

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING, SEPTEMBER 16, 1996

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 September 16, 1996.

Present: Chairman Uva Holland, Vice Chair Betty Wilson; Commissioners Margaret Pollard, John Grimes, and Henry Dunlap; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Assistant County Manager, Renee Dickson; and Clerk to the Board, Sandra B. Lee

The meeting was called to order by the Chairman at 7:14 P.M.

AGENDA

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

Bob Gunn, County Attorney, asked that Consideration of a Resolution Approving the Issuance of School Bonds in the amount of \$14,000,000 and \$5,435,000 Refunding Bonds, be added to the Agenda as Item #9B .

Charlie Horne, County Manager, asked that a Resolution for Approving Local Water Supply Plans for Chatham County be added to the Consent Agenda as Item #6A and that a Closed Session for the purpose of discussing Personnel be added to the Agenda as Item #21.

Commissioner Grimes asked that Item #3 be removed from the Consent Agenda and placed on the Regular Agenda and that he be excused from voting on this issue due to a possible conflict of interest.

Commissioner Pollard moved, seconded by Commissioner Wilson, to approve the Agenda with the noted requests. The motion carried five (5) to zero (0).

CONSENT AGENDA

The Chairman directed the Clerk to the Board to read the Consent Agenda. Commissioner Pollard moved, seconded by Commissioner Wilson, to approve the items listed on the Consent Agenda as read by the Clerk.

1. **Minutes:** Consideration of approval of Board Minutes for Regular Meeting held September 3, 1996

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 for Solid Waste Disposal Fees and Regular Tax Bills Paid in Error:**~~
~~Consideration of a request for approval of refunds for Solid Waste Disposal Fees and Regular Tax Bills paid in error, attached hereto and by reference made a part hereof~~

4. **Agreement with North Carolina Department of Environment, Health and Natural Resources:** Consideration to renew agreement with the North Carolina Department of Environment, Health and Natural Resources for Evaluation of Tire Chips as a Substitute for Gravel in the Trenches of Septic Systems, attached hereto and by reference made a part hereto

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

5. **Resolution #96-27 Approving the Transfer of the Cable Television Franchise from Cencom to Charter:** Consideration of a Resolution Approving the Transfer of the Cable Television Franchise from Cencom to Charter, attached hereto and by reference made a part hereof.

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

6. **Franchise Extension Ordinance to Time Warner Entertainment-Advance/Newhouse Partnership:** Consideration of an Ordinance Granting a Cable Television Franchise Extension to Time Warner Entertainment-Advance/Newhouse Partnership, attached hereto and by reference made a part hereof

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

- 6A.. **Resolution #96-28 Approving Local Water Supply Plans:** Consideration of a Resolution for Approving Local Water Supply Plans, attached hereto and by reference made a part hereof

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

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

NC ASSOCIATION OF COUNTY COMMISSIONERS AWARD

- A special award from the North Carolina Association of County Commissioners was presented to Commissioner Henry Dunlap recognizing and honoring him for over twenty years of distinguished service to Chatham County as a Chatham County Commissioner.

Commissioner Dunlap stated that it had been his pleasure to serve as a Chatham County Commissioner, to serve with the different members of the Board, and to serve the citizens of Chatham County.

HURRICANE FRAN RESOLUTION

- Commissioner Holland read a Resolution in Recognition of People Who Worked Through Hurricane Fran and praised the efforts of those commending the heroic efforts of those who distinguished themselves on behalf of the County.

Commissioner Grimes moved, seconded by Commissioner Wilson, to adopt **Resolution #96-29 in**

Recognition of People Who Worked Through Hurricane Fran, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

TAX DEPARTMENT

Refunds for Solid Waste Disposal Fees and Regular Tax Bills Paid in Error: Consideration of a request for approval of refunds for Solid Waste Disposal Fees and Regular Tax Bills paid in error, attached hereto and by reference made a part hereof

Commissioner Pollard moved, seconded by Commissioner Wilson to approve the refunds for Solid Waste Disposal Fees and Regular Tax Bills paid in error. The motion carried four (4) to zero (0).

PLANNING AND ZONING

Public Hearings

Small Cities Community Development Block Grant for Scattered Site Housing Improvement: Public hearing to receive public comment on an application to the North Carolina Department of Commerce for a maximum of \$400,000 for fiscal year 1997 Small Cities Community Development Block Grant funds for scattered site housing improvement

Steve Player with the Wooten Company asked that the Commissioner consider an application to the North Carolina Department of Commerce for a maximum of \$400,000 for fiscal year 1997 for scattered site housing improvements. He stated that the State has given priority to the communities who have houses with inadequate waste water disposal or inadequate drinking water; that in order to receive the maximum number of points in the rating category of local contribution, the County would have to obligate \$20,000; that they have inspected thirteen houses and that they are proposing treatment for ten of the inspected houses; that these are low-income families, most who fall within the ten-twenty percent of the median income for Chatham County. He asked that the Commissioners make this project a reality by considering submittal of an acceptable grant application by September 27, 1996.

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

Commissioner Wilson moved, seconded by Commissioner Pollard, to authorize submittal of an acceptable grant application to the North Carolina Department of Commerce by September 27, 1996 and that the Chairman be authorized to sign the application in the amount up to \$28,000. The motion carried five (5) to zero (0).

Request by Chatham County to Zone Land Owned Separately by Parker, Mitchell, and Hilton: Public hearing to receive public comment by Chatham County to zone land belonging separately to Parker, Mitchell, and Hilton on the southwest side of SR #1916 and SR #1923 from industrial to RA-40, residential agricultural

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

Keith Megginson, Planning Director, stated that this item will be returned to the Planning Board who will consider the matter and return it to the Commissioners at a later meeting.

- **Proposed Amendment to the Chatham County Zoning Ordinance:** Public hearing to receive public comment on proposed amendment to the Chatham County Zoning Ordinance Section 9.4 "Extension or Enlargement of Non-conforming Situations" and Section 9.5 "Reconstruction Limitations", to lessen restrictions on non-conforming situation

Russell Underwood, 2009 Everette Dowdy Road, Sanford, NC, thanked the Commissioners for placing the matter on their agenda. He asked for the opportunity to be

able to continue to expand and be a larger part of the community with a larger tax base. He stated that he feels that he can contribute to the community.

Clement Williams, 625 Farmville Mine Road, Sanford, NC, (General Timber, Inc.), thanked the Commissioners and stated that he would like to be able to compete with businesses today by expanding his business in order to be competitive.

Ray Greenlaw, 2 Jordan Drive, Pittsboro, NC, stated that he hoped before the Planning Board and the Board of Commissioners consider this request, that they would pay particular attention to the introductory wordage; that there is a very clear purpose stated at the out-set in Section 9 of the Zoning Ordinance; that he does not see how this particular request would qualify as an exception under the provisions; that there are other available remedies that would suit either of the two applicants through a conditional use or us of variances, etc.

BOARD OF COMMISSIONERS' MATTERS

Public Hearing

Sale of Pittsboro Town Hall: Public hearing to receive public comment on proposed contract with Pittsboro for the County to purchase the Pittsboro Town Hall Building

Robert Gunn, County Attorney, explained that the proposed contract between the County and the Town of Pittsboro is for the County's purchase of the Town Hall and for the County's acceptance of the Pittsboro Library. He stated that the proposed agreement calls for the Town to transfer to the County all of its right, title and interest in the portion of the Courthouse Annex Building that has previously been known as the Town Hall at a price of \$314,000; that \$75,000 would be paid at the closing at the end of this month and the remaining \$239,000 would be paid in three equal installments amounting to \$89,412.25 each, which includes interest at a rate of 6% per annum; that the actual interest rate may be less depending on the amount of interest the Town has to pay under their contract to purchase the CP&L building; and that the first payment would be due one year after the sale-date with the second and third payments following on a yearly basis thereafter.

He stated that the Town of Pittsboro would also transfer the ownership of the Pittsboro Library from the Town of Pittsboro to the County for the sum of \$1.00; that the seller would pay for the deed preparation, excise tax stamps, and the County would pay recording fees for the deed, for the survey and title insurance, if desired. He stated that there were a couple of conditions precedent to the County's acquisition of the Town Hall as follows: (1) that CP&L must have agreed to sell its existing facility to the Town of Pittsboro upon terms satisfactory to the Town; and (2) the County must have agreed to purchase the Pittsboro Town Hall under terms satisfactory to seller and purchaser.

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

Purchase of Pittsboro Town Hall by Chatham County

Commissioner Pollard moved, seconded by Commissioner Wilson, to authorize the Chairman, Clerk to the Board, and the Finance Officer to execute the contract between the Town of Pittsboro and Chatham County to purchase the Pittsboro Library and the Pittsboro Town Hall and to allocate funds in the amount of \$75,000 from fund balance for the initial payment. The motion carried five (5) to zero (0).

School Bonds

The County Attorney stated that the sale of school bonds, in the amount of \$14,000,000, was scheduled for the next day, September 17, 1996.

After the County Attorney read the resolution (**#96-30**) fixing the maturity dates and various other details concerning the issuance of \$14,000,000 "School Bond, Series 1996", Commissioner Pollard moved, seconded by Commissioner Wilson, to adopt the resolution as read by the County Attorney, copy of which is attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Refunding Bond

The County Attorney then stated that the sale of the refunding bond, in the amount of \$5,435,000, was scheduled for the next day, September 17, 1996.

After the County Attorney read the resolution (**#96-31**) fixing the maturity dates and various other details concerning the issuance of \$5,435,000 "Refunding Bond, Series 1996", Commissioner Pollard moved, seconded by Commissioner Wilson, to adopt the resolution as read by the County Attorney, copy of which is attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

PLANNING AND ZONING

Zoning and Ordinance Amendment

Request by J. E. Booth for a Conditional Use Office and Institutional District with a Conditional Use Permit: Consideration of a request by J. E. Booth for a Conditional Use Office and Institutional District with a Conditional Use Permit for professional offices (general, professional, medical and governmental) on 2 acres on the north side of US #64 in New Hope Township

Commissioner Pollard moved, seconded by Commissioner Wilson, to approve the Planning Board and Planning Department recommendation that the five findings be made and that the request be approved according to the plans submitted with the following three conditions:

- 1) If negotiations with the University of North Carolina Hospitals for a medical clinic are not successful prior to construction, then the conditional use permit is null and void.
- 2) If the land is determined not to be adequate for the use approved then the conditional use permit is null and void.
- 3) The applicant shall allow access to adjoining lands to the east and west of the sixty foot wide

property access to US #64 at just and reasonable compensation when and if such need is determined for such lands by the Board of County Commissioners.

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

Miscellaneous Request or Required Actions

- **Request by Negest Kinte for a Variance from Subdivision Regulations:** Consideration of a request by Negest Kinte for a variance from Subdivision Regulations Section 6.4 C. (1) Residential lots; classification of street access; minor arterial and major collectors on 3.33 acres off SR #1012 (Pittsboro-Moncure Road) in Haw River Township

Commissioner Wilson moved, seconded by Commissioner Pollard, to accept the Planning Board and Planning Department recommendation that the required findings be made and the variance be granted to allow reduction of the required lot frontage as shown on the proposed revised plat subject to a note on the plat that the new lot is not a building lot for residential purposes and that a driveway will not be permitted to the lot. The motion carried five (5) to zero (0).

Preliminary and Final Approval of Governors Village, Phase 2: Consideration of a request by Governors Club for preliminary and final approval of Governors Village, Phase 2 consisting of 56 lots in Williams Township

Commissioner Pollard moved, seconded by Commissioner Wilson, to grant preliminary and final approval to the maps submitted by Governors Club. The motion carried five (5) to zero (0).

Land Development Plan: Consideration of Land Development Plan and selection of firm from six proposals

Commissioner Pollard moved, seconded by Commissioner Wilson, to authorize the County Manager to negotiate with Triangle J Council of Governments, cost not to exceed \$35,000. The motion carried five (5) to zero (0).

ECONOMIC DEVELOPMENT

Waterline Extension to Serve Cherokee Sanford Brick: Consideration of Chatham County participation in the funding of a waterline extension to serve Cherokee Sanford Brick in Moncure, **Budget Amendment #6**

Commissioner Pollard moved, seconded by Commissioner Wilson to approve County participation in the Cherokee Sanford Brick Utility Extension Project in the amount of \$17,400.00, **Budget Amendment #6**, and that the County's tap and facility fees will not be paid for Cherokee Sanford Brick. The motion carried five (5) to zero (0). Budget Amendment #6 is attached hereto and by reference made a part hereof.

The Chairman called for a five minute break.

SHERIFF'S DEPARTMENT

Contract Approval for Resource Officer for Chatham Central High School: Consideration of approval of a contract with the Chatham County School System for a School Resource Officer at Chatham Central High School

Commissioner Wilson moved, seconded by Commissioner Pollard, to approve the contract for the position for the School Resource Officer, based on available funds, attached hereto and by reference made a part hereof upon approval of the County Attorney. The motion carried four (4) to one (1) with Commissioner Grimes opposing.

RECREATION DEPARTMENT

Facility Development Funds Clarification: Consideration of clarification of facility development funds

Tracy Burnett, Recreation Specialist, asked Commissioners for clarification on how to use the facilities development funds allocated in the budget. Specifically, she asked for direction if participants of the funds should be earmarked for soccer field development as the Chatham County Soccer League was one of the first agencies to make such a request.

Commissioners determined that no action was necessary with regard to this matter, as any part of the recreation organization can apply for these funds.

BOARD OF COMMISSIONERS' MATTERS

Resolution Authorizing the Refunds of \$25.00 Tap Fees Collected From Certain Individuals:
Consideration of a Resolution Authorizing Refunds of \$25.00 Tap Fees Collected from Certain Individuals

After considerable discussion, it was decided, by consensus, to place this matter on the Agenda for the next meeting on October 7, 1996.

The Basics Group Proposal: Consideration of a request by the Town of Siler City for County funds for the installation of a sewer line along Andrews Road to serve The Basic Group

Commissioner Grimes moved, seconded by Commissioner Pollard, to offer to contribute \$25,000, as a portion of the 25% local match required for a Community Development Block Grant Infrastructure project to provide sewer service to The Basic Group, and to offer Siler City the opportunity to purchase the Harold Andrews Road water line at 80% of its depreciated value (\$84,000) over a five-year term at a rate of 6% interest. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

The County Manager informed the Commissioners of the following:

Transportation Improvement Program (TIP)

(1) Transportation Improvement Program (TIP) - The Manager stated that if the County is to be a part of this program, a decision needs to be made regarding priority highway projects, bikeways, mass transportation, etc.

It was decided that a work session would be held on October 15, 1996, 6:00 P.M. to discuss the Thoroughfare Plan, location to be announced.

Violence Against Women Grant Award

(2) Violence Against Women Grant Award for FY 1996 - The Manager informed the Board that the County had received the Violence Against Women Grant Award in the amount of \$38,251.00 in accordance with the provisions of the Comprehensive Crime Control Act of 1984 and on the basis of the grantee's application from the Department of Crime Control and Public Safety.

Commissioner Grimes moved, seconded by Commissioner Wilson, to accept the Violence Against Women Grant Award in the amount of \$38,251.00. The motion carried five (5) to zero (0).

Hurricane Fran Update

(3) Hurricane Fran Update - The Manager stated that he had been notified from Water and Soil Conservation that there are monies available for Hurricane Fran recovery; that these monies are ear-marked to help remove blockages in streams, creeks, etc. that may cause flooding to buildings, roads, etc. and that this information must be back in their office by Wednesday. He stated that the County is still continuing recovery efforts and are still working with the National Guard, the Army Corps of Engineers, and Forestry Service to work out ways to help citizens get debris from their property on the roadway so that it can be picked up.

Excellence in Financial Reporting

(4) Excellence in Financial Reporting - The Manager congratulated the Finance Department on receiving the Excellence in Financial Reporting Award from GFOA Government Finance Officers Association (GFOA) for the seventh consecutive year.

COMMISSIONER'S REPORTS

There were no Commissioner reports.

CLOSED SESSION

- Commissioner Wilson moved, seconded by Commissioner Grimes, to go out of Regular Session and into Closed Session for the purpose of discussing Personnel. The motion carried five (5) to zero (0).

REGULAR SESSION

- Commissioner Grimes moved, seconded by Commissioner Dunlap, to go out of Closed Session and into Regular Session. The motion carried five (5) to zero (0).

ADJOURNMENT

- Commissioner Grimes moved, seconded by Commissioner Dunlap, that there being no further business to come before the Board, the meeting be adjourned. The motion carried five (5) to zero (0), and the meeting was adjourned at 11:42 P.M.

Uva R. Holland, Chairman

ATTEST:

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