

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
MAY 17, 2004

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 May 17, 2004.

Present: Chairman Tommy Emerson; Vice Chair Carl Outz; Commissioners Margaret Pollard and Bunkey Morgan; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Assistant County Manager, Renee Dickson; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

Absent: Commissioner Bob Atwater

The meeting was called to order by the Chairman at 6:04 PM.

PLEDGE OF ALLEGIANCE AND INVOCATION

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

AGENDA

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

The County Attorney asked that consideration to introduce a bond order and call for a public hearing on each of the three water districts be added to the Agenda under the Manager’s Reports as Item #23A.

The Chairman asked that consideration of a request to pay Triangle J Council of Government for Senior Programs be added to the Agenda under the Manager’s Reports as Item #23B.

Commissioner Morgan moved, seconded by Commissioner Outz, to approve the Agenda with the noted requests. 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 #9, consideration of a request to adopt a Resolution Conveying Easement to Piedmont Health Services by Private Negotiation and Sale be removed from the Consent Agenda and placed under the Manager’s Reports for discussion and clarification as Item #23C.

Commissioner Morgan moved, seconded by Commissioner Pollard, to approve the Consent Agenda with the noted request as follows:

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held May 03, 2004 and work session held May 03, 2004

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

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

- A. **JA Thomas Trail**
- B. **Copperhead Lane**
- C. **Vineyard Ridge**
- D. **White Deer Path**

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. **Community Care Grant Funds Acceptance:** Consideration of a request to accept Community Care grant funds in the amount of \$30,000.00 awarded to the Health Department by the NC Department of Health and Human Services; and, Consideration of a request to increase a .5 full-time-employee Public Health Nurse III position to 1.0 full-time-employee position utilizing a portion of these funds, effective June 1, 2004

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

5. **National Association of Counties (NACo) Grant Funds Acceptance:** Consideration of a request to accept National Association of Counties (NACo) funds in the amount of \$2,000.00 awarded to the Health Department to implement EPA Tools for Schools Program

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

6. **New Fees to Implement "Weight Management Program":** Consideration of a request to approve new fees (\$45.00 per person per six weeks course or \$9.00 per class) for the Health Department to implement a Weight Management Program for Chatham County residents

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

7. **2005 Revaluation Schedules of Values:** Consideration of a request to adopt the uniform schedules of values, standards, and rules to be used in appraising real property for the 2005 revaluation

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

8. **Final Approval of "Ridge Springs, Phase II":** Consideration of a request by Coffey Grounds, Inc. for subdivision final approval of "Ridge Springs, Phase II", consisting of

8 lots on approximately 40 acres, off SR #1531, (Booth Road), in Baldwin Township

As per the Planning Department and Planning Board recommendation, final approval of the plat and approval of the road name “**Craig Hill Lane**” was granted with the following condition:

1. The common easement shall have a cul-de-sac with an adequate turn-around which has a roadbed with a radius not less than forty (40) feet. The radius of the right-of-way of the turn-around shall not be less than fifty-five (55) feet. The turn-around shall be located near the end of the flag access to lots 12 and 20 unless due to topographical reasons another location is more suitable.

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

9. ~~**Resolution Conveying Easement to Piedmont Health Services: Consideration of a request to adopt a Resolution Conveying Easement to Piedmont Health Services by Private Negotiation and Sale**~~

This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion under the Manager’s Reports.

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

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

PLANNING AND ZONING

Public Hearing:

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

Office and Institutional Conditional Use District with Conditional Use Permit: Public hearing to receive public comments on a request by Terry Otto for an Office and Institutional Conditional Use District with a Conditional Use Permit, on approximately 17 acres, off SR #1941 (Seaforth Road), in New Hope Township for the following:

- Hotels, motels and inns including accessory eating and drinking and personal service facilities when located in the principal structure specifically for an inn
- Public and private schools, training, and conference centers

Anna Cassilly, 2540 Seaforth Road, Pittsboro, NC, stated that she and her husband obtained the land approximately four and one-half years ago with the intention of starting the retreat center; that there was a farm-style home already on the property; that the garage was expanded to an eleven hundred square foot meeting room; that other improvements were made to make it universally acceptable; that they offer a wide range of programs and services to enrich personal work and community life; that they offer some programs themselves, but it is mostly used other groups to hold workshops, business meetings, retreats, etc.; that they have some accommodations but are limited to eight people; that technically, they are considered a bed and breakfast and are limited to that number; that they often turn

away groups who want more accommodations; that they are approved for up to fifty people in the meeting room but only eight people in accommodations; that they would like to expand to thirty people; that they would like to set up a new building for accommodations; that the desire to add this building initiated a conversation with the Planning Department who told them that they have grown to the point where a zoning change was in order especially considering the new building; that they feel that Wind Song supports Chatham County economically by drawing people from the surrounding areas for programs; that they feel that they are strategically and centrally located for state-wide retreats; that they currently have three Chatham County citizens working part-time; that there are increased tax revenues including property, occupancy, and sales tax revenues; that socially they see themselves a community resource as a place for local groups to meet; that they feel very fortunate to have access to teachers in the area; that they have teacher certifications that have trained a number of Chatham residents; that Wind Song is a haven of natural beauty; that they have gone to great lengths to create beautiful gardens on the property and constantly work to support the habitat; that it is a development that is environmentally sensitive and sustainable; and that she feels it is a great asset to the County. She asked for the Board's support of the proposal.

Terry Otto, 2540 Seaforth Road, Pittsboro, NC, stated that the setting they have created allows the spirit of the land to heal the people who come there.

Linda Dilorenzo, 5 Alston Drive, Chapel Hill, NC, stated that she had participated in some of the workshops held at Wind Song. She stated that it draws her from Chapel Hill; that she treasures the spirit of Wind Song and their openness to the people who come there; that the people who come there care for the land and are a powerful resource for the community; that she encourages the Board to visit the site; and that they are wonderful people who follow the rules.

Public Hearing:

Revision to Existing Conditional Use Permit for Cluster Subdivision: Public hearing to receive public comments on a request by Jeff N. Hunter for a revision to an existing Conditional Use Permit [Planned Unit Development for a cluster subdivision consisting of 107 lots on 300 acres], off Highway #751, in Williams Township for the following:

1. Increase the total number of lots approved for the subdivision by 24 or from 107 to 131
2. Reduce the minimum lot size to 10,000 square feet. The current minimum is 20,000 square feet.
3. Decrease the side yard minimums from 15 to 10 feet with a total minimum of 20 feet
4. Remove the 50-foot building setback for six lots (numbered 114 through 119), which are adjacent to the public lands managed by the US Army Corps of Engineers. The fifty-foot non-disturb buffer shall be maintained.

Jeff Hunter, 17 Woodgate Court, Durham, NC, stated that the sketch design of the project was approved approximately three years prior of 107 lots; that there have been a number of challenges which have required them to be creative; that one of them is that the County line that was originally surveyed is incorrect; that this was learned approximately one and one-half years later; that they lost about nine acres to Durham County; that as a result, the area has four lots instead of nine to twelve lots; that when the conditional use permit modification was approved, it allowed the recreation center to be moved into Chatham County; that they are asking for one hundred thirty-one lots on 292 acres; that they are still at a gross density of about 2.23 acres per lot; that their average home price would be \$725,000; that they are

continuing to produce a product that meets the standards and quality in the other homes there; that the minimum lot size would be reduced from 20,000 square feet to 10,000 square feet; that the side yards would decrease from fifteen to ten feet with a total minimum of twenty feet; and that the fifty-foot setback for six lots which are adjacent to the public lands managed by the US Army Corps of Engineers would be removed while the fifty-foot non-disturb buffer will be maintained.

Public Hearing:

Conditional Use B-1 Business District with Conditional Use Permit: Public hearing to receive public comments on a request by George Farrell, Jr. on behalf of J. W. Seagroves and O. G. Gaines for a Conditional Use B-1 Business District with Conditional Use Permit, on approximately 13 acres, off Highway #64 East and SR #1714 (Bob Horton Road), in New Hope Township for the following uses:

- Boat, trailer and other utility vehicle sales to include camper and RV rental and sales and services including boat, RV, camper and other vehicle storage
- Bait and tackle shop
- Sporting goods sales and camping supplies
- Self storage/mini-warehouse storage facility with related retail and services (i.e. moving truck rentals)
- Vehicle and boat wash
- Automobile sales and service to include truck accessories and truck top sales/installation graphic detailing of vehicles and boats detailing of vehicles and boats
- Rental equipment company
- Open air sales and service of accessory buildings and gazebos
- Office – business, professional, and governmental

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

BOARD OF COMMISSIONERS' MATTERS

Public Hearing:

FY 2004-2005 Proposed Budget: Public hearing to receive public comments on the Chatham County FY 2004-2005 Proposed Budget

The County Manager gave a brief overview of the FY 2004-2005 proposed budget.

Betty Wilson, 268 Log Barn Road, Pittsboro, NC, Chairman of the DSS Board stated that the number two priority is a Program Administrator position; that this position would supervise the services units; that these are critical programs provided to vulnerable citizens; that currently it is very difficult for supervisors to keep up with caseloads and paperwork; and that in 2001 and in 2004 the services unit failed their state review. She further stated that the number eight priority is to convert a half-time energy position to a full-time Income Maintenance Worker position; that each Income Maintenance Worker has over three hundred open cases with 45 new cases referred each month; that of the 5,000 families served per month, 20% are non-English speaking; that an Interpreter position is also requested

to ensure compliance with state regulations concerning access for non-English speaking clients. In addition, an additional Foster Care Social Worker is requested to meet current demand and because current case workers have almost double the case load that is recommended by the state.

Audrey Schwankl, 1285 Thompson Street, Pittsboro, NC, stated that she has been a foster parent for two years; that she has had children for a month that have not been assigned a social worker; that social workers are very important because everything can change for these children, but that their social worker is constant; that children do not get to spend enough quality time with social workers because of their caseloads; that their current placement is 2½ years old but has been with her family since they were eight months old; and that children are kept in foster care far too long.

Gretchen Ailsworth, 714 Greenwood Road, Chapel Hill, NC, stated that she is the district administrator for the Guardian Ad Litem program; that her organization works for the state judicial system and represents the best interest of children; that in Orange County there are 155 children in foster care with 20 social workers, and in Chatham there are 115 children in foster care with four workers; and that there is no way with such a short staff that a social worker can serve all of the children and families. She urged the Board to consider adding a social worker position to help ease the strain on the department.

Beverly Watson, 279 Jordan Grove Road, Siler City, NC, stated that she had been a foster parent to 28 children over the last 11 years; that there is a great need for another social worker; that it is a high stress position and a 24-hour commitment. She urged the Board to add another foster care social worker to help ease the stress.

Ray Greenlaw, 2 Jordan Drive, Pittsboro, NC, stated that there is a great disparity in the operating funds of the water department budget; that there is an increase of 35.2%; that there are no remedies included in the budget to address identified problems at the water treatment plant; that the impression was that those problems needed fixing immediately; and that there is no increase for maintenance or correcting problems.

Rouse Wilson, 530 X-Campbell Road, Pittsboro, NC, stated that he supports more money to be spent on recreation; that he recommended improving the tennis courts in Pittsboro; that the courts are on County property, but are managed by the town; that the estimate cost to repair the courts is \$48,000; and that the US Tennis Association may have grant money available to help with the project.

BOARD OF COMMISSIONERS' MATTERS

Mental Health Interlocal Agreement: Consideration of a request to set a public hearing to receive public comments on the Mental Health Interlocal Agreement

Commissioner Pollard moved, seconded by Commissioner Outz, to set June 21, 2004 as the date on which to hold a public hearing on the Mental Health Interlocal Agreement. The motion carried four (4) to zero (0).

PLANNING AND ZONING

Subdivision Preliminary Design Approval of "Park Pointe West": Consideration of a request by Landco Realty for subdivision preliminary design approval of "Park Pointe West", consisting of 16 lots on approximately 102 acres, off SR #1700 (North Pea Ridge Road), New Hope Township

As per the Planning Department and Planning Board recommendation, Commissioner Morgan moved, seconded by Commissioner Outz, to grant preliminary approval of the plat and approval of the road names **“Ellis Creek Drive and Timberline Drive”** with the following condition:

1. Water hazard setbacks to be increased from 50 feet to 100 feet for lots 11 and 12 along Ellis Spring Branch.

The motion carried four (4) to zero (0).

Subdivision Preliminary Approval of “Buck Mountain Golf Community, Phase One (Sections A-I)”: Consideration of a request by Jordan Lake Preserve Corporation on behalf of Chatham Partners, LLC and Polk Sullivan, LLC for subdivision preliminary approval of **“Buck Mountain Golf Community, Phase One” (Sections A-I)**, consisting of 302 lots on approximately 177 acres on the west side of Old Graham Road (SR #1520) in Center Township

As per the Planning Board and Planning Department recommendation, Commissioner Morgan moved, seconded by Commissioner Outz, granted preliminary approval of “Buck Mountain Golf Community, Phase One, (Sections A-I); approval of the request to allow the roadway from Old Graham Road (State Road #1520) be changed from a public, State-maintained road to a private (non-gated) road and the new proposed roadway from NC Highway #87 be designated as a public, State-maintained roadway; and approval of the road names as listed above with the following conditions:

(Conditions #1 and #2 have been satisfied as stated above in the list of other agency approvals.)

1. No construction of the private utilities (Heater Utility off-site water lines, water tank or on-site utility lines) shall commence until all permits have been received from NCDENR, Division of Water Quality.
2. No construction of the Wastewater Collection System shall commence until all permits have been received from NCDENR, Division of Water Quality.
3. New entrance roadway from NC Highway #87 shall be constructed to the North Carolina Department of Transportation public road standards prior to final approval of lots in Phase II or the issuance of building permits for 50 houses whichever occurs first.
4. Sidewalks shall be provided along the public road from NC Highway #87 and along the private road from Old Graham Road, State Road #1520, to the clubhouse recreation area and ultimately, along the road to the public recreation area if the County approves one.

The motion carried four (4) to zero (0).

Subdivision Final Approval of “Buck Mountain Golf Community, Phase One (Sections A-E)”: Consideration of a request by Jordan Lake Preserve Corporation on behalf of Chatham Partners, LLC and Polk Sullivan, LLC for subdivision final approval of **“Buck Mountain Golf Community, Phase One (Sections A-E)**, consisting of 161 lots on approximately 95 acres on the west side of Old Graham Road (SR #1520) in Center Township

As per the Planning Board and Planning Department recommendation, Commissioner Morgan moved, seconded by Commissioner Pollard, to grant final approval of “Buck Mountain Golf

Community”, Phase One, Sections A-E was granted with the following conditions:

1. New entrance roadway from NC Highway #87 shall be constructed to the North Carolina Department of Transportation public road standards prior to final approval of lots in Phase II or the issuance of building permits for 50 houses whichever occurs first.
2. Sidewalks shall be provided along the public road from NC Highway #87 and along the private road from Old Graham Road, State Road 31520, to the clubhouse recreation area and ultimately, along the road to the public recreation area if the County approves one.

The motion carried four (4) to zero (0).

BREAK

The Chairman called for a ten-minute break.

BOARDS AND COMMITTEES

Human Relations Committee Appointments: Consideration of a request to appoint members to the Human Relations Committee by Commissioner Outz (1) and Full Board (1)

Commissioner Morgan moved, seconded by Commissioner Outz, to reappoint Regina Bridgeman, 1339 Jones Ferry Road, Pittsboro, NC, to the Human Relations Committee. The motion carried four (4) to zero (0).

Commissioner Outz deferred his appointment until a later date.

Solid Waste Advisory Board Appointments: Consideration of a request to appoint a member to the Solid Waste Advisory Board by Full Board (1 – Representative from Goldston)

The Board deferred this appointment until a later date.

Piedmont Conservation Council: Consideration of a request to appoint a member to the Piedmont Conservation Council by Full Board (1)

The Board deferred this appointment until a later date.

Child Fatality Prevention Team: Consideration of a request to appoint members to the Child Fatality Prevention Team by Chairman Emerson (1) and Commissioner Morgan (1)

Chairman Emerson and Commissioner Morgan deferred their appointments until a later date at the request of staff.

Adult Care Home Committee: Consideration of a request to appoint members to the Adult Care Home Committee by Full Board (1)

The Board deferred this appointment until a later date.

MANAGER' S REPORTS

Northwest Water District:

The County Attorney read the bond order in its entirety.

Commissioner Morgan introduced the bond order for the Northwest Water District.

After the bond order was introduced, Commissioner Pollard moved, seconded by Commissioner Outz, adoption of **Resolution #2004-29 Setting a Public Hearing on the Bond Order to be Held on May 27, 2004 at 6:00 PM in the District Courtroom and Directing the Clerk to the Board to Publish Such Hearing and Directing the District's Finance Officer to File a Debt Statement for the District.** The motion carried four (4) to zero (0). The resolution is attached hereto and by reference made a part hereof.

Southwest Water District:

The County Attorney read the bond order in its entirety.

Commissioner Morgan introduced the bond order for the Southwest Water District.

After the bond order was introduced, Commissioner Pollard moved, seconded by Commissioner Outz, adoption of **Resolution #2004-30 Setting a Public Hearing on the Bond Order to be Held on May 27, 2004 at 6:00 PM in the District Courtroom and Directing the Clerk to the Board to Publish Such Hearing and Directing the District's Finance Officer to File a Debt Statement for the District.** The motion carried four (4) to zero (0). The resolution is attached hereto and by reference made a part hereof.

Southeast Water District:

The County Attorney read the bond order in its entirety.

Commissioner Morgan introduced the bond order for the Southeast Water District.

After the bond order was introduced, Commissioner Morgan moved, seconded by Commissioner Outz, adoption of **Resolution #2004-31 Setting a Public Hearing on the Bond Order to be Held on May 27, 2004 at 6:00 PM in the District Courtroom and Directing the Clerk to the Board to Publish Such Hearing and Directing the District's Finance Officer to File a Debt Statement for the District.** The motion carried four (4) to zero (0). The resolution is attached hereto and by reference made a part hereof.

Joint Meeting with Chatham County Board of Education:

The Chairman reminded the Board of the joint meeting with the Board of Education to be held on Wednesday, May 19, 2004 at the School Administration Offices at 1:00 PM

Budget Work Session:

The Chairman reminded the Board of the budget work session set for Tuesday, June 1, 2004 at 1:00 PM, location to be determined.

Pittsboro Town Board:

The Chairman reminded the Board of the joint meeting with the Pittsboro Town Board to be held on Thursday, June 10, 2004 at 7:00 PM, location to be determined.

Title V Senior Employment Program:

The County Manager explained that Triangle J invoices each member county for their respective local dues and for the local aging program match; that the aging local match typically included monies for planning, the Ombudsman Program, and the Senior Employment Program; that the County paid its local dues for membership in Triangle J; that the billing for local aging match remains unpaid; that the unpaid amount from the two invoices amounts to \$34,581 and Triangle J's auditors are questioning these accounts; that the local match is mandatory for participation in the Area Agency on Aging and the accompanying funding from the Older Americans Act Block Grant funds for Chatham which amounts to over \$380,000 this year for the County; and that included in the amount due is the 2003 billing for the Title V Senior Employment Program (\$7,326); that the Title V Program has since been discontinued; that they are suggesting that Chatham County be credited for that expense; that this action would lower the total to \$27,255; and that with Triangle J's acceptance of payment in this amount, it would become current with its accounts.

Commissioner Morgan moved, seconded by Commissioner Pollard, to pay the two past due invoices in the amount of \$27,255.00. The motion carried four (4) to zero (0)

Conveying of Easement to Piedmont Health Services: Consideration of a request to convey an easement to Piedmont Health Services

Commissioner Pollard moved, seconded by Commissioner Outz, to authorize the execution and delivery of the proposed easement to Piedmont Health Services, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

Budget:

The County Manager expressed his appreciation for the work done on the proposed budget.

Hamp Stone Road:

Chairman Emerson stated that he had had requests from citizens for the NC Department of Transportation to review the speed limit on the Hamp Stone Road. He asked that a letter be drafted articulating this request.

Certified Assistant Tax Collectors:

Commissioner Outz moved, seconded by Commissioner Pollard, to prepare Certificates of Appreciation recognizing Carolyn Clark and Margaret Goldston for their accomplishments in attaining the titles of Certified Assistant Tax Collectors. The motion carried four (4) to zero (0).

RECESS

Commissioner Pollard moved, seconded by Commissioner Outz, to recess the meeting to reconvene on May 27, 2004, 6:00 PM in the District Courtroom for the public hearing to be held on each of the bond orders for each of the three districts. The motion carried four (4) to zero, and the meeting was recessed at 8:34 PM.