

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING, NOVEMBER 21, 1994**

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The Board of Commissioners (the "Board") of the County of Chatham, North Carolina, met in regular session in the District Courtroom, located in the Courthouse Annex, Pittsboro, North Carolina, the regular place of meeting, at 7:00 p.m., on November 21, 1994.

Present: Chairman Henry Dunlap; Commissioner Mary Hayes Holmes; Commissioner E. T. Hanner; Commissioner Margaret Pollard; Commissioner Uva Holland, County Manager Ben Shivar; County Attorney Robert L. Gunn; and Clerk to the Board Sandra B. Lee

The meeting was called to order by the Chairman at 7:04 p.m.

**AGENDA**

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

The County Manager asked that Item #29, Family Violence and Rape Crisis and Item #30, Prayer Resolution be removed from the Agenda; that a request by the Library Department to submit an application for a proposed State-funded Planning Grant for fiscal year 95-96 be added as Item #34, and an Agreement between the Council on Aging and County be added as Item #35.

Commissioner Pollard moved to approve the agenda as presented with the above noted requests. Commissioner Hanner seconded the motion. The motion carried five (5) to zero (0).

**CONSENT AGENDA**

The Chairman directed the Clerk to the Board to read the Consent Agenda.

Commissioner Hanner moved to approve items listed on the Consent Agenda as read by the Clerk. Commissioner Pollard seconded the motion. The Consent Agenda, with the vote on each item is as follows, and was read verbatim by the Clerk to the Board.

1. **Minutes:** Consideration of approval of Board Minutes for Regular Meeting held November 7, 1994

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

2. **Order of Collection:** Consideration of the Order of Collection

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

3. **Food Stamp Issuance Contract:** Consideration of approval of first extension of Food Stamp Contract with Cost Containment, Inc.

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

4. **Tax Releases:** Consideration of a request for approval of Tax Releases

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

5. **Solid Waste Disposal Fees Releases:** Consideration of a request for approval of Solid Waste Disposal Fees Releases

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

6. **Solid Waste Disposal Fees Paid in Error:** Consideration of a request for approval of refunds of Solid Waste Disposal Fees paid in error

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

### **PUBLIC INPUT SESSION**

**Reba Thomas**, 2459 Walter Bright Road, Sanford, NC, asked the Commissioners for their support in the form of a letter in obtaining a turn-lane to be installed at the intersection of State Road #2214 and Highway #15-501 due to an increased amount of traffic and accidents that have occurred there in the past.

Commissioner Holmes moved that the Board write a letter, signed by the Chairman, in support of a turn-lane on Highway #15-501 at the intersection of State Road #2214 and Highway #15-501. Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0).

**Anne A. Pope**, Route 9, 620 Gallup Road, Chapel Hill, NC stated that she was concerned regarding the funding shortfalls of the new schools construction in the North Chatham area and in the Siler City area. She presented the Board with a petition signed by eighty-three members of the North Chatham Elementary P.T.A. concerning working with Dr. Larry Mabe to secure adequate funding to complete construction projects.

**Cheyney Hales**, Route 3, Box 100F, Siler City, NC thanked the Board for adopting the resolution requesting the FHA to conduct a public hearing on the swine finishing houses. He spoke in favor of the swine farm.

#### **Resolution #94-60 Honoring The Service of Commissioner E. T. Hanner:**

Ben Shivar, County Manager, read a resolution honoring the service to Chatham County of Commissioner E. T. Hanner, a copy attached hereto and by reference made a part hereof.

Commissioner Pollard moved to approve the resolution. Commissioner Holland seconded the motion. The motion carried five (5) to zero (0).

#### **Resolution #94-61 Honoring The Service of Commissioner Mary Hayes Holmes:**

The County Manager read a resolution honoring the service to Chatham County of Commissioner Mary Hayes Holmes, a copy attached hereto and by reference made a part hereof.

Commissioner Pollard moved to approve the resolution. Commissioner Holland seconded the

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

Commissioner Holmes expressed her appreciation for the support from the public and the staff during her tenure as a Chatham County Commissioner. She expressed joy at being able to serve the citizens of Chatham County.

Commissioner Hanner stated that he had enjoyed working with the Board and the staff during the last four years and appreciated the warm reception he had received from them. He bid everyone God speed and Happy Thanksgiving.

## **PLANNING AND ZONING**

### ***Public Hearing***

The Chairman administered an oath/affirmation to those in attendance who wished to make public comment.

**Approval of Request for Conditional Use Business District With a Conditional Use Permit:** Consideration of a request by Bud Matthews for a conditional use business district with a conditional use permit for heating, plumbing, electrical, cabinet and similar shops on two acres owned by Home Savings and Loan of Siler City northeast of Cole Park Plaza east of US #15-501 in Williams Township

**Bud Matthews**, Route 7, Box 109, Starpoint, Chapel Hill, NC, spoke against condemnation of his property for the proposed recycling/convenience center designated for the Cole Park Plaza area.

**Marilyn Lattis**, 233 Greystone, Pittsboro, NC, spoke in favor of Bud Matthews' business and against the proposed recycling/convenience center designated for the Cole Park Plaza area.

**John Gray**, Old Lystra Road, Chapel Hill, NC, consultant to Bud Matthews, spoke against the proposed recycling/convenience center designated for the Cole Park Plaza area and asked that the Commissioners reconsider condemnation proceedings.

### ***Public Hearing***

**Approval of Request for Conditional Use Heavy Industrial District With a Conditional Use Permit:** Consideration of a request by Deep River Minerals, Inc. for a conditional use heavy industrial district with a conditional use permit for a rock crusher on 100 acres owned by John R. Callaway on the north side of SR #1011 (Old US #1) in Merry Oaks and Cape Fear Township

**Robert Taylor**, 1088 Beaver Creek, New Hill, NC, spoke against having a "rock crusher" located in his back yard.

**Nathan T. Williams**, PO Box 127, Holly Springs, NC, spoke regarding having no access to his property if no other road is built to accommodate the Deep River Minerals site.

**Harold Gunter**, Route One, Box 290, New Hill, NC, owner of adjacent land, offered support for Deep River Minerals. He believes that they will be a good neighbor, good tax base and will resolve any problems which may arise.

**Cindy Bland**, attorney for Deep River Minerals, Inc. stated that she felt this is the right project, in the right place, at the right time; that this business will be an important part of manufacturing in Chatham County; will offer a boost to the tax base; will be an investment in the community; and there are no wetlands or historical sites to consider.

**Jim Clippard**, 3301 Christian Avenue, Roanoke, VA, a member of the Deep River Minerals management team, spoke in support of building Deep River Minerals, Inc.

**David Hepple**, 12006 Whiteland Way, Columbia, MD, President of Deep River Minerals spoke regarding location of the proposed facility and answered questions regarding its operation.

**Dewey Seagroves**, 6855 Old US #1, New Hill, NC, adjacent property owner, spoke in favor of the proposed facility.

**Melanie O'Connell Underwood**, Economic Development Director for Chatham County, offered three reasons in support of the facility: (1) No hazardous chemicals involved; (2) Employment benefits; (3) Area in land use plan designated as industrial

**Jane Scott**, 6536 Beaver Creek Road, New Hill, NC, spoke against locating Deep River Minerals, Inc. at the proposed site.

### ***Public Hearing***

**Approval of Request for Conditional Use Light Industrial District With a Conditional Use Permit:** Consideration of a request by Dial-Call Company for a conditional use light industrial district with a conditional use permit for a communication tower on 5.58 acres owned by Elton Chevalier on the south side of US #64 in New Hope Township

**Maureen Mannion**, 1300 Hightower Trail, Atlanta, GA, property acquisition specialist, stated these services are user driven and with the population and growth within the County, the tower is a necessity.

**Mashaal Ammadiieh**, 8000 Pegenor Parkway, Suite 600, Cary, Site Development Manager, was present to answer questions from the public. There were none.

**Mohamed Sharif**, 3109 Westinghouse Blvd., Charlotte, NC, Radio Frequency Project Manager, was present to answer questions from the public. There were none.

### **REDISTRICTING**

- Ben Shivar, County Manager, stated that the County Attorney had prepared a draft redistricting resolution which requests that the General Assembly redistrict the Board of Commissioners and authorize the Board to establish districts.

- Michael Crowell, Attorney and redistricting consultant, answered questions pertaining to redistricting alternatives.

Commissioner Holmes moved to adopt the **Resolution #94-62 Requesting the General Assembly to Redistrict the Board of Commissioners and to Authorize the Board to Establish Districts**. Commissioner Holland seconded the motion. The motion carried five (5) to zero (0).

After further discussion, Commissioner Pollard moved that District 1 and District 2 elect commissioners in 1996 for four-year terms; District 3 elect a commissioner in 1998; District 4 be divided into two sections and elect two commissioners. The candidate receiving the largest number of votes wins the four-year term while the second place-candidate wins a two year term; after which Board members will be elected for four-year terms to put Districts 1 and 2 and one of District 4 (to be designated 4a and 4b) running at one time. In two years, District 3 and the other District 4 commissioner will be voted on. Commissioner Hanner seconded the motion. The motion carried five (5) to zero (0).

## **PLANNING AND ZONING**

**Approval of Request for Amendment to Conditional Use Permit:** Consideration of a request by Rebecca D. Crabtree for a conditional use light industrial district and a conditional use permit for storage tanks of liquefied petroleum gas on one acre on the southwest corner of the intersection of SR #1539 and SR #1540

Commissioner Pollard moved to accept the Planning Department and the Planning Board recommendation that the request be denied due to inadequate evidence to make

the required findings. Commissioner Holmes seconded the motion. The motion carried four (4) to one (1) with Chairman Dunlap voting against the motion.

**Approval of Request for Conditional Use Light Industrial District and Conditional Use Permit:** Consideration of a request by Bill Akridge for conditional use light industrial district and conditional use permit for a mini-warehouse storage facility on 2.48 acres on the South side of SR #1724 (Old Lystra Road) in Williams Township

Commissioner Holmes moved to deny the Planning Department and Planning Board's recommendation that the five findings be made and the request be approved as submitted. Commissioner Pollard seconded the motion. The motion carried three (3) to two (2) with Commissioners Holmes, Pollard and Holland voting for and Commissioners Dunlap and Hanner voting against the motion.

**Approval of Request for Amendment to Conditional Use Permit:** Consideration of a request by Bruce and Alice Martindale for an amendment to their conditional use permit for an interior design shop on .9 acres on the west side of SR #1008, for a conditional use business district for several conditional use permit businesses

Commissioner Pollard moved to accept the Planning Department and Planning Board recommendation that the five findings be made and the request be approved with the following conditions:

1. Floor Space: The maximum building area allowed shall not be larger than the existing 1700 square feet.
2. Building Setbacks: Minimum 65 feet front; 50 feet side; 50 feet rear.
3. Parking: A minimum of five (5) off-street customer parking spaces plus one (1) space for each employee. Parking spaces shall be gravel or better surface and no closer than ten (10) feet from a property line or street right-of-way.

4. Delivery: Normal daily or weekly delivery shall not be by tractor trailer trucks, however, regular delivery by van type trucks shall be allowed.
5. Operations: The use shall not be open to the public earlier than 7:00 a.m. or later than 8:00 p.m.
6. Signs: One double sided sign shall be allowed. Said sign shall not be larger than sixteen (16) square feet not higher than ten (10) feet above the ground at the highest point.
7. Building Design: The building shall remain of residential design, i.e. no warehouse type metal buildings.

The Planning Board did not think screening should be required since the building design is an attractive residential character. Commissioner Holland seconded the motion. The motion carried four (4) to one (1) with Commissioner Holmes voting against the motion.

**Request for Subdivision Sketch Approval:** Consideration of a request for subdivision sketch approval of "Meadow View"

Commissioner Hanner moved to accept the Planning Department and Planning Board recommendation granting sketch design approval with the condition that the road right-of-way be extended to the Foushee property to the north and dedicated to the DOT with a temporary turnaround constructed to the DOT standards. Commissioner Holmes seconded the motion. The motion carried five (5) to zero (0).

**Request for Subdivision Sketch Design Approval:** Consideration of a request for subdivision sketch design approval for "Daniel Ridge"

Commissioner Holmes moved to accept the Planning Department and Planning Board recommendation that the plat be given sketch approval with the following conditions:

1. The grave site have an access easement to the state road
2. The 1/3 acre reserved area be combined with lot 6 or the use disclosed for consideration
3. The right-of-way of Bergman Road be designed to the DOT standards to lot 2 of Margaret Daniel Subdivision
4. Margaret Drive be constructed to DOT standards to lot 2 of Margaret Daniel Subdivision along the northern property line of lot 7 and temporary turn around constructed to the DOT standards
5. The right-of-way of Margaret Drive be extended to DOT standards to lot 4B of Margaret Daniel Subdivision

The Planning Board expressed concern in the motion of approval that the subdivision proposed will rely on access by way of Highland Forest Subdivision and the one entrance of Tall Oaks Road. The Board stated that another access to the Subdivisions is needed. Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0).

**Appointment to the Planning Board:** Consideration of appointment by Henry Dunlap to Chatham County Planning Board

Chairman Dunlap appointed Rick West to the Chatham County Planning Board to commence immediately and expire on July 1, 1997. Commissioner Holmes seconded the motion. The motion carried five (5) to zero (0).

**Impact Fees:** Discussion of reports regarding funding alternatives for capital improvements necessitated by growth

After a discussion regarding funding alternatives with existing ordinances and legislation, the Board asked to review the information on impact fees more thoroughly. The Manager relayed that Orange County is the only county in the state using impact fees which were begun last year. He stated that impact fees will raise money, but that they are very difficult to administer and will place a big burden on the staff. He stated that he and the staff would have further information on new revenue sources after the first of the year.

## **PUBLIC WORKS**

### **Solid Waste/Recycling Issues**

**Contract Award for Solid Waste/Recyclables Collection Equipment:** Consideration of award of contract, solid waste/recyclables collection equipment

Commissioner Holmes moved to accept the Public Works staff recommendation and award the contract to Baker Waste Equipment, Inc. and authorize the County Manager to execute associated contracts upon review by the County Attorney and Public Works staff. Commissioner Hanner seconded the motion. The motion carried four (4) to zero (0).

### **Water/Sewer Issues**

**Wastewater Feasibility Study for Chatham County:** Consideration of recommendation by Selection Committee for wastewater feasibility study for Chatham County

Commissioner Holmes moved that the Board select the first choice of the Wastewater Feasibility Selection Committee, Hobbs, Upchurch & Associates, P.A., and authorize the Manager and staff to negotiate with the firm for a scope of work and the cost of same. Commissioner Holland seconded the motion. The motion carried four (4) to one (1) with Chairman Dunlap casting the dissenting vote.

Commissioner Holmes moved that the Wastewater Feasibility Study Committee be officially thanked in the form of a letter. Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0).

## **DEPARTMENT OF HEALTH**

**Approval of Reallocation of Public Health Nurse Position:** Consideration of approval of reallocation of a 40% Public Health Nurse (PHN) position to 60%, using funds budgeted to contracted services

Commissioner Holmes moved to accept the Health Director's recommendation that the Board of Commissioners approve the reallocation of a 40% PHN I position to 60%. Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0).

**Approval of Resolution #94-63 Supporting Expansion of School-Based Health Centers in Chatham County:** Consideration of a Resolution supporting the expansion of school-based health centers in Chatham County

Commissioner Holmes moved to adopt the Resolution #94-63 Supporting Expansion of School-Based Health Centers in Chatham County, a copy attached hereto and by reference made a part hereof. Commissioner Holland seconded the motion. The motion carried five (5) to zero (0).

## **ECONOMIC DEVELOPMENT**

**Appointments of Board of Directors to the Research Triangle Regional Partnership:** Consideration of Board of Directors appointments to the Research Triangle Regional Partnership

Commissioner Holmes moved to appoint Dr. Mott P. Blair as Chairman of the Economic Development Commission, Melanie O'Connell Underwood, and Ben Shivar to the Board of Directors of the Research Triangle Regional Partnership and to appoint Melanie O'Connell Underwood to the Executive Board of the Research Triangle Regional Partnership. Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0).

**Rita Quinn**, Executive Director of the Research Triangle Regional Partnership, spoke regarding the thirteen counties which comprise the partnership. She stated that the State had given the partnership an allocation of \$500,000 to be used for the marketing of our region and that the purpose of the partnership is to market this area to attract new businesses. She shared photographs of the new office building to be built into which the partnership will be moving upon completion.

## **PREFERRED SITE LOCAL ADVISORY COMMITTEE (PSLAC)**

**Recommendation to Restrict Waste Transport Routes:** Consideration of recommendation to restrict routes that could be used to transport waste to the proposed Wake/Chatham Low-Level Radioactive Waste Disposal Facility

Commissioner Holmes moved to write a letter to Dr. James Watson, Chair of the Radiation Protection Commission's low-level waste sub-committee to recommend enforceable restricted routes, chosen by the Commission after sufficient study of all the listed factors and consideration of further input from Chatham County after sufficient time for public input to the Board of Commissioners, and send a representative to the Commissioner's sub-committee meeting on December 7, 1994. Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0).

## **SHERIFF**



**Grant Request for Additional Personnel:** Consideration of a request by the County Sheriff to submit grant applications for additional patrol deputies

Commissioner Holmes moved to delay consideration of the Sheriff Department's recommendation to ask the Chatham County Commissioners to agree to fund four (4) additional Patrol Deputies by utilizing the grant monies that are available until the first meeting in December for consideration by the new Board. Commissioner Hanner seconded the motion. The motion carried five (5) to zero (0).

## **LIBRARY SERVICES**

**Request by the Library Department to Submit an Application for State-Funded Planning Grant for Fiscal Year 1995-96:** Consideration of a request by the Library Department to submit an application for proposed state-funded planning grant for fiscal year 1995-96

**Margaret Blanchard**, Regional Director for the Central NC Regional Library, stated that she and Barbara Garcia, Chatham County Library Services Director, had been encouraged to apply for a State planning grant for construction and planning money which would help them study the feasibility of planning for a library in northeast Chatham County to allow for a lease of a facility in Cole Park Plaza. She stated that this is a new tactic that the State Library of North Carolina is taking at this time to help libraries to be ready to receive State construction funds, but that we have to work for those funds to be allocated and appropriated by the General Assembly in January to receive the funds in July.

Commissioner Holmes expressed concern that there needs to be an organized effort with petitions on the part of the people from the area saying that they want a library before the Commissioners request a feasibility study from the State.

Commissioner Pollard moved to accept the recommendation of the library system and the Chatham County Library Board to approve the library's request for approval to apply for the State-funded planning grant for libraries for FY 1995-96 by having the Chairman sign the application, a copy enclosed hereto and by reference made a part hereof. Commissioner Holland seconded the motion. The motion carried four (4) to one (1) with Commissioner Holmes casting the dissenting vote.

## **EMERGENCY OPERATIONS**

**Radio Bids for Emergency Operation Center:** Consideration of radio bids for new Emergency Operations Center

Commissioner Holmes moved to accept the recommendation of the E911 Committee, the Sheriff, and the County Manager to award the emergency operations radio bid to Orbacom Systems, Inc. Commissioner Holland seconded the motion. The motion carried five (5) to zero (0).

Commissioner Holmes moved to accept the recommendation of the E911 Committee, the Sheriff, and the County Manager to accept the proposal from Commonwealth Radio Services, Inc. in the amount of \$27,478.70 for the antenna proposal. Commissioner Holland seconded the motion. The motion carried five (5) to zero (0).

**Furniture Bids for Emergency Operations Center:** Consideration of furniture bids for Emergency Operations Center

Commissioner Pollard moved to accept the recommendation of the E911 Committee to award the Emergency Operations furniture bid to Elliot Office Equipment for a total of \$31,846.62. Commissioner Holland seconded the motion. The motion carried five (5) to zero (0).

**Franchise Transfer for Time Warner:** Consideration of a franchise transfer for Time Warner Entertainment

Commissioner Holmes moved to adopt the **Resolution #94-64 Transferring a Cabletelevision Franchise From Time Warner Entertainment to Time Warner Entertainment-Advance/Newhouse Partnership**, a copy attached hereto and by reference made a part hereof. Commissioner Hanner seconded the motion. The motion carried five (5) to zero (0).

**Appointments/Organization of Emergency Operations and Fire Marshall Functions:**  
Consideration of appointments/organization of Emergency Operations and Fire Marshall functions

Commissioner Holmes moved to reorganize the Emergency Operations functions as follows:

- a) The Emergency Operations Director shall be responsible for emergency management functions and the emergency medical services.
- b) The Fire Inspector shall be responsible for fire inspections and fire marshall functions with a position title of Fire Inspector/Fire Marshall.
- c) One EMT I position shall be responsible for assisting the Emergency Operations Director with day-to-day management of the EMS and regular EMT I duties with a position title of Lead EMT I.
- d) The Sheriff shall have primary responsibility for County dispatching and communications services; however, he will seek the advice of the Emergency Operations Director in the operation of the communications system and the hiring and evaluation of dispatchers.

Commissioner Holland seconded the motion. The motion carried five (5) to zero (0).

Commissioner Holmes moved to appoint the following individuals:

- a) Tony Tucker to the position of Emergency Operations Director at Grade 18 Step 5 at an annual salary of \$31,718
- b) Tom Bender as Fire Inspector/Fire Marshall at Grade 17 Step 3 at an annual salary of \$28,769
- c) Angie Ellis to Lead EMT I at Grade 13 Step 2 at an annual salary of \$23,669

Commissioner Holland seconded the motion. The motion carried five (5) to zero (0).

**School Bond Resolution:** Consideration of a resolution authorizing issuance of six million dollar school bond, including approval of bond form and use of book entry system and maturity date bonds

Commissioner Holmes moved to adopt **Resolution #94-65 Authorizing Issuance of Six Million Dollar School Bond, Including Approval of Bond Form and Use of Book Entry System and Maturity**

**Date Bonds.** Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0).

### **MANAGER'S REPORTS**

Ben Shivar, County Manager informed the Board of the reception for Commissioners Mary Hayes Holmes and E. T. Hanner on Wednesday, November 30, 1994 at 5:00 P.M. in the Agricultural Building.

### **COMMISSIONER'S REPORTS**

Commissioner Pollard spoke regarding increasing revenue to deal with the schools; that the impact fee seemed unattractive; that perhaps the property transfer fees would be more attractive; that the staff bring back a proposal to address analysis of transfer fee at the December evening meeting.

**Contract Between Chatham County and Council on Aging:** Consideration of contract to extend ten year contract

Commissioner Pollard moved to authorize the Chairman to sign the contract extension with the Council on Aging. Commissioner Holland seconded the motion. The motion carried five (5) to zero (0).

### **ADJOURNMENT**

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Commissioner Holmes moved that there being no further business to come before the Board, the meeting be adjourned. Commissioner Hanner seconded the motion. The motion carried five (5) to zero (0).

The meeting was adjourned at 12:20 A.M.

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Uva R. Holland, Chairman

ATTEST:

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Sandra B. Lee  
Clerk to the Board