

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
APRIL 07, 2003

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 9:00 AM on April 07, 2003.

Present: Chairman Tommy Emerson; Vice Chair Carl Outz; Commissioners Margaret Pollard, Bob Atwater, and Bunkey Morgan; 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 9:00 AM.

PLEDGE OF ALLEGIANCE AND INVOCATION

Commissioner Atwater delivered the invocation after which Chairman Emerson invited everyone present to recite the Pledge of Allegiance.

AGENDA

Commissioner Pollard moved, seconded by Commissioner Atwater, 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.

Chairman Emerson asked that the Minutes of the March 17, 2003 Agenda be removed from the Consent Agenda and placed on the Regular Agenda for discussion. He also asked that Item #9, Subdivision Sketch and Preliminary Approval of "Major Subdivision, Phase 2, Map for Joseph Lon Griffin" be removed from the Consent Agenda and placed on the Regular Agenda for discussion as Item #16A.

Commissioner Outz asked that Item #8, Site Plan Approval for "North Chatham Park", be removed from the Consent Agenda and placed on the Regular Agenda for discussion.

Commissioner Morgan asked that the February 25, 2003 Minutes be removed from the Consent Agenda and placed on the Regular Agenda for discussion.

Commissioner Morgan moved, seconded by Commissioner Pollard, to approve the Consent Agenda with the noted requests.

1. **Minutes:** Consideration of a request for approval of Board Minutes for meeting held Work Sessions held ~~February 25, 2003~~ and March 10, 2003 and Regular Meeting held ~~March 17,~~

2003

The Minutes of the February 25, 2003 Work Session and March 17, 2003 Regular Meeting were removed from the Consent Agenda and placed on the Regular Agenda for discussion.

The March 10, 2003 Regular Meeting Minutes were unanimously approved by a vote of five (5) to zero (0) on the Consent Agenda.

2. **Road Names:** Consideration of a request to approve a request from citizens for the naming of private roads in Chatham County as follows:

- | | | | |
|----|-------------------------|----|-------------------------|
| A. | Gate Way | C. | Rising Ridge |
| B. | Hoover Hill Lane | D. | Sunny Ridge Lane |

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

3. **Resolution Proclaiming Child Abuse Prevention Month:** Consideration of a request to approve **Resolution #2003-04 Proclaiming April 2003 as Child Abuse Prevention Month**, attached hereto and by reference made a part hereof.

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

4. **Sister 2 Sister Transportation Contract:** Consideration of a request to approve contract with Sister 2 Sister to provide transportation for Medicaid/Workfirst clients, attached hereto and by reference made a part hereof.

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

5. **Home and Community Care Block Grant Committee Appointments:** Consideration of a request to appoint members to the Home and Community Care Block Grant Committee, list attached hereto and by reference made a part hereof.

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

6. **Upgrade Information Systems Computer Hardware:** Consideration of a request to upgrade Information Systems computer hardware for IBM AS/400, contract attached hereto and by reference made a part hereof.

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

7. **Preliminary Approval of "Heartland Grove Subdivision":** Consideration of a request by Timberlyne Holdings, LLC on behalf of Elwood Fearington for preliminary approval of **"Heartland Grove Subdivision"**, consisting of 34 lots on approximately 53 acres, off SR #1532, Baldwin Township

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

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

8. ~~**Site Plan Approval for "North Chatham Park":** Consideration of a request by ISPAR, LLC for site plan approval for "North Chatham Park, Lot #3"~~

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

9. **Subdivision Sketch and Preliminary Approval of "Major Subdivision, Phase 2, Map for Joseph Lon Griffin":** Consideration of a request by Joseph Lon Griffin for subdivision sketch and preliminary approval of "Major Subdivision, Phase 2, Map for Joseph Lon Griffin", consisting of 2 lots, Lots 5 and 6, on approximately 11 acres, off SR #2215, Minow Johnson Road, in Oakland Township

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Paul McCoy, 3557 Pea Ridge Road, New Hill, NC, voiced concern with regard to the recreation fee implemented on the citizens of the County. He stated that he thought that the fee was illegal; that he thinks it is wrong; that it will reap a lawsuit; and that he hopes the issue will be revisited. He stated that the implemented fee will garner over a half million dollars in the current year which will go toward recreation; that he feels the main issue should be water and water lines; that this is one of the most serious things that he has seen done in the County in a long time; that recreation needs to be analyzed and priorities set; and that he would like to be a part of a committee deciding whether the recreation fee is legal.

MINUTES

February 25, 2003:

Commissioner Morgan asked to be excused from voting on the minutes of the February 25, 2003 meeting due to his absence from that meeting.

Commissioner Pollard moved, seconded by Commissioner Outz, to excuse Commissioner Morgan from voting on the minutes of the February 25, 2003 Board of Commissioners' meeting.

Commissioner Outz moved, seconded by Commissioner Pollard, to approve the minutes of the February 25, 2003 Board of Commissioners' meeting. The motion carried four (4) to zero (0).

March 17, 2003:

Commissioner Atwater asked to be excused from voting on the minutes of the March 17, 2003 meeting due to his absence from that meeting.

Commissioner Outz moved, seconded by Commissioner Pollard, to excuse Commissioner Atwater from voting on the minutes of the March 17, 2003 Board of Commissioners' meeting.

Commissioner Pollard asked that the motion with regard to the American Tobacco Trail be clarified as follows:

March 17, 2003 American Tobacco Trail Original Motion:

After further discussion, Commissioner Pollard moved, seconded by Commissioner Outz, to adopt **Resolution #2003-03 for the North Carolina Department of Transportation and the County of Chatham to Enter into a Lease Agreement for Interim Use of an Inactive Railroad Corridor in Chatham County (American Tobacco Trail)** that the lease be approved to include the contingency that it will not obligate the County in any financial way and that the County will not pursue any grants that require matching funds. The motion carried four (4) to zero (0). The resolution is attached hereto and by reference made a part hereof.

March 17, 2003 American Tobacco Trail Motion Clarification:

Commissioner Outz, seconded by Commissioner Pollard, to reword the motion as follows:

After further discussion, Commissioner Pollard moved, seconded by Commissioner Outz, to adopt **Resolution #2003-03 for the North Carolina Department of Transportation and the County of Chatham to Enter into a Lease Agreement for Interim Use of an Inactive Railroad Corridor in Chatham County (American Tobacco Trail)** that the lease be approved to include the contingency that it will not obligate matching funds from the County that require matches from sources other than the County **but would not deter staff from seeking funding/grants**. The motion carried four (4) to zero (0).

Commissioner Outz moved, seconded by Commissioner Pollard, to approve the March 17, 2003 Board of Commissioners' meeting minutes as clarified in the above motion. The motion carried four (4) to zero (0).

CHATHAM TRANSIT***Public Hearing:***

FY 2003-2004 Rural Operating Assistance Program: Public hearing to receive public comments on the Chatham Transit Network Organization

Helen Stovall, Executive Director of Chatham Transit, stated that the North Carolina Department of Transportation Public Transportation Division (NCDOT/PTD) has combined their three operating assistance programs into one application process; that these three programs are Rural General Public (RGP), Elderly and Disabled Transportation Assistance Program (EDTAP), and the Work First Transitional/Employment Transportation Assistance program; that EDTAP funds are used to provide additional transportation services for the elderly and disabled, exceeding the quantity of trips provided prior to receipt of the funds; that the Work First Transitional/Employment Transportation Assistance program supports transitional transportation needs of Work First participants after eligibility for cash assistance has concluded and other general employment transportation needs; and that Rural General Public funds must be used in a manner consistent with the local General Public Service Plan already approved and on file with NCDOT/PTD.

She further stated that county governments are the only eligible applicants for these funds; that it is the responsibility of the County Commissioners to sub-allocate and distribute the funds to local agencies; that NCDOT/PTD has allocated \$31,465 in Rural General Public (RGP) funds to Chatham County for FY 2003-2004; that RGP funds can only be allocated to the local Community Transportation System which, in Chatham County, is Chatham Transit Network (CTN); that these funds require a local match which is provided to CTN by United Way of Chatham County; that Work First Transitional/Employment funds can

only be allocated to the Community Transportation System (CTN) or Department of Social Services; that Chatham Transit Network has been the recipient in previous years and has the support of Robert Hall, Director of the Chatham County Department of Social Services to again receive these funds and that the total amount allocated for Chatham County is \$5,909.

She explained that the EDTAP allocation for the County is \$48,512; and that the Board of Directors of Chatham Transit Network recommends the following distribution of the funds:

Chatham County Council on Aging	\$35,460
Chatham County Group Homes, Inc.	2,123
Chatham Transit Network	10,929
Total	\$48,512

The allocation to Chatham Transit Network will be used in the following manner:

Chatham Trades	\$ 3,000
Central Carolina Community College	1,500
Early Intervention and Family Services	361
OPC Mental Health	3,000
Chatham County Together	1,740
Chatham County Group Homes	1,000
Chatham Transit Network	<u>328</u>
Total	\$10,929

Mrs. Stovall explained that the Randolph County Area Transit System (RCATS) and Chatham Transit Network (CTN) have undertaken a joint project to provide transportation services to the Chapel Hill area; that CTN has been providing regularly scheduled service to the Chapel Hill area for several years and continues to operate the service that now includes RCATS; that RCATS has provided a vehicle for the project; that Randolph County residents schedule their transportation with RCATS and are transported to a predestined transfer point in Siler City where they transfer to a vehicle operated by CTN.

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

FY 2003-2004 Rural Operating Assistance Program: Consideration of a request to approve the Chatham Transit recommendation to sub-allocate the FY 2003-2004 Rural Operating Assistance Program (ROAP) funds

Commissioner Atwater moved, seconded by Commissioner Pollard, to accept the recommendation of the Chatham Transit Network Board of Directors and approve the Rural Operating Assistance Program sub-allocation recommendations. The motion carried five (5) to zero (0). Appendix A, Certified Statement, FY 2003-2004, Rural Operating Assistance Program and Appendix A, Certified Statement, FY 2003-04, Discretionary Rural General Public Funding for Regional Transportation Systems are attached hereto and by reference made a part hereof.

PLANNING AND ZONING

- **Revision to Existing B-1 Conditional Use Business District for Landscape Design Business:** Consideration of a request by **Carolina Waterscapes and Rain Lily Café** on behalf of L & E Holdings, LLC

for a revision to their existing B-1 Conditional Use Business District with a Conditional Use Permit for a Landscape Design Business and a Lawn and Garden Shop to include food stores, retail, specifically for retail sales of specialty coffee and baked goods, on approximately three (3) acres, off SR #1008, Mt. Carmel Church Road, in Williams Township

Commissioner Atwater moved, seconded by Commissioner Outz, to accept the Planning Board and Planning Department recommendation and approve the request with the original conditions for Carolina Waterscapes still in effect. The motion carried five (5) to zero (0).

Revision to Existing Conditional Use Permit for Colvard Farms Development Company, LLC: Consideration of a request by Jeff Hunter on behalf of **Colvard Farms Development Company, LLC**, for a revision to the existing Conditional Use Permit for a Planned Unit Development for a cluster subdivision to include a tennis and recreation club [private facility], consisting of 107 lots on approximately 300 acres, located in Williams Township, off NC Highway #751

After considerable discussion, Commissioner Atwater moved, seconded by Commissioner Morgan, to accept the Planning Board and Planning Department recommendation and approve the request with the two conditions and revise the language regarding the Draft Chatham County Lighting Ordinance to indicate that the owner is in agreement with the spirit and intent of the proposed Chatham County Lighting Ordinance which is under examination:

1.) Landscaping/buffering shall be as shown on the site map and shall also include a 20 foot wide, Type A, opaque buffer on the western boundary (along the roadside) of the recreation center lot to provide adequate buffering for Lot 80.

2.) Any lighting to be installed shall conform to the Draft Chatham County Lighting Ordinance, dated March 4, 2003.

The Planning Director referred the Board back to Item #1 of the conditions and stated that it was also in the set of guidelines that had been reviewed and recommended but, as far as enforcement, were not specific. He suggested that Item #2 be deleted from the motion as it might not be enforceable.

Commissioner Atwater agreed with Planning Director and asked that the minutes indicate that the Board is of the understanding that the owner is appreciative of the spirit and intent of the ordinance under consideration for lighting.

Commissioner Atwater withdrew his motion.

Commissioner Morgan moved, seconded by Commissioner Atwater, to accept the Planning Board and Planning Department recommendation that the request be approved with the following condition:

1.) Landscaping/buffering shall be as shown on the site map and shall also include a 20 foot wide, Type A, opaque buffer on the western boundary (along the roadside) of the recreation center lot to provide adequate buffering for Lot 80.

Chairman Emerson asked that the minutes reflect that it is the Board's understanding that although condition #2 was eliminated, it is their understanding that the applicant intended to fully comply with the spirit and intent of any ordinance in effect. The motion carried five (5) to zero (0).

Proposal to Amend the Chatham County Subdivision Regulations Section 4.7A: Consideration of a proposal to amend the **Chatham County Subdivision Regulations Section 4.7A**. so that the Planning

Board has 65 days and the Board of Commissioners has 45 days for review of sketch subdivision plats

Commissioner Pollard moved, seconded by Commissioner Outz, to accept the Planning Board and Planning Department recommendation and amend Section 4.7 A. (1) so that where (45) appears is changed to (65) and where (30) appears is changed to (45). The motion carried five (5) to zero (0).

Proposal to Amend the Chatham County Subdivision Regulations Section 4.7 A: Consideration of a proposal to amend the **Chatham County Zoning Ordinance Section 17.6 and Section 17.7** so that the Planning Department has two regular meetings following a public hearing to make a recommendation to the Planning Board and that the Planning Board does not have to start their review until after receiving said recommendation

Commissioner Morgan moved, seconded by Commissioner Atwater, to accept the Planning Board and Planning Department recommendation, and amend Section 17.6 and Section 17.7 of the Chatham County Zoning Ordinance as shown below:

Section 17.6 Planning Department Prepares Final Analysis and Recommendation – Following the public hearing the Planning Department shall prepare an analysis of the application and a recommendation to approve, deny, or defer action on the application. This information shall be presented to the Planning Board at least by the second regular meeting following the public hearing.

Section 17.7 Planning Board Action on the Amendment Application – The Planning Board shall consider the amendment upon receipt of the planning Department recommendation beginning no later than the second regular meeting following the public hearing. The Planning Board's recommendation concerning the disposition of the application shall be forwarded to the Board of County Commissioners.

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

North Chatham Park

Site Plan Approval for "North Chatham Park": Consideration of a request by ISPAR, LLC for site plan approval for "North Chatham Park, Lot #3"

Commissioner Outz asked if the North Chatham Park, Lot #3 required a County match. The Planning Director allowed that there were no County funds required for a match.

Commissioner Atwater moved, seconded by Commissioner Pollard, to accept the Planning Board and Planning Department recommendation and grant site plan approval for Lot #3, North Chatham Park as submitted. The motion carried five (5) to zero (0).

Subdivision Sketch and Preliminary Approval of "Major Subdivision, Phase 2, Map for Joseph Lon Griffin": Consideration of a request by Joseph Lon Griffin for subdivision sketch and preliminary approval of "Major Subdivision, Phase 2, Map for Joseph Lon Griffin", consisting of 2 lots, Lots 5 and 6, on approximately 11 acres, off SR #2215, Minow Johnson Road, in Oakland Township

After considerable discussion, Commissioner Atwater moved, seconded by Commissioner Outz, that the applicant be relieved of installing a County water line at his expense and to accept the Planning Board and Planning Department recommendation and grant sketch and preliminary approval of the plat as submitted

with the following condition:

A 100 foot water hazard buffer be shown on the final plat beginning approximately 50 feet from the point on the map on the south western boundary of Lot #5 labeled 28" red oak and continuing approximately 330 feet northward.

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

ZONING BOARD OF ADJUSTMENT

Commissioner Morgan moved, seconded by Commissioner Pollard, to recess as the Board of Commissioners. The motion carried four (4) to zero (0).

Commissioner Morgan moved, seconded by Commissioner Outz, to convene as the Board of Adjustment. The motion carried four (4) to zero (0).

Zoning Board of Adjustment Request to Appeal Enforcement Actions of the Zoning Enforcement Officer: Consideration by the Zoning Board of Adjustment on a request by Danny and Patricia McDaniel to appeal enforcement actions of the zoning enforcement officer. The request concerns the violation of the RA-40 Zoning District by operating a wood splitting business.

Commissioner Atwater asked to be excused from voting on the matter due to his not being in attendance at the meeting during which sworn testimony and evidence was presented.

Commissioner Pollard moved, seconded by Commissioner Outz, to excuse Commissioner Atwater from voting on the matter. The motion carried five (5) to zero (0).

After considerable discussion, Commissioner Pollard moved to support action of staff, find the operation in violation of the RA 40 zoning district, and make the following findings of fact:

1. On July 17, 2002, Billy and Natalie Miller came to the Chatham County Planning Department and reported a possible violation of the Chatham County Zoning Ordinance. It was reported that a wood splitting operation was being conducted on the adjacent land of Danny and Patricia McDaniel. Lynn Richardson Land Use Administrator forwarded the complaint to the zoning enforcement officer.
2. On July 25, 2002, the zoning enforcement officer, Angela Birchett, conducted an on-site investigation at 88 Sparrow Woods Lane, owned by Danny and Patricia McDaniel. Pictures of the site were taken. Notes reference seeing several stacks of logs, various farming equipment and tools, two mulch piles, yard equipment, and tools. There was not any wood splitting being conducted on the property at this time. Discussions were held in the Planning Department between the planning director, the zoning enforcement officer, and the land use administrator in an effort to make a determination of violation.
3. On July 25, 2002 letters were sent to both the Millers and the McDaniels advising them that the Planning Department did not find the McDaniels in violation at said time.
4. On January 9, 2003, another on-site investigation was conducted for complaints received by the Planning Department about the McDaniels property. Pictures were taken and show stacks of logs were smaller than in July. Pictures reveal piles of cut and split firewood. Notes taken by the investigator state that the McDaniels

purchase logs from an outside source and have them delivered to their property. These logs are then cut into firewood. Notes dated January 14, 2003 state that due to the size of the operation and no incidental use of the property, the Planning Department thinks the property is in violation of the zoning ordinance.

5. On January 21, 2003 a notice of violation was sent to the McDaniels.
6. On February 20, 2003, an appeal was filed by the McDaniel's attorney with the Planning Department.
7. The McDaniels admitted that they have had a firewood production and sales business for several years.
8. The McDaniels admitted that they have received approximately 12 tandem truckloads of logs from an outside source during the past year.
9. The McDaniels admitted that they have had 2 on site sales of firewood during this past winter.
10. The McDaniels admitted that logs are cut and split into firewood size and taken off site to people who buy a load of firewood and request it be brought to them.

Commissioner Morgan seconded the motion to rule in favor of the County.

Commissioner Outz suggested that a vote on the motion be put on hold to see if both parties could work out the situation.

After further discussion by the Board, Council, and the McDaniel's attorney, Commissioner Pollard called the question.

The motion carried three (3) to zero (0) with Commissioners Pollard, Morgan and Emerson voting for and Commissioner Outz abstaining.

The Chairman asked Mr. Miller, Mr. McDaniel, and Mr. McDaniel's attorney to meet and try to work out a mutually agreeable decision and report back to the Board before the end of their meeting.

BREAK

The Chairman called for a five-minute break.

BOARD OF COMMISSIONERS

Commissioner Morgan moved, seconded by Commissioner Pollard, to adjourn as the Board of Adjustment. The motion carried five (5) to zero (0).

Commissioner Morgan moved, seconded by Commissioner Outz, to reconvene as the Board of Commissioners. The motion carried five (5) to zero (0).

EMERGENCY OPERATIONS

FEMA Hazard Mitigation Grant Program Application: Consideration of a request to by Chatham County Emergency Operations to apply for FEMA Hazard Mitigation Grant Program (HMGP)

- Commissioner Morgan moved, seconded by Commissioner Outz, to accept recommendation by the Emergency Operations Director to apply for a grant in the amount of \$118,950.00 from the FEMA Hazard Mitigation Grant Program requiring a County match of \$39,650 .00 and adopt **Resolution #2003-05 for the Purpose of Obtaining Certain Federal Financial Assistance Under the Disaster Relief Act (Public Law 288, 93rd Congress)**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Mr. Bill Shotts stated that he moved to the area in 1947; that he worked for Motorola for approximately forty years; that before he moved to the area, he installed a system for Orange County to go for their Hillsborough radio tower to the UNC Hospitals; that he was able to get Orange County to pay for an additional twenty feet on the tower that Chatham County uses for free if needed; that in his travels, he has found that nearly every dispatch center has a system of firebox assignment cards which allow a centralized alert box to warn of dangerous situations and their locations; that in his estimation, the problem is dead-time which is the time in which people can get killed; that there needs to be some type of mechanism so that emergency vehicles can be immediately dispatched; and that he feels the Board might need to think about developing some enthusiasm within the dispatchers, Sheriff's Department, and Emergency Operations departments; that he has developed a unique patch for Chatham County that would give employees a lot more pizzazz and help employees feel more important.

PUBLIC WORKS

- **Parking Lot Bid Award:** Consideration of a request to award bid for Chatham County parking lot expansion

Commissioner Atwater moved, seconded by Commissioner Pollard, to award the construction of the Chatham County Parking Lot Expansion to Earl Thomas Grading, Inc. and authorize the Chairman to execute contract. The motion carried five (5) to zero (0). The bid tabulation and contract are attached hereto and by reference made a part hereof.

Limited Site Assessment Reports for Chatham School Bus Garage and Old Chatham EMS Facility: Consideration of a request to approve contract award for Limited Site Assessment Reports for Chatham Bus Garage and old Chatham EMS Facility

Commissioner Pollard moved, seconded by Commissioner Outz, to adopt **Resolution #2003-06 to Exempt the "Remediation and Environmental Services for the Chatham County School Bus Garage and Chatham County EMS Facility" Project from the Provisions of GS 143-64.31**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Morgan moved, seconded by Commissioner Pollard, to approve the contract with Engineering and Environmental Science Company at a total cost of approximately \$37,000.00, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

TAX DEPARTMENT

- **Late List Penalty for Triangle Brick:** Consideration of a request to approve relief of the late list penalty on business personal property for Triangle Brick

Commissioner Morgan moved, seconded by Commissioner Pollard, to deny the request for release of the late list penalty and uphold the penalty imposed by General Statute 105-312(h).

Paul McCoy's stated that Triangle Brick was a company in which the County could be proud; that he heard the presentation by the manager of the plant and felt that it was a passionate plea for why they should receive relief from this one-time penalty; that he doesn't feel that it would be setting a precedence to do this; that he feels that it would recognize a wonderful company that provides so much for the County and will be an on-going asset; and that he feels it would send a message to everyone in the County that the Board of Commissioners is a compassionate, is understanding, and uses common sense to resolve such issues.

After further discussion, the Chairman called for a vote. The motion carried four (4) to one (1) with Commissioner Outz dissenting.

RECREATION

Strowd Property Discussion: Discussion of the Strowd Property for recreation purposes:

Don Lein, Chatham County Parks Foundation
Sid Alexander, Attorney for Strowd Property

Don Lein with the Chatham County Parks Foundation, reviewed the three options offered by the Strowd Estate to the County for the creation of a community park.

He stated that the deal was ultimately structured such that the title would be transferred immediately; that the Park Foundation would sign a promissory note for the total amount of the purchase with a 6% payable note each year with a three year opportunity to pay it down with potential forfeiture of all funds paid to date if the note is not satisfied within three years; that the previous Board had asked that the woodlands not be harvested, but that a pine beetle has since been found making it prudent to harvest the pine trees; that presently they do have some value, but that they will not in the future; that his board decided that the deal the way it stands cannot proceed with a promissory note at 6% interest; that they did not want to enter into the agreement without complete good faith; that they prefer, rather than to obligate all of their funds to one project, to use their resources they have in other areas of the County.

Sid Alexander, Trustee for the Irene Strowd Estate, stated that the deal is straight forward; that the proceeds from the estate belong to a charitable foundation board; that they entered into negotiations a year ago; that the board chose to make an offer to the County through the Park Foundation to create a park and perpetuity; that the 80 acre tract is rough topography; that it would be a wonderful park along with some of the Duke Forest lands where there are walking trails, etc.; that there is a subdivision that has been platted and approved located to the south of it; that there are large buffers on the streams; that there has been a very favorable response from the people located around Frosty's with regard to siting a park there; that his responsibility to his board is to have the property under contract; that Mr. Lein has said that his board is unwilling to contract for the property as the deal is presently structured; Mr. Alexander stated that he felt that the Park Foundation might move forward with the deal if the County would guarantee the note; and that this would require legal action by the Board of Commissioners for the Parks Foundation to go forward.

The Chairman asked for additional time for the new Board members to be able to take the matter under consideration.

Proposed Changes to County Ordinance Regulating the Keeping of Wild or Vicious Animals:
Consideration of proposed changes to the Chatham County Ordinance Regulating the Keeping of Wild or Vicious Animals

Dorothy Cilenti, spoke of a proposed change to the existing County Ordinance Regulating the Keeping of Wild or Vicious Animals. She stated that on March 25, 2003, the Chatham County Board of Health, approved the recommended changes to the ordinance for the Board of Commissioners' consideration. She asked that the Board consider holding a public hearing as soon as possible on the matter.

Commissioner Morgan moved, seconded by Commissioner Atwater, to set April 21, 2003 (or as soon as possible) as the date on which to set a public hearing to receive comments on the proposed changes of the Animal Control Ordinance and that permission to the Carnivore Preservation Trust (CPT) not be granted until the ordinance is changed and the Carnivore Preservation Trust demonstrates compliance.

Shannon Leissner, Executive Director of the Carnivore Preservation Trust, stated that as the County ordinances are now written, they meet all requirements that are directed towards public safety; that their secondary enclosures (perimeter fences) and dangerous animal (tigers, leopards, jaguars) enclosures are all up to code, so public safety is not at risk; that the two sections of the ordinances in which they are in violation concern the locking mechanisms on the safety cage (outer) doors of their primary enclosures and of the height of the small non-dangerous (binturongs, servals, caracals, ocelots) cat cages; that the cage height issue in one of interpretation; that there is no concrete direction in the ordinances; and that all of their small cat cages are covered with a roof, thus they are not in violation of any of the ordinances directed toward public safety.

Ms. Leissner asked that a temporary permit be granted by the Board of Commissioners until such time as the amendments are approved to allow the Carnivore Preservation Trust to operate to alleviate financial difficulties.

The Chairman called for a vote on the motion. The motion carried five (5) to zero (0).

After considerable discussion of the financial impact on the Carnivore Preservation Trust due to the County having no temporary permits, Chairman Emerson encouraged the Health Director to be as timely as possible with regard to the CPT after amendments are made to the ordinance.

BOARDS AND COMMITTEES

Board of Equalization and Review Appointments: Consideration of a request to appoint a member to the Board of Equalization and Review by Commissioner Atwater

Commissioner Atwater moved, seconded by Commissioner Morgan, to appoint Mr. Leon Williams, PO Box 667, Pittsboro, NC, to the Board of Equalization and Review. The motion carried five (5) to zero (0).

Chatham County Economic Development Corporation Board of Directors Appointment: Consideration of a request to appoint a member to the Chatham County Economic Development Corporation Board of Directors by Commissioner Atwater

Commissioner Atwater moved, seconded by Commissioner Outz, to appoint Mary McClure, 100 Europe Drive, Chapel Hill, NC, to the Chatham County Economic Development Corporation Board of Directors. The motion carried five (5) to zero (0).

Commissioner Pollard moved, seconded by Commissioner Atwater, to appoint Carolyn Underwood, 2369 Everette Dowdy Road, Sanford, NC, to replace Nate Schaeffer to Economic Development Board. The motion carried five (5) to zero (0).

Ag Advisory Board Appointment: Consideration of a request to appoint a member to the Chatham

County Ag Advisory Board

Chairman Emerson moved, seconded by Commissioner Outz, to appoint Lin Andrew, 203 North Sixth Avenue, Siler City, NC, to the Ag Advisory Committee. The motion carried five (5) to zero (0).

BOARD OF COMMISSIONERS' MATTERS

Resolutions Declaring Surplus Property: Consideration of a request to adopt **Resolution Declaring Real Property Surplus and Authorizing the Sale of Said Property to the Highest Public Bidder After a Thirty Day Notice Process for Several Lots in The Piney Grove Cemetery and Resolution Declaring Real Property Surplus and Authorizing the Sale of Said Property to the Highest Public Bidder After a Thirty Day Notice Process for Approximately 2.7 Acres on the Moncure-Pittsboro Road in the Haw River Township**

Commissioner Pollard moved, seconded by Commissioner Outz, to adopt **Resolution #2003-07 Declaring Real Property Surplus and Authorizing the Sale of Said Property to the Highest Public Bidder After a Thirty Day Notice Process for Several Lots in The Piney Grove Cemetery** and adopt **Resolution #2002-08 Declaring Real Property Surplus and Authorizing the Sale of Said Property to the Highest Public Bidder After a Thirty Day Notice Process for Approximately 2.7 Acres on the Moncure-Pittsboro Road in the Haw River Township**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Designation of Applicant's Agent for FEMA Reimbursement and Adoption of State-Applicant Disaster Assistance Agreement: Consideration to approve designation of applicant's agent for FEMA reimbursement and adoption of State-Applicant Disaster Assistance Agreement

Commissioner Atwater moved, seconded by Commissioner Pollard, to adopt **Resolution #2003-09 Designating Applicant's Primary and Secondary Agent**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Pollard moved, seconded by Commissioner Morgan, to approve the State Applicant Disaster Assistance Agreement, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

There were no Manager's Reports.

COMMISSIONERS' REPORTS

Affordable Housing Coalition Luncheon:

Chairman Emerson advised the Board of the requested presence of the Board for a luncheon at the home of former Commissioner Betty Wilson to discuss affordable housing issues.

Commissioner Pollard moved, seconded by Commissioner Atwater, to have lunch at the home of former Commissioner Betty Wilson to discuss affordable housing issues. The motion carried five (5) to zero (0).

Mental Health Hospital:

Chairman Emerson stated that they had been contacted by Representative Joe Hackney with regard to the placement of the State's new Mental Health Hospital. He stated that Granville and Wake Counties have introduced bills into the North Carolina General Assembly Appropriations Committee for the funding in their counties; that there has been a lot of interest expressed by Chatham County to have the hospital, which will provide at least 1,200 jobs; that they need approximately 65 acres of land; that they have discussed the possibility with Representative Hackney the possibility of his entering into legislation a bill for the mental hospital to be located in Chatham County and funding received; and that Chatham is the most centrally located for the site.

Chairman Emerson moved that the Board consider going on record and asking that Representative Hackney introduce the bill requesting funding for the State Mental Hospital for Chatham County and pledging that the Board will make a reasonable amount of land that it now holds for the development of an industrial park available to the State of North Carolina at no cost. Commissioner Pollard seconded the motion further asking the staff to create a resolution reflecting the Board's desires. The motion carried five (5) to zero (0). **Joint Resolution #2003-10 Requesting the Siting of the Central N. C. Mental Health Hospital in Chatham County**, is attached hereto and by reference made a part hereof.

Noise Ordinance:

The Chairman asked for a report on the happenings at the NC Sports Arena in the Goldston area. He stated that it would be discussed at the afternoon Work Session.

Report to Board of County Commissioners by Rob Maitland, Attorney for McDaniels Regarding Discussion Between Parties Concerning Wood Cutting i.e. Zoning Board of Adjustment Issue:

Rob Maitland, attorney for the McDaniels explained that both parties agreed that they wish to resolve the matter; that they have hand-written an agreement which will be formalized subsequent to the meeting; that the McDaniels have agreed to pay for a fence on a mutually agreed location; that Mr. McDaniel has agreed to cut his wood on the side of the wood pile farthest from the Miller residence approximately 75 feet from the property line; that the Millers agree to allow the McDaniels to continue with the wood-splitting activity in its current traditional fashion meaning that Mr. McDaniel cannot do more than he has been doing at the same location; that should there ever be another problem of this nature, both parties agree that they will try to resolve it privately before they contact the County.

Chairman Emerson stated that he would like to have a clause in the agreement holding the County harmless for any action or any inaction taken on either parties behalf for what the County has or had not done in this matter. He also stated that he would like for the contract to be reviewed by the County Attorney.

After further discussion, County Attorney, Bob Gunn, stated that because the agreement is between two private individuals and is not binding on the County, that he needs to meet with the Planning Director and the McDaniels' counsel and determine if anything else needs to be done.

LUNCH WITH THE LIBRARY

- Chairman Emerson recessed the meeting for the Library Appreciation Lunch at the Pittsboro Library at 12:28 PM.

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Thomas J. Emerson, Chairman

ATTEST:

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