

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
SEPTEMBER 16, 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 September 16, 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; and Clerk to the Board, Sandra B. Sublett

The meeting was called to order by the Chairman at 7:02 PM.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Chairman invited everyone present to stand and recite the Pledge of Allegiance after which he delivered the invocation.

AGENDA

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

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

CONSENT AGENDA

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

The County Manager asked that Item #7, Consideration of a request to temporarily reduce the well permit application fee to \$60.00 for replacement wells drilled during extreme drought conditions be deferred until a later date; that Item #9, Consideration of a request to approve combining two .5 full-time employee Nutritionist II positions into 1.0 full-time employee Nutritionist II position for the Chatham County Health Department be deferred until a later date; and that Item #17, Consideration of a request by Chatham Development Corporation for subdivision final approval of “**Rosemont Subdivision, Phase II**”, be removed from the Consent Agenda and placed on the Regular Agenda as Item #26A.

Commissioner Givens moved, seconded by Commissioner Outz, to approve the Consent Agenda with the noted requests.

1. **Minutes:** Consideration of a request for approval of Board Minutes for meeting held September 03, 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. **Resolution Proclaiming Prostate Cancer Awareness Month:** Consideration of a request to approve a **Resolution #2002-34 Proclaiming September 2002 as Prostate Cancer Awareness Month**, attached hereto and by reference made a part hereof.

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

4. **Funds Acceptance for Temporary Animal Care Services:** Consideration of a request to accept funds in the amount of \$2,600.00 from Lee County for the continuance of temporary animal care, adoption, and euthanasia services through September 30, 2002 rendered by the Chatham County Animal Control Program

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

5. **Funds Acceptance for Family Outreach Services:** Consideration of a request to accept funds in the amount of \$550.00 from Evergreen United Methodist Church for the Family Outreach Services Division of the Chatham County Health Department

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

6. **Funds Acceptance to Support Asthma Coalition:** Consideration of a request to accept funds in the amount of \$400.00 from AstraZeneca Lecture Bureau to support the Chatham County Health Department's Asthma Coalition

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

- ~~7. **Temporary Reduction in Well Permit Application Fees:** Consideration of a request to temporarily reduce the well permit application fee to \$60.00 for replacement wells drilled during extreme drought conditions~~

This item was deferred until a later date.

8. **Bad Debt Write-Off for Health Department:** Consideration of a request to approve a bad debt write-off in the amount of \$9,857.23 for the period July 1, 2000 through June 30, 2001 for the Chatham County Health Department, attached hereto and by reference made a part hereof.

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

- ~~9. **Combining of Two Nutritionist Positions in Health Department:** Consideration of a request to approve combining two .5 full-time employee Nutritionist II positions into 1.0 full-time employee Nutritionist II position for the Chatham County Health Department~~

This item was deferred until a later date.

10. **Private Roads:** Consideration of a request from citizens for the naming of private roads in

Chatham County as follows:

- A. Carlton Mann Road
- B. Jones Farm Road
- C. Woods of McCoy Drive

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

11. **Fiscal Year Budget Amendments:** Consideration of a request to approve Fiscal Year 2002-2003 Budget Amendments, attached hereto and by reference made a part hereof.

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

12. **3M Project Ordinance Amendment:** Consideration of a request to approve 3M Project Ordinance Amendment, attached hereto and by reference made a part hereof.

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

13. **Subdivision Sketch Design Approval of "Heartland Grove Subdivision":** Consideration of a request by Red Horizon Partners for subdivision sketch design approval of **"Heartland Grove Subdivision"**, consisting of 36 lots on approximately 53 acres, off SR #1532, Baldwin Township

As per the Planning Department and Planning Board recommendation, sketch design approval of the plat was granted as submitted with the following recommendation:

1. Staff is to contact adjacent property owner Robert Edwards concerning abandonment of existing soil and gravel drive (current access to the Edwards property) and the creation of a new 30-foot wide perpetual easement off the proposed cul-de-sac for access to the Edwards property. It was the consensus of the Board that a family member (or representative of Mr. Edwards) be present and that Mr. Edwards have a clear understanding of the matter.

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

14. **Subdivision Preliminary Approval of "Heritage Pointe, Phase 1":** Consideration of a request by Chatham Development Corporation for subdivision preliminary approval of **"Heritage Pointe, Phase 1"**, consisting of 33 lots on approximately 166 acres, off Highway #64 East, New Hope Township

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

1. The developer continue to work with the Chatham County Historical Association to pursue the possible preservation of various building materials found in the historical structures on site.
2. Utility work not commence until the developer has received the water plan approval from the NC Division of Water Quality.

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

15. **Sketch, Preliminary, and Final Approval of "Creekstone":** Consideration of a request by Phil Johnson, Southern Cross Development, LLC, for sketch, preliminary, and final approval of "Creekstone", consisting of one (1) lot of 6.259 acres, off SR #1714, Hatley Road, New Hope Township

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

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

16. **Sketch, Preliminary, and Final Approval of "Bertis Moore":** Consideration of a request by Absolute Land Surveying on behalf of Bertis Moore for sketch, preliminary, and final approval of survey for "Bertis Moore", consisting of one (1) non-residential subdivision lot on 2.185 acres, off SR #2126, Elmer Moore Road, in Gulf Township

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

1. A perpetual septic easement is to be recorded in the Office of the Register of Deeds.

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

- ~~17. **Final Approval of "Rosemont Subdivision, Phase II":** Consideration of a request by Chatham Development Corporation for subdivision final approval of "Rosemont Subdivision, Phase II", consisting of 23 lots on approximately 136 acres, off SR #1731 (O'Kelly Church Road), in Williams Township~~

This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion.

INPUT SESSION

Bob Knight, 406 Chimney Rock Road, Sanford, NC, stated that he was seeking answers to questions that he had raised with regard to upgrading handicapped accesses. He stated that not only were there inaccessible County buildings, that there are restaurants in the County that a handicapped person could not get into even with help.

He also stated that he had heard accounts of different counties suing the State in order to get State-withheld monies; that he would like for the Chatham County Board of Commissioners to consider joining in the lawsuit since it requires a very small amount of money to get in on it so that Chatham County can get its share of the money without the Board having to raise taxes further at a later time.

The Chairman explained that staff had been involved in developing an inventory of County buildings; that an evaluation will be done as to how handicapped accessible the buildings are; that determinations as to requirement will be discussed at a future work session.

CHATHAM COUNTY VOLUNTEER RECOGNITION

Chatham County Volunteer Recognition Awards: Consideration of a request to recognize Chatham County volunteers for outstanding service

The Chairman read each volunteer's activities summary and the Vice Chair presented each recipient with a certificate of appreciation from the Board of Commissioners as follows:

Bill Bussey: Mr. Bussey, a Pittsboro resident, has devoted many hours to developing natural recreation areas and fitness opportunities for local residents through work with the Chatham County Trails Committee, Triangle Rails to Trails Conservancy, and Community Coalition for an Active Chatham. Most weekends he leads volunteers to clear new trails such as the Weaver Creek Trail near Jordan Lake, and he has skillfully facilitated planning with landowners and officials to make these projects successful.

Ottolie Condolff: Ms. Condolff, a Fearington resident, has served over 1500 hours to UNC Hospice over the past nine years. She has touched many lives in Chatham County by providing valuable, "behind the scenes" administrative support to their office which has allowed staff to provide more hours of direct support the agency's terminally ill clients and their families.

Marcia Espinola: Ms. Espinola provided more than 720 hours of volunteer service over a six-month period to the Hispanic Liaison office in Siler City. As an immigrant from Chile, Marcia understands the needs of Latino newcomers to our community. Marcia became an important part of the agency's team, assisting walk-in clients and telephone callers with information and helping with the agency's outreach with her work on the bilingual newsletter and at special events.

Don Hamm: Mr. Hamm, a Carolina Meadows resident, has coordinated Health Center volunteers who provide social and practical support to improve the quality of life for physically and mentally disabled residents of this community's nursing facility for more than ten years. His commitment to helping those with medical needs is also reflected in his work as a care team member for an individual with HIV/AIDS and as a volunteer providing transportation to neighbors as part of the Meadows Assistance Program.

Ed Holland: Mr. Holland, a Pittsboro resident, has served for fourteen years as the President of the Board of the Chatham PTA Thrift Shop, an organization that under his leadership has grown to include three retail shops that raise more than \$200,000 for Chatham Parent-Teacher Associations to benefit education. Ed is also a soccer coach who has volunteered for more than ten years in different official roles in the Chatham Soccer League including helping to start the first girls' soccer team in Chatham County.

Larry Honeywell: Mr. Honeywell has provided more than six years of volunteer leadership for Chatham Habitat for Humanity, including serving as Board President for three years. During this time the organization increased its house production capacity, expanded its staff, and developed an effective committee structure. Larry is also an active resident of the Governor's Club community and serves as its newsletter editor.

Robert Leopold: Mr. Leopold is a Fearington resident who has volunteered for more than six years to provide blind, elderly, and print impaired people with access to printed news and information. Each week he reads newspapers and other published information for the Triangle Reading Service, an agency based in Raleigh that broadcasts his recordings (including humorous comments) over a special radio signal throughout the Triangle.

Michael McCormick: Michael McCormick, a Pittsboro resident, has chosen to give generously of his time, artistic talents, love of learning and history, and compassionate outlook on life to improve the cultural, educational, religious, and general quality of life in our community for many years. Numerous local

organizations have benefited from Michael's enthusiasm and love of volunteer service, including:

- Chatham County Historical Society, Disabled American Veterans Post 91, St. Bartholomew's Episcopal Church, Chatham Animal Rescue and Education, Pittsboro Montessori School, Rocky River Festival, Chatham Arts Council, Council on Aging, Family Violence and Rape Crisis Services, Chatham Outreach Alliance Food Pantry, and CROPWALK.

Elizabeth McSwain: Ms. McSwain, a Siler City resident, volunteers ten hours each week to assist the Council on Aging administrative staff with clerical duties such as preparing information packets and mailings (she has folded thousands of brochures to date!). Her dedication, excellent organizational skills, and dependable service have helped the agency's staff to devote many more hours each week to meeting the needs of Chatham County's older adults.

Betty Ann Miller: Ms. Miller has provided much leadership over the years to help Friends of the Pittsboro Memorial Library organization support library services in Pittsboro. During her tenure as President she enlarged and diversified its membership and encouraged innovative educational, artistic, and fundraising programs. Betty has also volunteered with the Habitat for Humanity Home Store for five years, and is active in the Fearington community through the Fearington Cares, a volunteer medical assistance group, and the Homeowners Association.

James Schoonard: Mr. Schoonard, a Pittsboro resident, has served as a volunteer Mentor and Treasurer for Chatham County Together! for five years. Each week he devotes at least four hours to a one-on-one relationship with a young person, and to date he has touched the lives of three young men with positive support and encouragement. In addition, he has provided leadership to this agency's board in the areas of financial management and fundraising. James is also a long-time volunteer with Habitat for Humanity and Council on Aging.

Dr. David Stallard: Dr Stallard is a retired electrical engineer and Fearington resident who over the past five years has volunteered hundreds of "hands-on" hours to assisting the Habitat for Humanity to provide fourteen new homeowners and their families with affordable housing and improved quality of life. His exemplary volunteer service averages sixteen hours per week and includes many stages of the construction process such as planning and installing electrical systems, paperwork, and procuring materials.

Ray Stout: Mr. Stout, a Siler City resident and Optimist Club member, has devoted more than twelve years to coaching and supporting local sports for boys and girls. In addition to serving as a volunteer softball and basketball coach at Chatham Middle School, he serves as President of the recently organized Babe Ruth Softball League for girls and he helped start the AAU girl's basketball team.

Maebelle Thomas: Ms. Thomas, a Moncure resident, has volunteered for ten hours each week for more than five years at the Council on Aging. She assists in the kitchen and dining room and leads bingo games, always making special efforts to relate individually to each participant and accommodate special needs. Staff and clients greatly appreciate her warm smile and generous spirit.

Crystal Williams: Ms. Williams, a Siler City resident and single mother, has responded to the need to help many children in her community reach their academic and social potential by developing the St. Julia's Tutoring Ministry, an all-volunteer after-school and summer tutoring program. Services are free of charge and continue to be offered in downtown Siler City to preserve accessibility for the children and their parents who also participate in the program's educational resources. The families served by this program are culturally diverse and include many who speak primarily Spanish. It is noteworthy that Crystal herself is NOT

bilingual, yet she continues to successfully involve new students, parents, volunteers, and community supporters to this remarkable grassroots program. Her example reminds us all that through hard work, faith, and understanding we all have the potential to bridge social and economic differences in order to build a stronger community and future for all our children.

SHERIFF'S DEPARTMENT

Public Hearing:

Local Law Enforcement Block Grants Program: Public hearing to receive public comments on the Local Law Enforcement Block Grants Program

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

Commissioner Atwater moved, seconded by Commissioner Givens, to approve the application to apply for grant monies available through the Local Law Enforcement Block Grants Program. The motion carried five (5) to zero (0).

PLANNING AND ZONING

Public Hearings:

Revision of Light Industrial Conditional Use District with Conditional Use Permit: Public hearing to receive public comments on a request by Nathan Sheaffer for a revision of the Neon Impressions/EMJ America Light Industrial Conditional Use District with a Conditional Use Permit dated August 21, 1995 for assembly of machinery and goods from previously prepared parts and light manufacturing or processing not otherwise named on 6.78 acres on the east side of SR #1008 [Farrington Road] in New Hope Township to reduce the acreage to 5.7 acres

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

Revision of Conditional Use Permits: Public hearing to receive public comments on a request by Mary P. Hardin for revision of a Conditional Use Permit dated June 20, 1991 for four [4] daycare centers, in four [4] townhouse units, with a maximum of 19 children each and for a revision to the August 22, 1994 revised Conditional Use Permit for an expansion of the daycare in the four [4] existing units from 19 to 20 children and to allow after school care in four (4) additional units with a maximum of 20 children each with the condition that the loop road providing service to the center be blocked until it is improved to state standard – to decrease the number of children in each daycare unit and after school unit from 20 children to 15 children each and to decrease the playground space 25%. Located on the east side of Highway #15-501 North, in Williams Township

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

Proposed Amendments to Subdivision Regulations: Public hearing to receive public comments to consider proposed amendments to the Chatham County Subdivision Regulations Section 6.1B. Land Subject to Flood. This section is proposed to be amended to reference the most recent Flood Insurance Rate Maps (FIRM) dated July 16, 1991 prepared by the Federal Emergency Management Agency. The proposal is also to reference “best available data” to allow for the incorporation of more accurate data than the FIRM may provide.

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

Proposed Amendments to the Chatham County Flood Damage Prevention Ordinance: Public hearing to receive public comments to consider proposed amendments to the Chatham County Flood Damage Prevention Ordinance. Various sections are proposed to be revised to reference “best available data” to allow for the incorporation of more accurate data than the FIRM may provide. Article 5 Section D is proposed to be revised to clarify flood damage prevention standards for subdivisions.

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

Proposed Amendment to the Chatham County Zoning Ordinance Section 16.4 Appeal Procedure: Public hearing to receive public comments to consider proposed amendment to the Chatham County Zoning Ordinance Section 16.4 Appeal Procedure. This section is proposed to be revised to be in compliance with North Carolina General Statutes concerning appeals to the Zoning Board of Adjustment. The language will clarify that appeals are limited to be made by aggrieved parties.

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

Proposed Amendment to the Chatham County Educational Impact Fee Ordinance Section IV – Public School Impact Fee Exceptions: Public hearing to receive public comments to consider proposed amendment to the Chatham County Educational Impact Fee Ordinance Section IV- Public School Impact Fee Exceptions. The proposed amendment is to include as an exception to the impact fees temporary residential dwellings, specifically campers, motor homes and travel trailers.

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

Sketch Design Review:

Sketch Design Approval of "John W. Lee": Consideration of a request by John W. and Hattie Lee for sketch design review of survey for “**John W. Lee**”, consisting of four (4) lots on approximately 19 acres, off SR #1956, Oakland Township

Commissioner Pollard moved, seconded by Commissioner Outz, to accept the Planning Department and Planning Board recommendation and grant sketch design approval of the plat as shown with a total of four lots on the road as shown and allowing staff to approve the final plat through the minor subdivision procedure with the following condition:

1. No additional subdivision of lots may take place on this property for a period of 24 months from the date of approval of the plat.
2. That the Lees will provide a 30 foot access easement to the south across the Lee Property to the McGowan Property.

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

Final Approval of "Rosemont Subdivision, Phase II": Consideration of a request by Chatham Development Corporation for subdivision final approval of “**Rosemont Subdivision, Phase II**”, consisting of 23 lots on approximately 136 acres, off SR #1731 (O’Kelly Church Road), in Williams Township

Commissioner Atwater moved, seconded by Commissioner Givens, to accept the Planning Department and Planning Board recommendation and grant final approval of the plat as submitted.

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

PUBLIC WORKS

Replacement Compactor and New Pre-Crusher for Collection Centers: Consideration of a request to award the bid for the purchase and installation of a replacement compactor at the Martha's Chapel Collection Center and a new pre-crusher at the Pittsboro Collection Center

Commissioner Atwater moved, seconded by Commissioner Pollard, to award the bids for one new three-phase waste compactor with phase converter in the amount of \$12,604.00, as well as the installation, and one new three-phase waste pre-crusher in the amount of \$47,402.00, as well as installation, to Waste Industries, Inc. The motion carried five (5) to zero (0). The bid tabulation is attached hereto and by reference made a part hereof.

BOARDS AND COMMITTEES

Agriculture Advisory Board Appointment: Consideration of a request to appoint a member to the Agriculture Advisory Board by Chairman Phillips

This item was deferred until a later date.

Planning Board: Consideration of a request to appoint a member to the Chatham County Planning Board by Commissioner Atwater

This item was deferred until a later date.

Water Advisory Committee:

After some prior confusion with regard to appointments, Chairman Phillips moved, seconded by Commissioner Givens, to appoint John Grimes to the Chatham County Water Advisory Committee. The motion carried five (5) to zero (0).

Appearance Commission Reappointments: Consideration of a request to reappoint members to the Chatham County Appearance Commission

Commissioner Givens moved, seconded by Commissioner Pollard, to reappoint the following members to the Chatham County Appearance Commission:

Ms. Dot Basnight, 2673 Lamont Norwood Road, Pittsboro, NC
Mr. Jimmy Lee, 1878 NC Highway #42, Moncure, NC
Mr. Kurt Lent, PO Box 923, Pittsboro, NC
Ms. Sue Schwartz, 312 Shady Grove, Pittsboro, NC
Mr. Martin Spritzer, 5956 Fearrington Post, NC
Ms. Barbara Thomason, 368 White Oak Trail, Chapel Hill, NC

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

BOARD OF COMMISSIONERS' MATTERS

Request to Administer Various Land Use Regulations: Consideration of a request to enter into a Memorandum of Understanding with the Town of Pittsboro and the Town of Siler City to administer various Land Use regulations within their ETJ

Commissioner Atwater moved, seconded by Commissioner Outz, to authorize the chairman to sign a Memorandum of Understanding (MOU) with the town clarifying the administration of various land use regulations and to preview the MOU before final execution. The motion carried five (5) to zero (0). The Memorandum of Understanding is attached hereto and by reference made a part hereof.

Achievement for Excellence in Financial Reporting: Presentation of Certificate of Achievement for Excellence in Financial Reporting

The Chairman presented the Finance Officer the Certificate of Achievement for Excellence in Financial Reporting and expressed appreciation on behalf of the Board for a job well done.

Resolution Authorizing the Filing of an Application for Loan Funds for Water Extension Projects: Consideration of a request to approve **Resolution Authorizing the Filing of an Application for Loan Funds for Water Extension Projects**

Commissioner Givens moved, seconded by Commissioner Atwater, to approve **Resolution #2002-35 Authorizing the Filing of an Application for Loan Funds for Water Extension Projects**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

The County Manager reported on the following:

Deputy Finance Officer Appointment:

For audit purposes, Commissioner Givens moved, seconded by Commissioner Outz to appoint the Sheriff as the Deputy Finance Officer. The motion carried five (5) to zero (0).

COMMISSIONERS' REPORTS

Updated Water Lines Map:

Commissioner Outz asked to receive an updated map of County water lines.

The County Manager stated that they would be forthcoming on Friday.

ADJOURNMENT

Commissioner Givens moved, seconded by Commissioner Pollard, 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 8:00 PM.

Gary Phillips, Chairman

ATTEST:

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