

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING, JANUARY 23, 1997**

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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 January 23, 1997.

Present: Chairman Margaret Pollard; Vice Chair Betty Wilson;  
Commissioners Uva Holland, 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 7:01 P.M.

**AGENDA**

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

County Manager, Charlie Horne asked that a Resolution Adopting a Real Property Permanent Listing System for the County of Chatham, North Carolina be added to the Consent Agenda as Item #7A; that Items #18 - County Engineer Selection and #15 - Orange-Person-Chatham Mental Health, Developmental Disabilities and Substance Abuse Authority (OPC) Appointment be deleted from the Regular Agenda; that a discussion of holding an Impact Fees public hearing be added to the Agenda as Item #9D; and that a Closed Session for the purpose of discussing the sale of property be added at the end of the meeting.

Commissioner Grimes asked that Items #4, #5, and #6 be removed for discussion from the Consent Agenda and added to the Regular Agenda as Items #9A, #9B, and #9C; and that the wording in Item #7 on the Resolution Requesting US Highway \$421 Through Chatham County Be Named in Honor of Isaac Brooks in the section, “NOW THEREFORE BE IT RESOLVED....” that the Chatham County Board of Commissioners be substituted for the Siler City Town Board of Commissioners.

Commissioner Wilson moved, seconded by Commissioner Holland, 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 Grimes 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 January 6, 1997

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

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

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

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

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

4. ~~**Subdivision Sketch Approval - Price Creek Subdivision:** Consideration of a request by John McPhaul for subdivision sketch approval for Price Creek Subdivision consisting of 23 lots on approximately 120 acres off SR #1531 (Booth Road) in Baldwin Township~~

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The item was removed from the Consent Agenda and placed on the Regular Agenda as Item #9A.

5. ~~**Subdivision Final Approval - Glen Ridge Subdivision:** Consideration of a request by John W. Coffey for final approval of Glen Ridge Subdivision consisting of 6 lots on 35.34 acres off SR #1534 (Poynthress Road) in Baldwin Township~~

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The item was removed from the Consent Agenda and placed on the Regular Agenda as Item #9B.

6. ~~**Subdivision Final Approval - Hickory Haven Phase I:** Consideration of a request by James Associates for final approval of Hickory Haven Phase I consisting of 10 lots on 59.71 acres off Dewitt Smith Road (SR #2176) in Hickory Mountain Township~~

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The item was removed from the Consent Agenda and placed on the Regular Agenda as Item #9C.

7. **Resolution #97-03 Requesting US Highway #421 Through Chatham County Be Named in Honor of Isaac Brooks:** Consideration of a request for a resolution that US Highway #421 through Chatham County be named in honor of Isaac Brooks, attached hereto and by reference made a part hereof.

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

- 7A. **Resolution #97-04 Adopting a Real Property Permanent Listing System for the County of Chatham, North Carolina:** Consideration of a resolution adopting a real property permanent listing system for the County of Chatham, North Carolina, attached hereto and by reference made a part hereof.

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

**END OF CONSENT AGENDA**

## PUBLIC INPUT SESSION

**Thomas J. Emerson**, 186 John Emerson Road, Siler City, NC, spoke regarding the proposed intensive livestock regulations which are pending before the Chatham County Board of Health. He stated that he represents the Chatham County Agribusiness Council; that their position remains that they are opposed to the regulations based upon the economics of it and the principle that the County government should not become a regulator for agriculture; that this is a divisive and worrisome issue; that the quicker it is brought to closure, the better it will be for everyone concerned. He asked that the

Commissioners pass a resolution and send it to the Board of Health requesting that they table this matter until the State regulations have time to be implemented and analyzed for workability for at least one year.

**Russell Johnson**, 1787 Silk Hope-Liberty Road, Siler City, NC, full-time grain farmer, passed out photos of corn growing in the Silk-Hope area a few years ago. He stated that government is out of touch with reality and that farmers ought to be able to farm without rules and regulations. He asked the Board if agriculture was not a legitimate business in the County and if it was illegal to farm. He asked what indication could they receive, as farmers and as agribusiness, get from Chatham County that they have freedom to farm here without rules above those of federal and state government.

## PLANNING AND ZONING

### *Public Hearings*

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- **Revision to Section H of Their Conditional Use Permit as a Planned Unit Development by Carolina Meadows:** Public hearing to receive public comment on a request by Carolina Meadows for a revision to Section H of their conditional use permit as a planned unit development. Section H addresses the number and timing of the remaining residences

**Rob Boening**, 100 Carolina Meadows, Chapel Hill, NC, stated that he would like to respond to Commissioner questions if there were any. He stated that his board and their resident group are going into long-range planning session in 1997; that they have approval for 850 units but they are not sure they want to build that many units; that they need a little more time to work through the process and come up with what they want to do on the remaining 4,300 undeveloped acres. He asked that the Commissioners give them the extra time needed.

**Flood Damage Prevention Ordinance:** Public hearing to receive public comment on the Flood Damage Prevention Ordinance

**Sara Donaldson**, State Farm Insurance Agent, urged the Commissioners to participate in the national flood insurance program; that flood insurance is required if a person is financing to build, buy, or improve structures in special flood hazard areas which include federal grants; that lending institutions that are federally regulated or insured can require flood insurance on several types of loans if the property is located in a special flood hazard; that this is not only a coverage problem, it is also an economical factor; that commercial activity may be reluctant to locate here, having a direct impact on the availability of jobs in the County; and that the County does not need to be susceptible to the liability by denying its citizens the availability of flood insurance.

**Joseph Francis**, 200 Kirkman's Ford Road, Siler City, NC, stated that he felt it would be good for the County to participate in the flood insurance program, as it would be left up to the individual homeowners as to whether they obtain flood insurance where currently there is no choice in the matter.

**Subdivision Sketch Approval - Price Creek Subdivision:** Consideration of a request by John McPhaul for subdivision sketch approval for Price Creek Subdivision consisting of 23 lots on approximately 120 acres off SR #1531 (Booth Road) in Baldwin Township

Commissioner Grimes moved, seconded by Commissioner Wilson, to grant sketch design approval with the suggestion that the developer pay special attention to road slopes, suitable soil areas, and possible wetlands along the creek during preliminary design. The motion carried five (5) to zero (0).

**Subdivision Final Approval - Glen Ridge Subdivision:** Consideration of a request by John W. Coffey for final approval of Glen Ridge Subdivision consisting of 6 lots on 35.34 acres off SR #1534 (Poythress Road) in Baldwin Township

Commissioner Holland moved, seconded by Commissioner Wilson, to grant final approval with acceptance of the financial guarantee for completion of the road with the condition that the final map not be recorded until there is sufficient gravel on the private road to provide all weather access. The motion carried five (5) to zero (0).

**Subdivision Final Approval - Hickory Haven-Phase I:** Consideration of a request by James Associates for final approval of Hickory Haven-Phase I consisting of 10 lots on 59.71 acres off Dewitt Smith Road (SR #2176) in Hickory Mountain Township

Commissioner Wilson moved, seconded by Commissioner Holland, to grant final approval with acceptance of the financial guarantee; that sight distance triangles be shown for Branch Creek Road on lots 2,4, and 17; and that final plat not be recorded until sufficient gravel is on the private road to provide all-weather access. The motion carried five (5) to zero (0).

### IMPACT FEES PUBLIC HEARINGS

Keith Megginson, Planning Director, explained that this item had been added to the agenda for the purpose of scheduling public input sessions on developmental impact fees pertaining to schools.

Commissioner Grimes moved, seconded by Commissioner Wilson, to schedule two public hearings on Impact Fees on the following dates:

February 10, 1997	Siler City	7:00 PM	Courtroom-Tentative
February 19, 1997	Pittsboro	7:00 PM	District Courtroom

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

### TIME WARNER CABLE

**Time Warner 1240 Rate Filings:** Discussion of the Time Warner 1240 Rate Filings

**Richard Crabtree**, 494 Beechmast, Fearington Village, Pittsboro, NC, stated that he received a customer notification in his December bill with rate changes effective January 1, 1997; that Time Warner may be in the communication business but they have not communicated very well in this instance; and that the rate increase was higher than proposed; that they had the audacity to raise the rates 13%; that rate increases

calculated for 10,000 customers amounted to \$4,600 per month/\$55,200 per year; that this increase is in addition to their regular increase; and that he objects to the increases and Time Warner's way of doing business.

**John Gill**, 596F Fearrington Post, Pittsboro, NC, stated that it is all too frequent that they are without cable service; that he feels that this company charges rates comparable to those of larger cities; that if he entered into business for himself, he would have to provide quality service and provide a fair rate for services rendered; that this is a company who wants the citizens to see them as being credible; that he is very dissatisfied with his cable service and that if there was another option, we would take advantage of it immediately.

**Bob Sepe**, Cable Television Consultant and Regulator, stated that both Time Warner and Charter Communications filed for rate changes; that filing by Charter was a cost-of-service filing; the filing by Time Warner has two separate cable television systems; that consequently there are two different rates depending on which cable

television system serves them; that there is a Pittsboro system and a Chapel Hill system; that they endeavored to review Time Warner's rate filing; that some errors were found and Time Warner was asked to correct them; that they filed an amended rate filing; that the result is for the people out of Chapel Hill, a slight decrease in rates occurred; that the Commissioners' responsibility is to make certain that Time Warner has filed appropriately, followed all the rules in promulgating the rates; that the rates were calculated correctly based upon the FCC rules; that the Commissioners were certifying the process by using the correct calculations, the correct inflation factors, and the correct numbers; that this is a bench mark filing; that under this process, cable operators are guaranteed a rate of return of 11.25%; that they can only pass through penny for penny, the increases they had from last year to this year; that they are able to anticipate inflation from January through December which can be added to the process; that there is then a true-up period and if inflation is over-estimated, customers receive refunds; that if they project inflation to be more, they can reach back and pick-up the amount they under estimated regarding inflation for the true-up period and charge that to the customers; that there are two rates which can be charged: maximum permitted rate and the selected rate; that he reviewed and compared rates; that the Pittsboro service area have two choices for tiers: basic and full-service; that the other customers have a choice: selected rate and maximum committed rate; that the FCC cut a deal with Time Warner last December stating that the FCC would agree to sweep the complaints "under the rug" in exchange for Time Warner upgrading all of its cable systems to at least seventy-eight channels; that Time Warner asked to add a fee of \$1.00 to be collected every month from each subscriber to pay for the cost of up-grading the cable system; that this year they are collecting another \$1.00; that next year another dollar can be added up to a total of \$5.00; that 60% of the money is supposed to be used to up-grade the system as follows: 1) Increase channel capacity; 2) Improve reliability; 3) Bring in another channel selector so that customers can receive some additional features to the cable television system. Mr. Sepe asked that the Commissioners adopt the report and the order.

Commissioner Wilson moved, seconded by Commissioner Grimes, to adopt the consultant's report providing detailed analyses of Time Warner's rate filings. The motion carried five (5) to zero (0).

Commissioner Dunlap moved, seconded by Commissioner Wilson, to approve the **Resolution #97-05 Order Finding FCC 1240 Basic Service Tier Rate Adjustment Request to be in Compliance with FCC Rate Making Rules and to be Reasonable**. The motion carried five (5) to zero (0).

## **TAX DEPARTMENT**

**Appeal of Motor Vehicle Valuation:** Consideration of a request to appeal a motor vehicle valuation

by Francis K. Walsh

**Frank Walsh**, 8032 Old Graham Road, Pittsboro, NC, thanked Ken Joyner for his help in this matter. He stated that he was requesting a revaluation of his auto; that he felt that a 25% over value was too much; that he understands the need for a system which is applicable throughout the County for everyone; that he saw such a disparity in the initial value that he felt it had to be addressed; that the value of his truck is listed at \$1,000 in excess of the value of the truck; that he purposely bought the truck in stripped down form with only an air conditioning unit; that the inexpensive truck cost \$9380; that he bought this truck because he couldn't afford a larger truck nor the accompanying tax bill. He presented the bill of sale for the truck as evidence of the original cost of the vehicle.

Commissioner Dunlap moved, seconded by Commissioner Grimes, to uphold the Tax Office valuation adjustment from the original billing of \$12,500 to the adjusted value of \$10,825. The motion carried five (5) to zero (0).

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### RECESS

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Commissioner Grimes asked for a five minute recess.

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### PREFERRED SITE LOCAL ADVISORY COMMITTEE

**Preferred Site Local Advisory Committee Mid-Year Report:** Presentation of the mid-year report and assessment of the Preferred Site Local Advisory Committee's mission and budget

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Mary MacDowell, Preferred Site Local Advisory Committee Research Coordinator, stated that since the state application for a license was submitted two years ago, there have been two years of wrestling with Chem-Nuclear that eventually culminated in the compact withholding funds and asking North Carolina how much more money it will take and how much longer will it take until a site will be opened for the compact's waste. She informed the Board that the Authority replaced Chem-Nuclear in the licensing process but not in the site operation's process with Harding Lawson & Associates; that over the first six months of 1996 under the Governor's instructions, the state regulators worked with Harding Lawson to develop a new licensing work plan to estimate what the compact wanted to know: how much it would cost and how long it would take to get to the point that North Carolina could open a site; that they came up with a consensus work plan last spring just before funds were expended; that the compact waited until the nuclear power companies came up with a report evaluating the new licensing work plan and encouraged the compact to move forward again; that they gave a cautious "go ahead" to the plan and gave them an additional \$6.5 million; that they were told they had to come up with funding agreements in order to proceed after six months; that the project came to a complete halt while the funding was up-in-the-air but the compact, with the nuclear power plant's blessing moved forward again on October 3, 1996 and approved the first batch of funding; that at this time, the project is up and running and getting ready to get into the field which will start in March; that the licensing work plan will take approximately four years to go through to the point of obtaining a licensing decision from the regulators; that this new phase of the licensing effort is going to be very intense compared to the last five year's efforts on the site; that they are trying to accomplish three years of work within one year; that the compact had only \$15.9 million left and the cost of the new licensing plan is \$27 million which leaves a funding gap; that the funding problem has become much more serious for the state; that the Authority needs \$20.5 million more to complete the licensing efforts over the next four years and \$75 million for construction; that one of the messages which they wish to make clear to the Legislature is that the basic operating cost of the Barnhill facility is approximately \$100 per cubic foot and the basic operating cost of the newly proposed

facility is projected to be at least \$160-\$300 per cubic foot; that this facility may not be competitive; that they have to come up with \$95.5 million; that by law, the money has to come from the generators which refuse the facility, but thus far, the generators are not volunteering their money; that the compact members have suggested that North Carolina should fund this money; that the earliest the site could start operating is 2005; that the North Carolina site could operate for twenty years.

Mrs. MacDowell asked that the Commissioners consider rolling over any remaining funds at the end of this budget year to be used as additional funds needed in the next budget year since it is expected that funding needs will greatly increase. She also stated that her department would need additional office space next year.

It was decided by consensus that this item should come before the Board at their next regularly scheduled meeting on February 3, 1997.

## HEALTH DEPARTMENT

**EMS Bad Debt Accounts:** Consideration of a request to approve a contract with National Revenue Corporation for collection of EMS bad debt accounts

- Commissioner Wilson moved, seconded by Commissioner Holland to defer a decision on this item until the next regularly scheduled meeting on February 3, 1997 so that the County Attorney will have a chance to review the contract. The motion carried five (5) to zero (0).

## PUBLIC WORKS

**Modular Building for Solid Waste Division:** Consideration of a request to award a contract to Modular Technologies, Inc. for a modular office building for the Solid Waste Division of Public Works

Commissioner Grimes moved, seconded by Commissioner Wilson, to table the issue until cost figures can be verified and brought back before the Board at their February 3, 1997 meeting. The motion carried five (5) to zero (0).

## BOARDS AND COMMITTEES

~~**Orange Person-Chatham Mental Health, Developmental Disabilities and Substance Abuse Authority (OPC) Appointment:** Consideration to appoint a member to the Orange Person-Chatham Mental Health, Developmental Disabilities and Substance Abuse Authority (OPC)~~

This item was removed from the Agenda.

**Home and Community Care Block Grant Committee Appointments/Reappointments:** Consideration to appoint and reappoint members to the Home and Community Care Block Grant Committee

Commissioner Grimes moved, seconded by Commissioner Wilson, to appoint Jimmy Perry and Thelma Turner to the Home and Community Care Block Grant Committee and to reappoint the current members, Dale Williams, Dr. Tom Harbin, Robert Hall, Wayne Sherman, Margaret Pollard, Gloria Williams and Cassie H. Wasko with the Council on Aging reappointed as lead agency. The motion carried five (5) to zero (0).

**Solid Waste Advisory Committee Appointments:** Consideration to appoint members to the newly

forming Solid Waste Advisory Committee

Commissioner Wilson moved, seconded by Commissioner Holland, to appoint the Towns of Goldston, Pittsboro, and Siler City's recommended appointments and term lengths as follows to the Chatham County Solid Waste Advisory Committee:

<u>Name</u>	<u>Township of Residents</u>	<u>Occupation/Employer</u>	<u>Term</u>
John McSween	Siler City/Matthews	Chairman of Former Waste Management Task Force & Member of Strategic Plan Development Committee	3 years
Randy Smith	Goldston/Gulf	CPA	3 years
Lisa Whitaker	Pittsboro/Center	Pittsboro Commissioner	3 years
Bill Boyer	Moncure/Haywood	Allied Signal	2 years
Judy Ingram	Williams	Former Chatham County Recycling Coordinator (1989-1991)	2 years
Mark O'Farrell	Matthews	NC Cooperative Extension Service Pittsboro, NC	2 years
Fleming Pfann	Hickory Mountain	Celebrity Dairy Farm	1 year
Thomas McLaughlin	Oakland	Former Landfill Scalehouse Operator (1985-95)	1 year

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

### BOARD OF COMMISSIONERS' MATTERS

#### **County Engineer Selection:** ~~Consideration of a selection of a County Engineer~~

This matter was voted on and the selection of Hobbs, Upchurch & Associates was made by the Commissioners at their January 16, 1997 work session. The motion carried four (4) to one (1) with Commissioner Dunlap casting the dissenting vote.

**Regency Development Associates, Inc.:** Consideration of requested funding for Braxton School rehabilitation project

Mr. Andy Rosen, Development Specialist with Regency Development Associates, Inc., gave the Commissioners an update on the renovation of the Paul Braxton Apartment Project located in Siler City. He stated that his company is working to turn the Paul Braxton School into thirty-two units of affordable housing for the elderly; that they applied last year to the State Housing Finance Agency for funding on this development and were turned down; that approximately one in six projects are funded; that the Commissioners agreed to loan the project \$112,500 last year contingent upon the Town of Siler City agreeing to similar financing; that once again the Town of Siler City was approached three weeks ago seeking similar support, received the approval, and submitted a document to the County Manager asking that they be allowed to return to the Commissioners to seek similar funding from the Board to help them put together the financing for this package and support in other areas as well. He stated that they think of this as a "win-win" position as beautiful and affordable housing can be provided for residents who really need it, put property back on the tax roll, act as a catalyst in revitalizing the Town of Siler City, as well as provide a unique architectural gem for the citizens of Siler City and Chatham County.



He asked for the Commissioners' political and financial support for the development of this project.

Commissioner Grimes moved, seconded by Commissioner Dunlap, to table the request on this matter on the advice of the County Attorney and report on the matter at a later date. The motion carried five (5) to zero (0).

### **CLOSED SESSION**

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

### **REGULAR SESSION**

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

### **POSSIBLE SALE OF HOME HEALTH AGENCY TO UNC HOSPITAL**

Commissioner Grimes moved, seconded by Commissioner Holland, to authorize the Chair and the Clerk to sign a memorandum-of-understanding with the University of North Carolina (UNC Hospitals) for the purchase of the Chatham County Home Health Agency, upon review and approval by the County Attorney, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

### **CLOSED SESSION**

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

### **REGULAR SESSION**

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

### **MANAGER' S REPORTS**

The County Manager had no reports at this time.

### **COMMISSIONER'S REPORTS**

#### **Commissioners' Monthly Work Session:**

Commissioner Wilson moved, seconded by Commissioner Grimes, that a "Monthly Work Session" for the Commissioners be added to the Board of Commissioners' agenda, first meeting in the month, to be held in the afternoon, if needed. The motion carried five (5) to zero (0).

Commissioner Pollard stated that she had spoken with Charles Underwood, an engineer, who has

looked at different counties across the state and what they have been able to do to expand their water and sewer and sewer systems; that he feels that there are other counties who would have expert and beneficial information to Chatham County; that he has offered to take Commissioners on a tour of some of these counties and is waiting for a date when they will be available.

The County Manager was asked to arrange the meeting and inform the Commissioners of the date.

**ADJOURNMENT**

Commissioner Grimes moved, seconded by Commissioner Wilson, 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 10:23 PM.

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Margaret Bryant Pollard, Chair

ATTEST:

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