

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
APRIL 15, 2002

The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in the District Courtroom, located in Pittsboro, North Carolina, at 7:00 PM on April 15, 2002.

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. Sublett

The meeting was called to order by the Chairman at 7:08 PM.

The Chairman reviewed the items that were discussed at the work session held earlier in the afternoon.

AGENDA

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

Commissioner Atwater asked that the renaming of Thompson Recreation Road in Bynum be placed on the Agenda as Item #13B.

Commissioner Givens moved, seconded by Commissioner Pollard, 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 Outz asked that Item #9, Family Responder Position, be removed from the Consent Agenda and placed on the Regular Agenda as Item #13A.

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

1. **Minutes:** Consideration of a request for approval of Board Minutes for meetings held March 18, 2002 and Work Session held March 18, 2002

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. **Funds Acceptance for Animal Control Program:** Consideration of a request to accept funds in the amount of \$6,580 for the Health Department from Lee County for the continuance of providing temporary provision of animal care, adoption, and euthanasia services rendered by the Chatham County Animal Control Program

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

5. **Funds Acceptance for the Intensive Home Visiting Project:** Consideration of a request to accept funds in the amount of \$56,520 from the Department of Health and Human Services for the Intensive Home Visiting Project for the Health Department

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

6. **Funds Acceptance for Food and Lodging Fees:** Consideration of a request to accept funds in the amount of \$797.17 for Food and Lodging Fees from the Department of Environmental and Natural Resources awarded to the Health Department

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

7. **Funds Acceptance for Public Health Education Specialist Position:** Consideration of a request to accept funds in the amount of \$5,870.00 from the Chatham Coalition for Adolescent Health to support the Public Health Educational Specialist position for May 1, 2002 through June 30, 2002

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

8. **Funds Acceptance for Tobacco Prevention and Control:** Consideration of a request to accept Tobacco Prevention and Control Funds in the amount of \$500 awarded to the Health Department

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

9. ~~**Family Responder Position:** Consideration of a request to create a Family Responder position established by the Safe Start Program with Chatham County Sheriff's Department~~

This item was removed from the Consent Agenda and placed on the Regular Agenda as Item #13A.

10. **Resolution Proclaiming "No Wake Zones":** Consideration of a request to approve **Resolution #2002-13 Proclaiming "No Wake Zones"**

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

11. **Resolution Honoring the Service of Chatham County Volunteers:** Consideration of a request to approve **Resolution #2002-14 Honoring the Service of Chatham County**

Volunteers, attached hereto and by reference made a part hereof.

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

12. **Fiscal Year 2001-2002 Budget Amendments:** Consideration of a request to approve Fiscal Year 2001-2002 Budget Amendments, attached hereto and by reference made a part hereof.

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

13. **Final Approval of “Ferrington, Phase VII of Section VIII, ‘Bush Creek’”:** Consideration of a request by Van R. Finch on behalf of Fitch Creations, Inc. for final plat approval of “Ferrington, Phase VII of Section VIII, ‘Bush Creek’”, consisting of 25 lots on 23 acres in Williams Township

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

1. A Declaration of Easement be recorded along with the plat dedicating to the public the 45’ right-of-way shown on the plat to the Penny property.

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

END OF CONSENT AGENDA

Family Responder Position: Consideration of a request to create a Family Responder position established by the Safe Start Program with Chatham County Sheriff’s Department

Commissioner Givens moved, seconded by Commissioner Pollard, to approve the request to create a Family Responder position established by the Safe Start Program with the Chatham County Sheriff’s Department. The motion carried five (5) to zero (0).

Renaming of Thompson Recreation Road: Consideration of a request by citizens for the renaming of State-maintained road, Thompson Recreation Road, to Bynum Hill Road in Bynum, NC

After considerable discussion, Commissioner Atwater moved, seconded by Commissioner Pollard, to rename Thompson Recreation Road to Bynum Hill Road and to provide a permanent and appropriate marker to commemorate former Commissioner Earl Thompson and that it be placed in a visible location to the ball field. The motion carried four (4) to one (1) with Commissioner Outz dissenting.

INPUT SESSION

Cynthia Hermans, PO Box 175, Bynum, NC, thanked the Board for their action to change the name of the road in Bynum.

Rebekkah Cote, PO Box 292, Bynum, NC, stated that she was present only to speak about the Bynum road, and that she, too, appreciated the Board’s action.

Stasia March, 258 Trails End, Pittsboro, NC, stated that she is a resident of Hickory Mountain Township; that it is a farming community; and that she and her neighbors are not in favor of any move to zone the area residential.

Phil Wilson, 3288 West Third Street, Pittsboro, NC, stated that he has been a Chatham County resident for 43 years; that the proposed all-terrain vehicle (ATV) track off Carolina Hill Road will give kids a controlled environment; that it is not a high performance type environment; and that he and the Muehlbachs respected their neighbors' wishes during hunting season. He invited the Board out to observe the ATV track.

Jim Muehlbach, 290 Trails End, Pittsboro, NC, stated that this was a family business and not a big deal; that he had followed all the permitting requirements to the letter; and that he was being unfairly beat up on by the residents in this area. He urged the Board to look at both sides of the issue.

Brian R. Elliott, 1742 US Highway #64, Pittsboro, NC, stated that he owned Carolina Sporting Goods, and that he had collected a petition with 234 signatures of people that were in support of the all-terrain vehicle (ATV) track. The petition is attached hereto and by reference made a part hereof.

Bob Knight, 406 Chimney Rock Road, Sanford, NC, stated that all new businesses in the County need to be handicapped accessible, and that the County needs to do more in its buildings to insure adequate access for all people.

Chairman Phillips asked that an inventory of County buildings and possible ordinances be done to be returned to the Board at a work session within the next couple of months to determine what can be done to make communities more handicapped accessible.

PLANNING AND ZONING

Public Hearings:

Public Hearing Requests for Proposed Amendments: Public hearings to receive public input on requests for proposed amendments as follows:

- 1) Chatham County Subdivision Regulations Section 6.5,A.2
- 2) Chatham County Zoning Ordinance Section 15.1.5
- 3) Chatham County Mobile Home Ordinance Section 6.4

For the purpose of requiring payment for recreation at a rate of the value of 1/35 of an acres of land per dwelling unit or at the County's option to accept the dedication of land equal in value to the payment. Minor subdivisions (5 lots) and/or family subdivisions may be exempt from the fees.

James Womble, 189 Chestnut Way, Chapel Hill, NC, stated that he was opposed to a tax for recreation on small and family subdivisions. He urged the Board to exempt these smaller units.

Bob Knight, 406 Chimney Rock Road, Sanford, NC, stated that he thought that this fee was the most ridiculous thing he had ever heard, and that it is yet another tax to deal with for young people trying to start out in the County. He urged the Board to allow people to pay as they play rather than assessing an overall fee.

Russell Underwood, 2189 Everett Dowdy Road, Sanford, NC, stated that 1/35 recreation tax is not right; that it is unfair to young people; that recreation is not the same for everyone; and that folks in Harpers Crossroads and other communities have built their own recreation facilities when the need presented itself; and that these are tough enough economic times without requiring yet another tax.

Peter Theye, 1065 Boothe Hill Road, Chapel Hill, NC, stated that he thought the fee was a good idea;

that the kids of these young people are the ones using the recreation facilities anyway; that no one should be exempt from paying the fees: that he is very excited about the potential for this fee, as he feels it is very proactive.

Public Hearing Request for Proposal to Amend Ordinance Regulating Communication Towers:
Public hearing to receive public comments on a request for a proposal to amend various sections of An Ordinance Regulating Communication Towers in Chatham County, North Carolina

There was no one present who wished to make public comments.

Sketch Design Approval:

Sketch Design Approval of “Weaver Creek”: Consideration of a request by Landco Realty for sketch design approval of “Weaver Creek”, consisting of 11 lots, on approximately 31 acres, off SR #1907 (Lower Thrift Road), in Cape Fear Township

After some discussion, Commissioner Givens moved to table the matter until a later date.

Commissioner Pollard moved to support the Planning Board and Planning Department recommendation. The motion died for lack of a second.

After further discussion, Commissioner Atwater seconded the motion to table. The motion carried four (4) to one (1) with Commissioner Pollard dissenting.

David LeGrys, Planning Board member, stated that the Planning Board read and followed the ordinance, and that he feels if the Board has concerns, they need to start there with a change to the ordinance.

Chairman Phillips asked that this matter be returned to the Board at their next meeting.

Revision to Existing Conditional Use Permit for Colvard Farms Development Company:
Consideration of a request by Jeff N. Hunter on behalf of **Colvard Farms Development Company, LLC** for a revision to their existing Conditional Use Permit for a Planned Unit Cluster Development to allow a reduction to the side yard setback from 25 feet to 15 feet, consisting of 107 subdivision lots on 300 acres, off Highway #751, in Williams Township

As per the Planning Department and the Planning Board recommendation, Commissioner Givens moved, seconded by Commissioner Outz, that the request be approved as submitted. The motion carried five (5) to zero (0).

PUBLIC WORKS

Contract for Mowing Services for the 2002 Growing Season: Consideration of a request to approve a contract for mowing services for the 2002 growing season

Commissioner Givens moved, seconded by Commissioner Atwater, to award the service contracts, attached hereto and by reference made a part hereof, for mowing of County owned properties as follows:

1. Phil Marsh d/b/a G. G. Marsh for Waste Management Properties
2. Larry B. Ray d/b/a Chatham Hill’s Services for public building and water utility properties

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

Bid Award for Compactor Replacements: Consideration of a request to award bids for compactor replacement at four collection centers

Commissioner Givens moved, seconded by Commissioner Pollard, to award the bid for the new three-phase waste compactors with phase converter as well as the installation at Bonlee and Siler City to Waste Industries, Inc. Raleigh, NC and to award the bid for the new three-phase waste compactors as well as the installation at Cole Park and Pittsboro to Nu Life Environmental, Inc, Easley, SC. The motion carried five (5) to zero (0). The contracts are attached hereto and by reference made a part hereof.

Contract Award – 3M Booster Pump Station: Consideration of a contract award for 3M Booster Pump Station

Commissioner Outz moved, seconded by Commissioner Givens, to award a construction contract for the 3M Booster Pump Station to Charles Underwood & Associates in the amount of \$88,160.00, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Givens moved, seconded by Commissioner Pollard, to approve the Project Ordinance in the amount of \$1,300,000.00 with \$500,000.00 to come from the Community Development Block Grant transferred from the CDBG performance of \$650,000.00 and \$150,000.00 to be transferred from water capital reserve. The motion carried five (5) to zero (0).

BOARDS AND COMMITTEES

Recreation Advisory Board Appointment: Consideration of a request to appoint a member to the Recreation Advisory Board by Commissioner Givens

This item will be returned to the Board at a later date.

Human Relations Commission Appointments: Consideration of a request to appoint members to the Chatham County Human Relations Commission by Commissioners Phillips, Givens, and Atwater

Commissioner Phillips moved, seconded by Commissioner Givens, to appoint Sgt. Ray Barrios, 140 Long Acre Road, Siler City, NC, to the Human Relations Commission. The motion carried five (5) to zero (0).

This item will be returned to the Board at a later date.

Agriculture Advisory Board Appointment: Consideration of a request to appoint a member to the Agriculture Advisory Board to replace Harvey Harmon by Commissioner Phillips

This item will be returned to the Board at a later date.

JOCCA Board of Directors:

Chairman Phillips stated that he had received a resignation letter from Mr. Robert Eby from the Joint Orange Chatham Community Action (JOCCA) Board as a representative of the Chatham County Board of Commissioners. He stated that he had known Mr. Eby for a long time and that he had volunteered when JOCCA was at its absolute depths to come in and be its financial officer as a member of that board; that he

has done such a good job with the organization; that he would like for the Board of Commissioners to honor him with a resolution commending him for his work; that he has shepherded it, helped bring in good people, got SCORE involved and other people who helped them; that he was on the search committee that discovered Ms. Sanchez, one of the best executive directors in the southeast; that he really forced accountability on that organization in a great way. He identified a potential replacement for the JOCCA board whom he thinks would be a strong addition to the board.

Chairman Phillips read the recommendation letter in its entirety.

Chairman Phillips moved, seconded by Commissioner Givens, to appoint Frances Sherwin, 698 Fearington Post, Pittsboro, NC, to the Joint Orange Chatham Community Action (JOCCA) Board of Directors and to prepare a resolution in Mr. Eby's honor to be presented at the next Board of Commissioners' meeting. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

Expanding the Water Shed:

The County Manager reminded the Board that during the prior two to three month period, the Board had a public hearing on expanding the water shed; that the nutrient sensitivity of the lake has brought it back up in a more critical aspect; and that it is something that the Board expressed interest in further discussion at some point.

Land Use Plan:

The County Manager stated that the Board had talked about, at some point, the Land Use Plan making some assignments to folks for specific proposals to discuss parts of the plan; and that the Board should decide what should be fleshed out next to involve the Strategic Planning Committee, at which time the next steps will be charted and assignments will be made.

Chairman Phillips stated that he thought at least one half-hour of the next work session should be dedicated to the Land Use Plan; that they will come forward to discuss the parts of the plan that should be fleshed out next; that the Strategic Planning Committee should be involved; that their members should be invited to attend the meeting; and that the next steps should be charted and assignments of specific issues decided on which they should be working.

Commissioner Atwater expressed concern with regard to the proposed buffer ordinance representing every parcel of land in Chatham County.

Chairman Phillips explained that the proposed buffer ordinance does not affect every piece of land in the County; that it is a part of the County's development ordinance; that if the developer came before the Board to develop a piece of property, that he/she would have to impose buffers on streams in any development located within the water shed.

COMMISSIONERS' REPORTS

Road Names:

Commissioner Atwater asked that a particular road name be researched so that the proper authorities could be alerted as to its narrowness.

Jack Bennett Road:

Commissioner Atwater stated that on Jack Bennett Road, (the last curve before traveling into the straight stretch just prior to the Big Woods intersection), there are contradicting "Caution" and "Miles Per Hour" signs that need to be investigated.

Moncure Designation Sign:

Commissioner Pollard stated that there is no Moncure sign designation on US Highway #1, and that the Department of Transportation should be asked to erect one.

OPC Board Appointments:

Commissioner Pollard stated that she would like to have Hispanics appointed to the Orange-Person-Chatham Board (OPC); that the Board is going to need some help filling these positions; and that she believes staff has more interaction with them.

Mt. View Church Road:

Commissioner Pollard voiced concern with regard to the large number of cement trucks that have to use Mt. View Church Road traveling to 3M, and that she is concerned that the road has not been brought up to standards.

Impact Study on New Hospital:

Commissioner Atwater asked if the Chatham County Economic Development Corporation had been contacted with regard to the impact study on the overall physical economic impact on the County.

The County Manager stated that this had been done.

Sheriff's Candidates:

Chairman Phillips stated that a gathering of the Sheriffs candidates had been hosted in Pittsboro.

Multicultural Festival:

Chairman Phillips stated that he was very proud of the Multicultural Festival in Siler City held over the weekend; that when he went by in the afternoon, there were approximately four hundred people in attendance; that the music was fantastic; that a soccer game was played with a lot of spectators in attendance; that a lot of non-profits participating felt as though they did a good business; and that it was a good event.

Commissioner Givens stated that he, too, was pleased with the turnout; that it was good seeing people get together to talk and have a good time and that he was proud to have a part in it.

Wildlife:

Commissioner Outz asked about the deer population and inquired about a possible extension to the hunting season.

Budget:

Commissioner Outz stated that the Board needed to be making some adjustments to offset the 5.2 million dollar deficit.

Sign Ordinance:

Commissioner Outz asked for more information on signs and asked why the issue has become a regulatory issue when in past it has not been problem.

Commissioner Givens concurred, and noted that there are many different signs on the many roads in the County, and that this had not been an issue in previous years.

ADJOURNMENT

Commissioner Outz moved, seconded by Commissioner Givens, that there being no further business to come before the Board, the meeting be adjourned. The motion carried five (5) to zero, and the meeting was adjourned at 9:00 PM.

Gary Phillips, Chairman

ATTEST:

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