 1.5 acres (65,340 sq. feet).

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

BOARDS AND COMMITTEES

Chatham County Human Relations Committee Appointment: Consideration of a request to appoint a member to the Chatham County Human Relations Committee by Commissioner Outz

This item was deferred until a later date.

Orange Person Chatham Mental Health Board Appointment: Consideration of a request to reappoint a member to the Orange Person Chatham Mental Health Board

Commissioner Pollard moved, seconded by Commissioner Outz, to reappoint Bessie Hedrick, 2762 Hamp Stone Road, Siler City, NC, to the Orange-Person-Chatham Mental Health Board. The motion carried five (5) to zero (0).

Chatham County Adult Care Home Committee Appointment: Consideration of a request to reappoint members to the Chatham County Adult Care Home Committee

Commissioner Atwater moved, seconded by Commissioner Pollard, to reappoint the following members to the Chatham County Adult Care Home Committee:

Elizabeth Haines
PO Box 712
Pittsboro, NC 27312

Fatima Groce
4605 Silk Hope Gum Springs Road
Pittsboro, NC 27312

Bessie Hedrick
2762 Hamp Stone Road
Siler City, NC 27344

Mary Nettles
80 Milliken Road
Pittsboro, NC 27312

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

Senior Tar Heel Legislator Delegate Appointment: Consideration of a request to appoint a member to serve as Senior Tar Heel Legislator Delegate

This item was deferred until a later date.

BOARD OF COMMISSIONERS' MATTERS

Budget Presentation: Presentation of the FY 2001-2002 Chatham County Budget and consideration of a request to set dates on which to hold community meetings

County Manager, Charlie Horne presented and reviewed the FY 2001-2002 Manager's Recommended Budget.

The County Manager asked that consideration be given to setting the dates on which to hold budget public hearings to receive public comments on the recommended budget.

After considerable discussion, the Board set the following dates and places on which to hold public hearings:

Tuesday, May 29, 2001, 7:00 PM, Siler City Courtroom, Siler City, NC
Wednesday, May 30, 2001, 7:00 PM, District Courtroom, Pittsboro, NC
Thursday, May 31, 2001, 7:00 PM, North Chatham Elementary School,
Multi-purpose Room, Pittsboro, NC

Cary Water Agreement: Consideration of a request to approve a water agreement with the Town of Cary

Special recognition was given to Ron Singleton, Chatham County Public Works Director, Rick Givens, former Chatham County Board of Commissioners Chairman, current Chatham County Board of Commissioners Chairman, Gary Phillips, County Manager, Charlie Horne, and County Attorney, Bob Gunn, for their efforts in bringing the Cary Water agreement to fruition.

Commissioner Pollard moved, seconded by Commissioner Givens, to approve the Cary Water Agreement, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Bynum Mill Cleanup: Discussion of Bynum Mill Cleanup and consideration of award of contract for cleanup

Rodger Hamrick, Code Enforcement Director, reviewed the letter received from Mr. Stevens, owner of the former Bynum Textile Mill, and the letter sent to Mr. Stevens from the County regarding proper permits needed for cleanup of the burned-out site. He stated that efforts have been undertaken in the past to require the owner to initiate cleanup; however, now that it is a life and safety issue, the County may be required to initiate the cleanup process and seek restitution from the owner for associated costs.

After considerable discussion, it was decided that the matter would be further researched and

returned to the Board for consideration at a later date.

Chatham County Intensive Livestock Ordinance: Discussion of the next steps of the Chatham County Intensive Livestock Ordinance

Commissioner Givens expressed concern with regard to the Board over-stepping their bounds in instituting a livestock ordinance. He stated that he felt that the Board now had an opportunity to “mend the fences” with local farmers.

Commissioner Outz stated that the Chatham County Health Board unanimously voted to not appeal the court decision; that almost \$100,000 has already been spent on law suits; and that it looks like the County is headed for another law suit.

Commissioner Atwater asked to speak to the issue, stating his surprise with the decision of the Appeals Court on the hog issue. He stated that he had asked for some time to consider the issues involved, that perhaps he had been naïve in not realizing that asking for extra time puts him squarely in the middle; that he had a lot of input from people on both sides of the issue and had researched the issue the best that he could. He stated he would be happy to take this contentious issue out of the public arena; that he said he came to his conclusion based upon the principle of the County Commissioner’s authority to govern in these areas, citing other decisions the board had made on well drilling, watershed regulations as well as issues that may not yet be defined; that the Board should ask the Supreme Court to hear and consider resolving this matter; that the General Statutes clearly give responsibility to the Health Board and to the County Commissioners in this area. He said that he believed no one would be satisfied, that there can be no consensus or harmony on this issue until the Supreme Court decides. He further stated that the professionals that deal in this area are clear that the matter would not be resolved at any level, Superior Court level or Appeals Court level, that clearly it would have to be a matter that would have to be resolved at a higher level. He further stated that he was interested in the agricultural community, the role that it has played and the role it currently plays; and that communications could be a whole lot better because he sees more difficult issues coming and would like to discuss them ahead of time.

Chairman Phillips stated that Ms. White had made a statement that gave him pause for concern and made him take note which was the swine ordinance harms the County’s farmers. He said he was not aware of that being true, but if it was, he would like those people to come forward and talk about the ordinance because he didn’t want that to happen. He stated that he had not had the opportunity to vote on the ordinance nor was he associated with the ordinance. He further stated that the question before the Board was not associated with the ordinance; that it is associated with whether or not the Board has a right to create an ordinance in Chatham County for protection; and that he stands for that right of each Commissioner. He further indicated his willingness to revisit the issues in the ordinance at any time if citizens or members of the Health Board wish to do so in the most open way possible.

After considerable discussion, Commissioner Pollard moved, seconded by Commissioner Atwater, to authorize and direct the Brough Law Firm to file with the State Supreme Court a petition for certiorari to review the decision of the NC Court of Appeals in the case of Agri-Business Council and Tim Craig versus Chatham County et al. The motion carried three (3) to two (2), with Commissioners Givens and Outz dissenting.

TIME WARNER CABLE

Time Warner Cable: Consideration of the second reading of the Time Warner Franchise Agreement

Dave Permar, Attorney for Triangle J Council of Governments, stated that he recommends, without qualification, the model cable franchise which was developed by the Triangle J Cable Consortium and negotiated over the last four years. He asked for questions from the Board and those in attendance.

Commissioner Givens moved, seconded by Commissioner Outz, to adopt the second reading of the Time Warner Franchise Agreement. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

There were no Manager's Reports.

COMMISSIONERS' REPORTS

Donated County Leave:

Commissioner Givens stated that he had received a letter asking that the Board consider reinstating County policy of donated leave.

The County Manager stated that the matter would be researched and returned to the Board for consideration at a future date.

Chatham County Drug Dog:

Commissioner Givens stated that he had been approached by a concerned citizen asking that funds be appropriated in order to help in the care of the Chatham County drug dog.

The Board concurred that the request should come before the Board for consideration during the budget process.

Bell's Landing Engineer/Transportation Officials:

Commissioner Atwater stated that he would like to speak with the district engineer regarding the traffic problem in the Bell's Landing community.

Commissioner Phillips stated he would like to have a meeting with officials who can address transportation issues in the County.

Academics/Sports Recognition:

Commissioner Atwater stated that he would like for the County Manager to speak with Dr. Mabe, Chatham County Schools Superintendent, to have the state athletic teams and academic honorees acknowledged before the Board.

LUNCH RECESS

Commissioner Atwater moved, seconded by Commissioner Givens, to recess the meeting. The motion carried five (5) to zero, and the meeting recessed at 12:45 PM to be reconvened at 1:30 PM.

Gary Phillips, Chairman

ATTEST:

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