

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**SEPTEMBER 04, 2001**

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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 September 04, 2001.

Present: Chairman Gary Phillips; Vice Chair Margaret Pollard; Commissioners Bob Atwater and Rick Givens; 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

Absent: Commissioner Carl Outz

The meeting was called to order by the Chairman at 10:06 AM.

**AGENDA**

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

County Attorney, Bob Gunn, asked that a Resolution of Intent to Condemn Land be added to the Agenda as Item #5A, and that a Resolution approving a Bond Order be added to the Agenda as Item #5B.

Charlie Horne, County Manager, asked that a report by the Chatham Education Foundation on the Moncure School Project, be added to the Agenda as an extension of the Manager’s Reports.

Commissioner Givens moved, seconded by Commissioner Pollard, to approve the Agenda with the noted requests. The motion carried four (4) 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 Pollard, to approve the Consent Agenda. The motion carried four (4) to zero (0).

1. **Minutes:** Consideration of a request for approval of Board Minutes for Regular Meeting held August 20, 2001 and Work Session held August 20, 2001

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

2. **Resolution Proclaiming Health and Fitness Day:** Consideration of a request to adopt **Resolution #2001-27 Proclaiming Saturday, September 22, 2001 as Family Health and Fitness Day in Chatham County**, attached hereto and by reference made a part hereof.

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

3. **Order of Collection:** Consideration of a request to approve the Chatham County Order of Collection as required by law, attached hereto and by reference made a part hereof.

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

4. **Request to Set Date for Local Law Enforcement Grants Program Public Hearing:** Consideration of a request to set September 17, 2001 as the date on which to hold a public hearing for the Local Law Enforcement Block Grants Program

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

## **END OF CONSENT AGENDA**

### **PUBLIC INPUT SESSION**

**Michael Lytton**, 108, Julius Davis Road, PO Box 37, Goldston, NC, expressed continued concern with regard to the noise emanating from the Sports Arena. He stated that the problem of loud bass music was still a problem since his last visit before the Board of Commissioners on June 18, 2001; that the music is turned up until law enforcement arrives at which time people on the inside are alerted from those posted as "look-outs" on the outside, and the music is lowered to meet decibel requirements; that he still has not gotten to sleep before 2:30 or 3:00 AM on a Friday or Saturday night since his return from Bosnia in March; that the patrons of the business are continuing to urinate and throw trash and debris on his property located approximately one hundred feet away; that the building needs to be soundproofed; and new laws governing dance halls and the music therein are needed.

A discussion ensued and the Planning Director and County Attorney were asked to research the Chatham County Noise Ordinance and to bring it before the Board during a work session at the first available opportunity.

### **SAFE START UPDATE**

George Friday, SAFE START Coordinator, stated that the initial strategic planning phase for the Chatham County Safe Start Initiative between May 18, 2000 and December 31, 2000 has been completed; that in January 2001, they submitted a community assessment, a 5-year Strategic Plan, and an 18 month Implementation Plan; that after reviewing their initial plan, Safe Start federal officers asked them to revise their community assessment, filling in gaps they had missed, resume their planning process, rewrite their strategic plan based on the results of the revised community assessment, and write a more detailed implementation plan; that a review of the proposed budget for the grant revealed that capital expenditures would not be approved; that the revised plans were submitted to OJJDP on August 13, 2001; that as a result of this revision process, they have more detailed information about the needs of children exposed to violence in Chatham County; that they have illustrated some of their findings on geographic maps and summarized data in charts of current service structures; that they have also begun an in depth review of financial resources (both public and private) that may be available to support and expand services to children exposed to violence beyond the limits of the SAFE START grant; that the continued planning process also revealed the need for an additional service to be included in the implementation phase of SAFE START; that this program, called FIRST RESPONDERS, is proposed to be implemented countywide; that the program is an innovative approach to partnering mental health professionals with law enforcement to better support young children by

providing a crisis response to a violent event; that funds in the budget had been previously allocated to capital expenditures and are now proposed for direct service costs associated with implementing the First Responders and other services; and that the revised plan also included a clearer focus on their commitments to policy and system change efforts as agreed upon by community partners.

**Resolution of Intent to Condemn Land:** Consideration of a **Resolution of Intent to Condemn Land**

The County Attorney read the resolution in its entirety.

Commissioner Atwater moved, seconded by Chairman Phillips to adopt **Resolution #2001-28 Authorizing Notice of Intent to Institute an Action to Condemn Property Owned by Etta L. Brim as Necessary for Extension of Landfill Buffer**, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

**Refunding Bond Order:**

The County Attorney read the refunding bond order at length.

Following the reading, Commissioner Pollard moved, seconded by Commissioner Atwater, to adopt **Resolution #2001-29 on Refunding Bond Order**, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

**PLANNING AND ZONING**

**Request by US Cellular for Monopole Communication Tower:** Consideration of a request by US Cellular for a Light Industrial Conditional Use District with a Conditional Use Permit for a 199 foot monopole telecommunication tower on property owned by Julius W. Seagroves, located off SR #1744, Bob Horton Road in New Hope Township

After considerable discussion, Commissioner Givens moved, seconded by Commissioner Pollard to accept the Planning Department and the Planning Board recommendation and grant approval of the request as submitted with the following two (2) conditions:

1. Access to the tower site shall be permitted to obtain information on the impact of tower sizes, configurations and lighting systems to help protect Bald Eagles and migratory birds. Access shall be by scientists from the Communication Tower Working Group of the United States Department of the Interior-Fish and Wildlife Service. Said group may conduct dead-bird counts and install (on a temporary basis) scientific equipment to evaluate bird movements.
2. Proposed tower site to be moved an additional 130 feet east from the edge of the property line (total 200 feet east from right-of-way).

The motion carried three (3) to one (1) with Chairman Phillips opposing.

**Request by US Cellular for Monopole Communication Tower:** Consideration of a request by US Cellular for a 199 foot monopole communication tower on property owned by Robert J. Knapp and Brian Maginnis in Hickory Mountain Township

Garry Anderson, Planning Board Chairman, summarized the history of this agenda item over the past

few Board of Commissioner and Planning Board meetings. He indicated that initially the Planning Board recommended not approving the request for construction of a new tower because they believed the Communication Towers Ordinance supported their preference that US Cellular locate on an existing tower. He reminded the Board that they referred the matter back to the Planning Board at their July 9, 2001 Board of Commissioners' meeting due to staff concerns that the ordinance may not literally support the Planning Board's recommendation that US Cellular be forced to co-locate. He further indicated that after careful consideration of the opinion of staff and the County Attorney, a majority of the Planning Board is comfortable in their position that US Cellular should be forced to co-locate. He concluded his comments by explaining that the Planning Board recommendation is based on what they believe was the spirit of the Communication Towers Ordinance as opposed to a literal interpretation.

During Board discussion, Commissioner Atwater indicated that his decision to side with a literal interpretation that US Cellular should not be forced to co-locate is based on his belief that the County should accept responsibility for a deficiency in an ordinance if the petitioner made a good-faith effort to meet the ordinance requirements. He did indicate, however, his understanding of Chairman Phillips' opinion that the County Commissioners have a responsibility to examine the intent of the ordinance as well as its literal meaning.

Commissioner Givens moved, seconded by Chairman Phillips, to accept the Planning Board recommendation and deny approval of the ½ mile search ring for the Hillside site and deny approval of the specific site request. The motion carried three (3) to one (1) with Commissioner Atwater opposing.

## **BOARDS AND COMMITTEES**

**Cape Fear River Assembly Appointments:** Consideration of a request to appoint members to the Cape Fear River Assembly

Chairman Phillips moved, seconded by Commissioner Pollard, to appoint Vaughn Upshaw, 752 Jay Shambley Road, Pittsboro, NC, to the Cape Fear River Assembly. The motion carried four (4) to zero (0).

Commissioner Pollard moved, seconded by Commissioner Atwater, to appoint Connie Allred, 4908 Pleasant Hill Church Road, Siler City, NC, to the Cape Fear River Assembly. The motion carried four (4) to zero (0).

Commissioner Givens moved, seconded by Commissioner Pollard, to appoint Bob Knight, 7040 NC Highway #87 South, Sanford, NC, to the Cape Fear River Assembly. The motion carried four (4) to zero (0).

**Chatham Transit Network Appointments:** Consideration of a request to appoint two members to the Chatham Transit Network

Commissioner Atwater moved, seconded by Commissioner Givens, to appoint Neha Shah with Chatham County Travel and Tourism and James Rives, owner and operator of Regency Limo in Chatham County to the Chatham Transit Network Board of Directors. The motion carried four (4) to zero (0).

**Chatham County Jury Commission Appointments:** Consideration of a request to appoint a member to the Jury Commission

Commissioner Givens moved, seconded by Commissioner Atwater, to appoint Claristine Bryant, 1669 Gade Bryant Road, Moncure, NC to the Chatham County Jury Commission. The motion carried three (3) to zero (0). Commissioner Pollard asked to be excused from voting due to a possible conflict of interest.

**Adult Care Home Committee Appointment:** Consideration of a request to appoint a member to the Adult Care Home Committee

An appointment to the Adult Care Home Committee was deferred until a later date.

## **BOARD OF COMMISSIONERS' MATTERS**

**Child Planning Conference:** Consideration of a request to discuss funding for the Child Planning Conference

The County Manager explained that Joe Buckner, Chief District Court Judge, had asked for financial support from the County to fund a part-time position as Child Planning Conference Facilitator; that in November, 2000, Judicial District 15B published new juvenile court rules for abuse, neglect, and dependency cases petitioned by the Department of Social Services (DSS Court); that the new rules centered around the creation of Child Planning Conferences; that these are coordinated meetings held within a week after DSS has petitioned a child to be removed from their home; that the conference is a confidential meeting between the interested parties and there is no judge present; that the meeting brings DSS social workers, DSS attorney, parents and their attorneys, and core service providers in the community such as representatives from OPC Mental Health, Chatham County Health Department, Guardian Ad Litem Program, and the schools together; that the Child Planning Conference and subsequent agreements generated by the meeting "front-end loads" the court process; that these conferences result in timely sharing of information for all parties, the immediate coordination of services for families and diffusing the heightened emotions between parents and the court and create a spirit of cooperation and often reduces actual court settings.

He stated that a contracted position of ten hours per week to coordinate the meeting planning participant notification and facilitation of actual child planning conferences is envisioned; that this position would also work closely with the juvenile clerks in providing documentation to the court; that this position would partner with the Judicial District 15B District Court Judges Office in the planning and implementation of this component to DSS Court in Chatham County; and that there is an obvious impact on human costs to children and their families by reducing foster care, legal settings and creating better service coordination which translates into financial savings for the County.

Commissioner Pollard moved, seconded by Commissioner Givens, to grant financial support in the amount of \$18,000.00 for the Child Planning Conference Facilitator. The motion carried four (4) to zero (0).

## **MANAGER' S REPORTS**

The County Manager's reports included the following:

**Human Relations Orientation:** The Human Relations Orientation will be held on Wednesday, September 26, 2001 at 7:00 PM in the Dunlap Building Classroom. Gene Troy of the NC Human Relations Commission will lead the orientation discussion.

### **Chatham Education Foundation:**

**Phillip Cates**, Executive Director of the Chatham Education Foundation, reported on the Chatham Advantage Initiative stating that it was a joint initiative of the Chatham County Board of Commissioners, Board of Education and the Chatham Education Foundation serving as the County's business-community partnership to improve public education; that the original proposal grew from parent, teacher, and community concerns over the full implementation of the State third, fifth, and eighth grade gateways and the elimination

of social promotion during the 2001-02 school year; that these concerns were especially great for the K-8 schools that, while consistently improving student scores, had not met state ABC growth two or more consecutive years; that in addition, some parents and educators had expressed concerns that the most effective approaches or best methods were not being utilized with students identified as at-risk of failing their grade (based on their 1999-2000 or early 2000-01 assessment tools); that currently, funding to address at-risk student's additional needs comes from four sources: 1) County appropriations; 2) State remediation allocations; 3) Title I (for those schools where more than 50% of the students qualify for free-and-reduced-lunches); and 4) Private donations (PTAs, businesses and private donors); that because varying funding levels at each school both spending level and methods used varies per at-risk student; that the current County-wide policy is to allow each school to develop their own remediation plans, so no one school may have the same approach, curriculum, schedule or resources as another; that their proposal was to provide a proven reading remediation service for at-risk students at three very different schools: Moncure School (K-8), Pittsboro Elementary School (K-4), and J. S. Waters School (K-8); that in addition, they proposed to provide parent supportive services and student/family attendance incentives; that they chose Sylvan Learning Centers as the professional remediation provider; that Sylvan faithfully complied with all contractual commitments.

Mr. Cates presented handouts to the Board and explained the results and recommendations of the K-8 component of the initiative. He expressed appreciation to the Board of Commissioners, the Board of Education, and private donors who made the demonstration project possible, stating that they feel that the only way to honor the results and the support they received is to do everything in their power to see that the recommendations of the report are made policy during the coming year.

#### **Resolution Honoring John David Seagroves:**

Commissioner Pollard moved, seconded by Commissioner Givens, to adopt **Resolution #2001-30 Honoring John David Seagroves**, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

#### **RECESS**

Commissioner Givens moved, seconded by Commissioner Pollard, to recess the meeting to the Commissioners' work session to be continued in the Pittsboro Library. The motion carried four (4) to zero (0), and the meeting was recessed at 12:15 PM.

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Gary Phillips, Chairman

ATTEST:

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