

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
JULY 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 July 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 7:12 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 other than Item #23, Consideration of a request to divide one currently funded full-time Environmental Health Specialist Position into two 50% part-time positions, Item #24, Consideration of a request to approve the hiring of a Public Health Nurse II above the mid-point range to be negotiated between \$48,000 and \$49,000 to fill the crucial position of Communicable Disease Nurse, and Item #34, Consideration of a request for Homeless Education Funding in the amount of \$15,000.

Commissioner Outz asked that consideration be given to opening the regular Board of Commissioners' meetings with a prayer and the Pledge of Allegiance and that it be placed on the Agenda for discussion as Item #13A.

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

1. **Minutes:** Consideration of a request for approval of Board Minutes for meetings held June 17, 2002 and Work Session held June 17, 2002

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

2. **Resolution Honoring the Service of Joe Burke:** Consideration of a request to approve **Resolution #2002-27 of Appreciation to Joe Wesley Burke for Service to Chatham County**, attached hereto and by reference made a part hereof.

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

3. **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).

4. **Sketch, Preliminary, and Final Approval of "Subdivision of Sylvia Burgess Property":** Consideration of a request by Sylvia Burgess for sketch, preliminary and final approval of **"Subdivision of Sylvia Burgess Property"**, consisting of 3 lots on approximately 23 acres, off SR #1751 (Burgess Road), in New Hope Township

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

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

5. **Preliminary Approval of "Weaver Creek":** Consideration of a request by Larry Kingsley on behalf of Landco Realty for preliminary design approval of **"Weaver Creek"**, consisting of 11 lots on approximately 31 acres off SR #1907 (Lower Thrift Road), in Cape Fear Township

As per the Planning Department and Planning Board recommendation, preliminary approval of the plat and approval of the road name "Weaver Trail" was granted as submitted with the following condition:

1. Language in Note 8 on the final plat shall read, "This property is adjacent to property owned by the US Army Corps of Engineers. Adjacent land uses such as hunting, controlled burns, and timber management are allowed and may occur on the Corps owned lands."

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

6. **Final Approval of "Weiland Woods":** Consideration of a request by Don McCarl for subdivision final approval of **"Weiland Woods"**, consisting of 10 lots on approximately 21 acres, off SR #1700 (Mt. Gilead Road), in New Hope Township

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

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

7. **Private Roads:** Consideration of a request from citizens for the naming of private roads in Chatham County as follows:

- | | | | |
|----|--------------------|----|---------------|
| A. | Big Dusty | D. | Rabbit Trail |
| B. | Creekstone Drive | E. | Rainbow Drive |
| C. | Old Homestead Road | | |

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

8. **Set a Public Hearing to Name State Maintained Road:** Consideration of a request to set August 5, 2002 as the date on which to hold a public hearing to receive public comments on the naming of one (1) State-maintained road (1943 Foxfire Trace) in Chatham County

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

9. **Funds Acceptance From NC Children's Trust Fund:** Consideration of a request to accept funds in the amount of \$15,000 from the North Carolina Children's Trust Fund for the Chatham County Health Department to implement a Family Skills Course for Chatham County families

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

10. **Funds Acceptance from NC Department of Environment and Natural Resources (NCDENR):** Consideration of a request to accept funds in the amount of \$250.00 from the NC Department of Environment and Natural Resources (NCDENR) for Childhood Lead Poisoning Prevention

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

11. **Refund for Overpayment of State Tax Stamps:** Consideration of a request to refund \$290.00 to the Bayliss, Hudson & Merritt Trust Account from an overpayment of State Tax Stamps in a real estate transaction on February 25, 2002

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

12. **Appointment of Active ETJ Member to the Town of Siler City's Planning Board/Board of Adjustment:** Consideration of a request to appoint Larry Mendenhall to serve as an active ETJ member of the Town of Siler City's Planning Board/Board of Adjustment

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

13. **Water Advisory Committee By-Laws:** Consideration of a request to approve the Chatham County Water Advisory Committee By-Laws, attached hereto and by reference made a part hereof.

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Bob Knight, Highway 87 South, Sanford, NC, stated that he was present to make the Board more aware of the needs of the disabled; that the longer it takes to get things done, the greater the needs become; that all County buildings must come into compliance with the Americans with Disabilities Act (ADA) regulations; that the disabled are numerous in Chatham County; and that all types of disabilities, both temporary and permanent, need to be taken into consideration. He further stated that County buildings should

have push buttons and come into compliance with fire codes; that there are not proper entrances at County buildings; that the libraries do not have wheelchair accessible bathrooms; and that the Post Office in Siler City is not accessible.

Chairman Phillips read a letter that had been submitted by Anita Pritchard with regard to her concern for people who need special attention when it comes to entering a place of business.

Barry Souders, 221 Chariot Road, Sanford, NC, stated that he is present on behalf of the DAV; that Bob Knight served in Vietnam and was shot down twice; and that he too served in Korea and Vietnam. He talked about treating people as one would like to be treated and stated that people don't think about the difficulty in getting places until it affects someone in their family. He further stated that the ADA was passed in 1990; that "public entity" includes local government; that the Act prohibits discrimination for qualified individuals; and that the Board would be making decisions for numerous people in the County.

Bunkey Morgan, 2134 Silk Hope Lindley Mill Road, stated that he was at the meeting to ask for help for Apex Nursery, one of the County's oldest businesses; that the company had been in business for over 80 years; that they contribute greatly to the economy; and that they have over \$5 million in inventory on the ground. He further stated in order to ensure that they will have future existence, they need water from the County; that in the past, the Board has permitted companies to access water; that he is asking for a reduced fee and allocation to help save this company; that he was asking the County to give Apex Nursery ten million gallons; and that they need help from the County for this one-time usage.

After considerable discussion, the Board asked the County Attorney to research the matter and to look for some delineation with regard to the Apex Nursery/Copeland request and direct staff to meet with the owners of the business.

Commissioner Givens moved, seconded by Commissioner Outz, to approve the one-time allocation and transfer of raw water up to ten million gallons to go forward with a provision that it is done at a reduced rate, if the Attorney finds that the Board has the legal right to do so, and if not, it may be purchased at the standing rate. The motion carried five (5) to zero (0).

BOARD OF COMMISSIONERS MATTERS

Resolution Honoring Joe Burke:

The Chairman read the Resolution of Appreciation to Joe Wesley Burke for Service to Chatham County.

Mr. Burke thanked those who had a part in the resolution stating that they had showed much more confidence in him than he had in himself; that he appreciates it from the bottom of his heart; that words cannot convey the appreciation that he holds; that he loves Chatham County and the school system; and most of all, he loves America.

Prayer and Pledge of Allegiance:

Commissioner Outz moved, seconded by Commissioner Givens, to have a prayer and recitation of the "Pledge of Allegiance" prior to each regularly scheduled Board of Commissioners' meeting.

Commissioner Pollard stated that she is convinced of the value of prayer, but that she feels that prayers need to be inclusive if they are going to be done in public; that Chatham County has very diverse

citizenry; that the Board needs to be very sensitive; that while everyone wants to unify, religion can easily move into prayers; that the need to be cognizant and aware of the diversity is the least that people have a right to; and that she would like to see a way to have prayer researched in such a way that they do not offend anyone.

Commissioner Outz stated that he was thinking about the majority, rather than the minority, and he felt that the majority would be in favor of it.

Commissioner Atwater stated that it is appropriate to consider the gravity of the decision making and seek the guidance of the Almighty; that he feels that Commissioner Pollard has a good point that it would be wise and appropriate to be sensitive to other folks; and that that being so, he would support it.

The County Manager stated that about five years ago, the sitting Board at that time, talked about how a prayer would work; that they left the discussion in that there was the possibility to get at the diversity of the community by asking ministers from different faiths at each meeting to be the guest to say the prayer, i.e. Baptist, Catholic, Buddhist, Jewish, or whomever; and that it might be something that the Board wishes to consider.

Chairman Phillips stated that he felt the same as Commissioner Pollard; that he felt that it was a great way to start a meeting; that he wanted to be certain that it was absolutely inclusive; that it not be used as a way to divide people but as a way to bring people together; and that it be used as a way to solicit different kinds of wisdom from the community to come into the process.

Commissioner Givens stated that no one has to be offended; that if they are, they can step outside until the prayer is over; that there is diversity within the County; and that it is a wonderful idea to have ministers come.

Commissioner Atwater called the question.

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

Public Hearing:

Third One-Half Cent Local Government Sales and Use Tax: Public hearing to receive public comments on the adoption of the third one-half cent local government sales and use tax and prescribing the method of distribution of the proceeds within Chatham County

The County Manager explained that the idea behind the one-half cent sales tax was to replace funds that the State is now consolidated as part of its revenue stream to help its own budget process; that loss to Chatham County and to other cities and counties in the State involves repeal of the sales tax on purchase of food stamps, repeal of the property tax imposed on inventories held by manufacturers, retailers, wholesalers, and to repeal tax on intangibles personal property to reduce the taxes levied on residential property owned by low-income elderly taxpayers; that it amounts to approximately \$1.7 million for Chatham County; that if the Board adopts the one-half cent sales tax, it would amount to \$1.5 million, assuming that the economy does not take a turn for worse than it is now; that money will be used for the loss experienced by the State confiscating traditional local government revenue; and that it is a foregone conclusion at this point, that the money will not be coming back to local governments.

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

PLANNING AND ZONING

Public Hearings:

The Chairman administered the oath to those in attendance who wished to make public comments.

Proposed Revision to the Chatham County Water Supply Watershed & Protection Map for Charles R. Underwood: Public hearing to receive public comments on a request by Charles R. Underwood, Inc. for a proposed revision to the Chatham County Water Supply Watershed Protection Map to change the current watershed area from a River Corridor [RC] to a River Corridor Special Area [RCSA], on approximately 13 acres, off SR #2145 [Everett Dowdy Road], in Oakland Township

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

Light Industrial Conditional Use District with Light Industrial Conditional Use Permit for Charles R. Underwood: Public hearing to receive public comments on a request by Charles R. Underwood, Inc. for a Light Industrial Conditional Use District with a Light Industrial Conditional Use Permit for repair and servicing of industrial equipment machinery (except railroad equipment), assembly of machines, appliances and goods from previously prepared parts, automobile repair garages, contractor's plants or storage yards, feed and seed wholesale, florists, greenhouses, cultivation facilities and warehousing for wholesale and related retail sales, light manufacturing or processing not otherwise named herein provided no operations are carried on, or are likely to be carried on, which will create smoke, fumes, noise, odor or dust which will be detrimental to the health, safety or general welfare of the community, machine shops, mini-warehouses storage facility, plumbing shop and yard, sheet metal shops, storage warehouses and yards, on approximately 13 acres, off SR #2145 [Everett Dowdy Road], in Oakland Township

Tony Tucker, Chatham County Economic Development Director, asked the Board to look favorably on this request stating that the company is well-liked and respected in the community; that they will be good stewards of the land; and that employment is needed in that area and that they are providing valuable employment. He further stated that some of their operations have had to move to Lee County; that they are a valuable industry in themselves; that they are very well respected in their field; and that the EDC Board supports this petition and asks for the Board of Commissioners support.

Michael Koonce, PO Box 1537, Pittsboro, NC, stated that he is a member of the engineering firm that helped the Charles R. Underwood, Inc. with the application; that they have been in business since 1964; that they have done an excess of \$4 million in sales; that it would provide a valuable public service; that they contribute to the tax base without requiring some of the most expensive services; that they have 25 employees now but will have 40 or more if they expand; that they are an existing business and the expanded business will be more visually appealing; and that they are not proposing to develop the entire site and there will still be a significant buffer on the rivers edge.

Russell Underwood, 2369 Everette Dowdy Road, Sanford, NC, stated that he would like to thank the Board and the Planning Board for their help; and that he would like to thank friends, family and community members. He stated that they do not want to disrupt the neighborhood but want to serve the community and environment better.

Eric Oldham, 1341 Bernard Purvis Road, Bennett, NC, stated that he was speaking on behalf of the employees of Charles R. Underwood; that he was born and raised here; that he decided on Charles R. Underwood because of stability; that they do their best to help the environment in North Carolina and Virginia; that he works with people that are from the community and have been there for years; that the

employees have a vested interest in Chatham County; and that he asks that the Board have the best interests of the community at heart by approving this request.

Business Conditional Use District with a Conditional Use Permit for Mitch Gardens: Public hearing to receive public comments on a request by Jack Michenfelder on behalf of Mitch Gardens for a B-1 Business Conditional Use District with a Conditional Use Permit for a landscape business, specifically for the growing, displaying and retail & wholesale sales of plants and other garden center / landscaping supply items and specialized horticulture, on approximately 4 acres, off SR #1008 [Beaver Creek Road], in New Hope Township

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

Conditional Use Permit for Privately Owned Campground for Frank Kent Dickens: Public hearing to receive public comments on a request by Frank Kent Dickens for a RA-40 Conditional Use Permit for a privately owned campground, specifically for campers, travel trailers and recreational vehicles / motor homes, on approximately 4 acres, off SR #1916 [Corinth Road], in Cape Fear Township

Allen Barbour, 244 NC Highway #751, Apex, NC, stated that he owns property across from Mr. Dickens; that he thinks it will be a valuable asset to the community; and that Mr. Dickens keeps a nice clean farm and he feels certain he will do the same with this business.

Business Conditional Use District with a Conditional Use Permit for Tommy and Marsha Massey: Public hearing to receive public comments on a request by Cynthia Sax Perry on behalf of Tommy and Marsha Massey for a B-1 Business Conditional Use District with a Conditional Use Permit for a landscaping business, specifically for landscaping and nursery, maintenance and distribution center with associated storage yards for equipment and supplies, on approximately 13-1/2 acres, off S.R.1011 [Old #1], in Cape Fear Township

Cindy Perry, 179 Hillsboro Street, Pittsboro, NC, stated that she represents Tommy and Marsha Massey; that the property is already zoned for a rock crushing operation that never came to fruition; that this would be a down-zoning and the map has changed slightly; that this proposal is for a distribution center for the landscaping operation; that on-site there will be few employees throughout the day but will be pickups in the morning and drop-offs in the afternoon; and that this proposal will bring an increase in the tax base in the way of buildings and machinery.

Jean Rush, 7053 Old US Highway #1, New Hill, NC, stated that she owns the property adjoining the proposal; that she hoped that these folks will do a better job with regards to sewer and chemical run-off; and that she has had problems with the previous owners but hopes to have no problems with the new operation.

Revision to Existing Conditional Use Permit for Cole Park Plaza: Public hearing to receive public comments on a request by Glenwood Triangle Company, LLC for a revision to the existing Conditional Use Permit for Cole Park Plaza for a school, [public or private], to allow one (1) mobile school unit, off Highway #15-501 north, in Williams Township

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

PLANNING AND ZONING

Conditional Use District with Conditional Use Permit for Mount Olive Baptist Church: Consideration of a request by Fred D. Webb, Attorney, on behalf of Mount Olive Baptist Church, for an O &

I Conditional Use District with a Conditional Use Permit for churches and other places of worship, on approximately one acre, off SR #1011 in Haw River Township

As per the Planning Department and Planning Board recommendation, Commissioner Atwater moved, seconded by Commissioner Pollard, to approve the request as submitted with the following condition:

1. Prior to issuance of a building permit, there shall be recorded in the office of the Chatham County Register of Deeds, an easement document for remote parking.

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

Set a Date for Telecommunication Towers Plan Public Hearing: Consideration of a request to set a date in October on which to hold a public hearing on the Chatham County 2002 Telecommunication Towers Plan

Commissioner Pollard moved, seconded by Chairman Phillips, to set October 21, 2002 as the date on which to hold a public hearing on the Chatham County 2002 Telecommunication Towers Plan. The motion carried five (5) to zero (0).

HEALTH DEPARTMENT

Division of Full Time Position Into Two Part Time Positions: Consideration of a request to divide one currently funded full-time Environmental Health Specialist Position into two 50% part-time positions

This item was approved during the afternoon Board of Commissioners' Work Session.

Hiring of Public Health Nurse II Above Mid-Point Range: Consideration of a request to approve the hiring of a Public Health Nurse II above the mid-point range to be negotiated between \$48,000 and \$49,000 to fill the crucial position of communicable disease nurse

This item was approved during the afternoon Board of Commissioners' Work Session.

PUBLIC WORKS

"No Boats Zone" at Cary/Apex Intake: Consideration of a request to establish a "No Boats Zone" at Cary/Apex Intake

Commissioner Givens moved, seconded by Commissioner Outz, to approve **Resolution #2002-28 Proclaiming "No Boats Zone"**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Cary/Apex Water Intake Agreement Amendment: Consideration of a request to approve Amendment #1 to Cary/Apex Water Intake Agreement

Commissioner Atwater moved, seconded by Commissioner Pollard, to approve Amendment No. 1 to Water Intake Service Agreement and authorize the Chairman to execute same, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Norwood Road Water Main Extension Project: Consideration of a request to approve informal bid award and authorize the Norwood Road Water Main Extension Project

Commissioner Givens moved, seconded by Commissioner Outz, to approve the informal bid award for the Norwood Road Water Main Extension Project and authorize the project subject to review by the Water Committee, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

FINANCE OFFICE

Rollover Budget Amendments: Consideration of a request to approve rollover budget amendments

Commissioner Givens moved, seconded by Commissioner Atwater, to approve the budget amendments and amended project ordinances as proposed by the staff, attached hereto and by reference made a part hereof. 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

Commissioner Givens moved, seconded by Commissioner Outz, to appoint Kelly Marshall, 232 South Third Avenue, Siler City, NC, to the Chatham County Recreation Advisory Board. The motion carried five (5) to zero (0).

Commissioner Pollard moved, seconded by Commissioner Givens, to appoint Al Craven, 2832 Airport Road, Siler City, NC, to the Chatham County Recreation Advisory Board. The motion carried five (5) to zero (0). This appointment is pending clarification of the Recreation Advisory Board Bylaws.

Economic Development Commission Appointment: Consideration of a request to appoint a member to the Economic Development Corporation

Commissioner Givens moved, seconded by Commissioner Outz, to reappoint Jerry Harris, 119 North Fir Avenue, Siler City, NC, to the Economic Development Commission. The motion carried five (5) to zero (0).

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

This item was deferred until August 5, 2002 Board of Commissioners' meeting.

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 August 5, 2002 Board of Commissioners' meeting.

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

Commissioner Outz moved, seconded by Commissioner Givens, to appoint Jeff Austin, 200 Lockwood Drive, Pittsboro, NC, to the Chatham County Planning Board. The motion carried five (5) to zero (0).

Commissioner Atwater's appointment was deferred until August 5, 2002 Board of Commissioners' meeting.

BOARD OF COMMISSIONERS' MATTERS

NCACC Conference Voting Delegate: Consideration of a request to select a North Carolina Association of County Commissioners' Conference Voting Delegate

Commissioner Atwater moved, seconded by Commissioner Givens, to appoint Commissioner Outz as the Voting Delegate to the 95th Annual Conference of the North Carolina Association of County Commissioners to be held in Forsyth County, North Carolina on August 22-25, 2002. The motion carried five (5) to zero (0).

Homeless Education Funding Request: Consideration of a request for Homeless Education Funding in the amount of \$15,000 from Mary B. Harris, Homeless Project Director

This item was approved during the afternoon Board of Commissioners' Work Session.

MANAGER' S REPORTS

The County Manager reported on the following:

Mental Health Reform/Public Input Process:

The Mental Health Reform Public Input process is beginning to take shape. The current schedule includes a public forum to receive public feedback about mental health reform on September 9, 2002 to be held at Central Carolina Community College, Multi-purpose Room, at 7:00 PM. A general presentation will be made with regard to reform efforts after which the group will break into smaller segments to receive input from the public about the various issues. From this, they hope to have a proposal on which the Board can vote in November.

Orange Chatham Justice Partnership Annual Forum:

The Orange Chatham Justice Partnership Annual Forum will be held on July 24, 2002 to be held at the Friday Center in Chapel Hill, from 4:00 – 6:00 PM.

COMMISSIONERS' REPORTS

Fiesta Latina:

Chairman Phillips stated that the Fiesta Latina held at Bray Park in Siler City on Saturday was a huge success; that the event was sponsored by the Chatham County's Arts Council and over forty local businesses; that the funds raised during the event will benefit the programs and services of the Hispanic Liaison; that plans are to use the funds raised to hire a community financial counselor, fund a radio talk show program, and help relocate the center's office from its current location on East Second Street in Siler City; that entertainment included live music, food, kids' games, soccer/volleyball tournaments, and various speakers including North Carolina Representative Joe Hackney and United States Representative Bob Etheridge.

Strategic Planning Committee:

Commissioner Outz stated that he would like to see two or three farmers on the Strategic Planning Committee.

Noise Ordinance:

Commissioner Givens stated that he felt that the Board needed to move forward on the Noise Ordinance.

After considerable discussion, Chief Deputy, Randy Keck, stated that he felt that the problem was arising from the bass, not the music; that if the word "continuous" was removed from the segment stating that in order for there to be a violation, there must be seventy continuous decibels, it would give law enforcement the authority to enforce the ordinance.

Refunds of County Taxes:

Commissioner Givens voiced concern with regard to the prompt refunds of taxes to County taxpayers.

ADJOURNMENT

Commissioner Givens moved, seconded by Commissioner Outz, 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 9:07 PM.

Gary Phillips, Chairman

ATTEST:

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