

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**OCTOBER 20, 2003**

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The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in the District Courtroom, located in Pittsboro, North Carolina, at 6:00 PM on October 20, 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; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

The meeting was called to order by the Chairman at 6:09 PM.

**PLEDGE OF ALLEGIANCE AND INVOCATION**

- Chairman Emerson invited everyone present to stand and recite the Pledge of Allegiance after which Commissioner Morgan delivered the invocation.

**AGENDA**

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

Chairman Emerson asked that two resolutions be added to the Agenda for presentation after the Public Input Session.

The County Manager asked that Item #17, consideration of a request to award bid for Southwest Chatham Park, be removed from the Agenda for consideration at a later date.

The Planning Director asked that consideration of a request to set a meeting of the Zoning Board of Adjustment as Item #16A.

Commissioner Morgan moved, seconded by Commissioner Pollard, to approve the Agenda as noted. 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 Pollard moved, seconded by Commissioner Outz, to approve the Consent Agenda.

1. **Minutes:** Consideration of a request to approve Board Minutes for Regular Meeting held October 06, 2003 and Work Session held October 06, 2003

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

2. **Tax Releases:** Consideration of a request for approval of tax releases, attached hereto and by reference made a part hereof.

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

3. **Refunds on Regular Tax Bills:** Consideration of a request to approve refunds on regular tax bills paid in error, attached hereto and by reference made a part hereof.

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

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

1. **Woods Mill Bend Drive**
2. **Ray Dixon Road**
3. **Emma Hill Drive**

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

5. **Funds Acceptance in Family Planning:** Consideration of a request to accept funds in the amount of \$4,494 in Family Planning Funds from the Division of Public Health; and Consideration of a request to reclassify a Licensed Practical Nurse .8 FTE position to a 1.0 FTE Processing Assistant IV position

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

6. **Funds Acceptance for Childhood Lead Poisoning Prevention:** Consideration of a request to accept additional funds in the amount of \$4,200 from the NC Department of Environment and Natural Resources (NCDENR) for Childhood Lead Poisoning Prevention for the Environmental Health Program

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

7. **Funds Reduction for Environmental Health Program:** Consideration of a request to accept a mandated reduction in the amount of \$290.00 by the Office of State Budget, Planning, and Management in Aid to Counties Funds for the Environmental Health Program

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

8. **Terrorism Grant Acceptance from US Department of Homeland Security:** Consideration of a request by Chatham County Emergency Operations to accept a Terrorism Grant from the US Department of Homeland Security (DHS) FY 2003 State Homeland Security Grant Program (SHSGP) in the amount of \$208,159.00

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

9. **Final Approval of "Heritage Pointe, Phase II":** Consideration of a request by Chatham Development Corporation for subdivision final approval of "**Heritage Pointe, Phase II**", consisting of 33 lots on approximately 133 acres, off Highway 64E, New Hope Township

As per the Planning Department and Planning Board recommendation, final approval of the

plat was granted as submitted with the following conditions:

1. The plat not be recorded until the North Carolina Department of Natural Resources has approved the erosion control permit for the construction of the ponds and pond dams.
2. The plat not be recorded until the county attorney has approved the financial guarantee.
3. The plat not be recorded until staff has received letters of approval from the North Carolina Department of Natural Resources, Water Quality Division for lots requiring a state approved septic system.

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

### **END OF CONSENT AGENDA**

### **PUBLIC INPUT SESSION**

**Jay Butler**, 4266 Pleasant Hill Church Road, Siler City, NC, a Siler City business owner, stated that they own three houses off the Rocky River; that they are concerned about Siler City's interest in expanding the dam and reservoir; that it will make it more expensive for the County to provide rural water; that Siler City should help to pay for a Jordan Lake pipeline which would allow Siler City to spread out the cost; that a shared pipeline would be more efficient; that the Board should do something about the project; that Siler City must get approval for the part of project that is within the County's jurisdiction; and that the Board must pass a resolution approving the reclassification of watershed. He further stated that the Board previously passed a resolution of support approving the reclassification request which he is asking the Board to rescind until the County has had time to decide whether or not a larger dam on the Rocky River is the best way to meet the water needs of the County. He stated that the Board needs to take action before the public comment session closes on December 1, 2003.

**Connie Allred**, 4908 Pleasant Hill Church Road, Siler City, NC, stated that her family's land is on the Rocky River downstream from the Town of Siler City; that it is not a good idea for the town to further dam up the Rocky River; that there are stagnant conditions, low-flows, and algae overgrowth on the river; that these problems occur because Siler City has already taken too much water from the river; that the algae problem is from a malfunctioning wastewater treatment plant in Siler City; that according to the state's discretion, people should be able to fish, swim and boat in the river which is not the case; that the overflows have damaged the ecosystem; and that the problems will be exacerbated by further damming of the river. She asked that the Board reconsider their approval of the Town's reclassification request.

### **RESOLUTION HONORING THE SERVICE OF ROBERT HALL**

The Chairman read a resolution honoring the service of Robert Hall, retiring Department of Social Services Director.

Chairman Emerson moved, seconded by Commissioner Outz, to adopt **Resolution #2003-35 Honoring the Service of Social Services Director Robert Hall**. The motion carried five (5) to zero (0). The resolution is attached hereto and by reference made a part hereof.

### **RESOLUTION IN HONOR OF WILL HEISER**

The Chairman read a resolution in honor of Will Heiser.

Chairman Emerson moved, seconded by Commissioner Pollard, to adopt **Resolution #2003-36 In Honor of Will Heiser**. The motion carried five (5) to zero (0). The resolution is attached hereto and by reference made a part hereof.

## **BOARD OF COMMISSIONERS' MATTERS**

### ***Public Hearing:***

**Public Hearing on Establishment of Water Districts in Chatham County:** Public hearing to receive public comments on the establishment of water districts in the following Chatham County townships:

Cape Fear, Haw River, and Oakland Townships  
Bear Creek and Gulf Townships  
Albright, Hadley, and Hickory Mountain Townships

Tim Carpenter, Hobbs, Upchurch & Associates, Inc. Engineer, explained the establishment of the proposed Chatham County water districts and answered questions from the audience regarding this matter.

**Jay Butler**, 4266 Pleasant Hill Church Road, Siler City, NC, stated that if the County Commission wants to have a "say" in whether or not Siler City is going to be part of an integrated County system, it needs to take action of its resolutions soon; that there is a public hearing on November 6th to reclassify the Rocky River; that the public comment period closes on December 1st; that if the Board does not take action on its approval of the Rocky River expanded reservoir, he doesn't feel that they will be able to have a "say" in the future as it does now as to whether Siler City will be part of a greater County water supply scheme.

## **PLANNING DEPARTMENT**

### ***Public Hearing:***

**Public Hearing on 2004 Community Development Block Grant Application:** Public hearing to receive public comments on the 2004 Community Development Block Grant (CDBG) Application

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

Commissioner Pollard moved, seconded by Commissioner Atwater, to adopt the following resolutions attached hereto and by reference made a part hereof:

**Resolution #2003-37 Approving Administrative Guidelines and Policies for FY 2004  
Community Development Block Grant Scattered Site Project**

**Resolution #2003-38 in Support for the Submission of a Community Development Block  
Grant for Scattered Site**

**Resolution #2003-39 to Execute Community Development Block Grant Related  
Documentation**

**Resolution #2003-40 of Commitment to Further Fair Housing**

**Resolution #2003-41 Concerning Community Development Code of Conduct****Resolution #2003-42 for Requisition and Check Signatures and Administration of the Chatham County FY04 Community Development Block Grant**

And to approve the Chatham County Recipients Plan to Further Fair Housing, Chatham County Equal Employment and Procurement Plan, Chatham County Procurement Policy for the CDBG Grant Project, Chatham County Section 3 Plan for Employment Opportunities for Businesses and Lower Income Persons, Chatham County Residential Anti-displacement and Relocation Assistance Plan, Chatham County Citizen Participation Plan, Chatham County FY04 CDBG Scattered Site Project Budget Ordinance, Application Summary (Scattered Site Housing), Federal Certifications, State CDBG Program Regulations, Chatham County CDBG Scattered Site Financial Design Policy, Flood Plain Condition, Environmental Reviews at the Community Level, Determination of Exemption, and Categorical Exclusion (Subject to 58.5) 24 CFR 58.35(A) October 10, 2003. All are attached hereto and by reference made a part hereof.

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

**Subdivision Sketch Design Approval of "Park Pointe West":** Consideration of a request by Landco Realty on behalf of Thomas H. Weiss for subdivision sketch design approval of "**Park Pointe West**", consisting of 11 lots on approximately 65 acres, off SR #1700 (North Pea Ridge Road), New Hope Township

As per the Planning Department and Planning Board recommendation, Commissioner Pollard moved, seconded by Commissioner Outz, that sketch design approval of the plat be granted as submitted. The motion carried five (5) to zero (0).

**Proposed Revisions to Chatham County Zoning Ordinance – Home Occupations:** Consideration of proposed revisions to the Chatham County Zoning Ordinance, Section 14 – Home Occupations

After considerable discussion, Commissioner Morgan moved, seconded by Commissioner Pollard, to table the issue until a later date. The motion carried five (5) to zero (0).

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**Proposed Revisions to the Chatham County Zoning Ordinance – Land Clearing and Inert Debris Landfill:** Consideration of proposed revisions to the Chatham County Zoning Ordinance, Section 7.2 – Land Clearing and Inert Debris Landfill

As per the Planning Department and Planning Board recommendation, Commissioner Morgan moved, seconded by Commissioner Outz, that personal homeowners use of inert debris landfill materials not exceed two (2) acres in size and be exempt from requiring a conditional use permit; that commercial inert debris landfills or any that exceed two (2) acres in size will require a conditional use permit; that the definition of inert debris landfill be changed to read land clearing and inert debris landfill; that terminology be changed from inert debris landfill to land clearing and inert debris landfill in Sections 10.1B, 10.2B, 10.3B, 10.4B, 10.5B, 10.6B, and that Section 10.7 Ind H – Heavy Industrial District, A, Permitted Uses include land clearing and inert debris landfills. The motion carried five (5) to zero (0).

**Proposed Revisions to the Chatham County Subdivision Regulations – Public Street Access:** Consideration of proposed revisions to the Chatham County Subdivision Regulations Section 6.2B. (3) – public street access

Commissioner Morgan moved, seconded by Commissioner Outz, to return this item to the Planning Board and Staff and counsel for proper wording. The motion carried five (5) to zero (0).

**Proposed Amendment to Chatham County Subdivision Regulations to Delete Time Limit on Financial Guarantees:** Consideration of a proposed amendment to the Chatham County Subdivision Regulations to delete the specified two-year time limit on financial guarantees from Section 3.1 (B) (2)

As per the Planning Department and Planning Board recommendation, Commissioner Morgan moved, seconded by Commissioner Pollard, to schedule a public hearing for the November 17, 2003 Board of Commissioners' meeting to receive public input on revising the Chatham County Subdivision Regulations Section 3.1, Improvement and Adequate Security, (B), Adequate Security, (2) by deleting the following language: "...shall not in any event exceed two (2) years from date of final approval. The County may, upon proof of difficulty, grant an extension, if completion date set forth in such security, for a maximum period of one (1) additional year." The motion carried five (5) to zero (0).

Commissioner Morgan moved, seconded by Commissioner Atwater, to set November 3, 2003 as the date on which to hold a public hearing to consider a Board of Adjustment hearing. The motion carried five (5) to zero (0).

The Planning Director advised the Board to refrain from commenting on this issue to either party until they are seated as the Zoning Board of Adjustment.

## **RECREATION DEPARTMENT**

**Southwest Chatham Park Bid Award:** Consideration of a request to award bid for Southwest Chatham Park

This item was removed from the Agenda for consideration at a later date.

## **APPOINTMENTS**

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

Commissioner Atwater moved, seconded by Commissioner Pollard, to appoint Bill Bussey, 344 Roberson Creek Road, Pittsboro, NC, to the Recreation Advisory Board. The motion carried five (5) to zero (0).

**Orange-Person-Chatham Mental Health Board Appointment:** Consideration of a request to appoint a member to the OPC Mental Health Board by Commissioner Morgan

Commissioner Morgan moved, seconded by Commissioner Atwater, to reappoint George Gregor-Holt, PO Box 128, Pittsboro, NC, to the OPC Mental Health Board. The motion carried five (5) to zero (0).

## **MANAGER' S REPORTS**

The County Manager had no reports.

## **COMMISSIONERS' REPORTS**

### **Meeting with Towns of Siler City and Pittsboro:**

Commissioner Outz asked that a meeting with the Towns of Siler City and Pittsboro be set to discuss water issues, economic development issues, and matters related to the industrial park and that it be done within the next month.

Commissioner Pollard stated that she felt an urgency to talk with the towns with regard to transportation issues.

## **ADJOURNMENT**

Commissioner Outz moved, seconded by Commissioner Morgan, 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 7:45 PM.

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Thomas J. Emerson, Chairman

ATTEST:

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