

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING, JUNE 02, 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 10:00 A.M. on June 02, 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, Reneé Dickson; and Clerk to the Board, Sandra B. Lee

The meeting was called to order by the Chairman at 10:01 A.M.

**AGENDA**

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

Charlie Horne, County Manager, asked that Item #8, Discussion of Fire Inspections and Item #13, Solid Waste Advisory Committee be deleted from the Agenda.

Commissioner Wilson moved, seconded by Commissioner Grimes, 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 Wilson asked that the May 19, 1997 Board of Commissioners’ Minutes second to a motion made by Commissioner Grimes which read, “Commissioner Grimes moved, seconded by Commissioner Wilson, that the Board make the five findings set forth in Exhibit A and that the same be incorporated into the motion to approve the Conditional Use Permit.” regarding the **Request by Big Woods Development L.L.C. for a Zoning District Change** (page 6 of 9 pages) be corrected that she did not second the motion.

Commissioner Dunlap stated that he made the second to the motion.

Commissioner Wilson moved, seconded by Commissioner Grimes, to approve the items listed on the Consent Agenda, with the noted request, as read by the Clerk.

1. **Minutes:** Consideration of approval of Board Minutes for regular meeting held May 19, 1997 and Budget Session Minutes for meeting held May 14, 1997

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

2. **Resolution #97-24 to Oppose Current Property Tax Legislation:** Consideration of a request for approval of a Resolution to Oppose Current Property Tax Legislation, attached hereto and by reference made a part hereof.

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

3. **Resolution #97-25 to Oppose the Court of Appeals “Homes for the Aged” Ruling:** Consideration of a request for approval of a Resolution to Oppose the

Court of Appeals “Homes for the Aged” Ruling, attached hereto and by reference made a part hereof.

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

4. **Contract for Auditing Services for the 1996-97 Fiscal Year:** Consideration of a request for approval for auditing services for the 1996-97 fiscal year, attached hereto and by reference made a part hereof.

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

#### **END OF CONSENT AGENDA**

#### **PUBLIC INPUT SESSION**

**Jim Goldston**, 4900 Hwy. #98 West, Wake Forest, NC, thanked the Commissioners for the opportunity to speak with them regarding his forthcoming request at the June 16, 1997 Board meeting for a light and heavy industrial conditional use district and conditional use permit for a building supply store and concrete plant in the New Hope Township. He stated that Goldston’s Building Supply started in 1928 as a family wholesale lumber business to builders in the metropolitan area; that services were expanded in 1985 to include complete building materials; that an affiliation was completed with Ace Hardware two years ago to ensure the availability of all products required by their customers at the greatest value; that last year, they decided to expand the business and decided on Hwy. #64 directly across from Bob Horton Road (SR #1744); and that the proposed facility is proposed to begin development as soon as approval is granted.

**Susan Stozier**, 220 Quartz Hill Road, Pittsboro, NC, stated that she feels that there is a need for better communication between the Governing Board and the Planning Board; that sometimes she feels that both boards are not looking at the same information; that they have a very active board which faithfully attends meetings and is willing to study and read a lot of information; that she feels as though the part that is missing is being able to talk with the Commissioners for two reasons: 1) She feels that the Commissioners need to know what the Planning Board is looking at and how those things interrelate; 2) She thinks the Planning Board needs to know what the Commissioners want and how they look at the same issues; that she feels other ways to be explored in which to get out the information; and that one of those ways might be for the Planning Director and the Planning Board Chairman to go before the Commissioners at their morning meeting once per quarter to review current issues.

#### **CHATHAM COUNTY SECONDARY ROADS PROGRAM**

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

**Presentation/Public Hearing on Chatham County Secondary Roads Program:** Presentation on and public hearing to receive public comment on the Chatham County Secondary Roads Program

Jeff Picklesimer, District Engineer for the Department of Transportation, introduced members of his staff and Mr. G. R. Kelly.

Mr. G. R. Kelly, representing Chatham County on the NC Department of Transportation Board, stated he will do everything that he can to keep up the good works of the former member who sat on this board, Ms. Mary Hayes Holmes; that he would be delighted to come back at any time to meet with the Commissioners outside of a Board meeting to discuss issues of interest to review County needs and that he is accessible by telephone; and that on behalf of Governor Hunt, Secretary Garrett, and the Board of Transportation, that they are dedicated to making the road program even better than it is today, particularly the secondary roads program.

Commissioner Pollard stated that she appreciated the efforts of Mr. Kelly in attending the Board meeting and that he would be hearing from the Board for a future meeting date.

Jeff Picklesimer reviewed the Chatham County Secondary Improvement Program Highway Funds, Trust Funds, and Bond Fund proposed allocations subject to availability of funding, right-of-way, and environmental review. Attached hereto and by reference made a part hereof are copies of the program for fiscal year 1997-98.

There was no one in attendance who wished to make public comment.

**Resolution for the Chatham County Secondary Roads Improvement Program:** Consideration of a resolution to approve the Chatham County Secondary Roads Improvement Program

Commissioner Wilson moved, seconded by Commissioner Holland, to approve **Resolution #97-26 for the Chatham County Secondary Roads Program**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

## **PLANNING AND ZONING**

### ***Public Hearing***

### ***Board of Adjustment***

Commissioner Wilson moved, seconded by Commissioner Holland, to recess as the Board of Commissioners and convene as the Board of Adjustment. The motion carried five (5) to zero (0).

**Request by Governors Club Planned Unit Development for a Variance from the Chatham County Zoning Ordinance:** Public hearing to receive public comment on a request by Governors Club Planned Unit Development for a variance from the application of a portion of Section 15.5 C. 4. a. of the Chatham County Zoning Ordinance to allow private street right-of-ways outside paved roadways to be included in calculating net land area

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

**Mark Ashness**, 5421 Dunmore Road, Wilmington, NC, stated that Governors Club is requesting the variance to Section 15.5 C.4.a, which states that the "land to be dedicated or set aside for public and private street rights-of-way" be subtracted from the gross land area in order to compute the net land area; that under the proposed Planned Unit Development (PUD), they are proposing, in accordance with the Ordinance, to subtract the public rights-of-way to subtract the paved portion but not the unpaved portion; that there are four primary reasons they believe this variance to be justified: 1) These areas behind the curb are not distinguishable from any of the common and open areas and in fact, are maintained by the property Owners Association similarly to the common and open areas. 2) Many of the private road rights-of-way are 60 feet in width when only 30 feet was necessary for the 24-foot wide pavement section. 3) The variance would include approximately 101 more acres in the net land computation or 110 more lots based on a 40,000 SF per lot minimum, as specified by the current zoning and watershed protection ordinance; that with the variance, the Governors Club PUD density will be maintained and compare favorably to the other planned developments which are in the protected area; and that this variance would neither confer on Governors Club and specific privilege denied to other planned developments in the vicinity nor violate the intent of the Planned Unit Development ordinance. 4) The PUD ordinance under which Governors Club was permitted did not subtract out the road right-of-way; and that all of the private rights-of-way are in the area permitted under that ordinance.; that the gross land acreage to be used in computing the allowable number of lots; that under this scenario, the Governors Club gross area of 1,883 acres

would result in a total of 2,050 lots allowed; that approval of this variance would allow a total of 1,830 lots; and that they respectfully request that this variance be approved.

**Wade Barber**, Box 607, Pittsboro, NC, addressed the five findings and stated that the Board of Adjustment should give relief from this interpretation pursuant to Section 16.3.B because: 1) Special conditions and circumstances exist which are peculiar to the Governors Club Planned Unit Development; a) Governors Club began development of the property in justified reliance upon the provisions of the PUD ordinance; b) This old section of Governors Club has only private rights-of-way where all streets are curbed and guttered. The remaining areas are grassed common areas. 2) Literal enforcement of the ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district. a) Only Fearington and Carolina Meadows were also approved under the old PUD ordinance, one for about 3 units per gross acre and the other for seven units per gross acre. Each of those have come back for PUD amendments since enactment of the new ordinance, and amendments have been made. On no occasion has the County sought to apply the new Net Land Area calculation to those other two PUDs. 3) The hardship is not the result of the actions of Governors Club a) Governors Club did not change the ordinance after it had obtained approval of over 1500 acres under the old ordinance. 4) Granting this variance will not confer any specific privilege that is denied to others in the same situation a) The same concept has been applied to the other PUDs created under the old ordinance. 5) Relief will not cause substantial detriment to the public welfare or impair the purposes of the ordinance. a) The excellent planning and execution of the Governors Club PUD is well known to the Board and has previously been documented. The purposes of the current ordinance are not impaired by rights legitimately granted under the old. b) Excluding the actual paved roads is a reasonable compromise. He stated that the Governors Club Planned Unit Development for approximately 1523 acres was approved in 1988 and 1989; that all land was included in density calculations because the zoning ordinance did not exclude rights-of-way, lakes, and other areas; that Fearington and Carolina Meadows were also approved; that in 1990, the zoning ordinance was amended to limit the density of PUDs based upon Net Land Area, excluding rights-of-way, lakes, and other areas; that in considering this recent application for increased density in the Governors Club PUD, the Planning Director applied density calculations and calculated Net Land Area based upon the new zoning ordinance to all of the PUD, including the old PUD. He asked that the variance be granted.

Commissioner Wilson moved, seconded by Commissioner Holland, to place this item on the Agenda for the July 21, 1997 Board of Commissioners' meeting. The motion carried five (5) to zero (0).

Commissioner Holland moved, seconded by Commissioner Wilson to adjourn as the Board of Adjustment and reconvene as the Board of Commissioners. The motion carried five (5) to zero (0).

## **FIRE INSPECTIONS**

~~**Discussion of Fire Inspections:** Discussion of fire inspections by the Mayors of Siler City and Pittsboro~~

This item was removed from the Agenda to be considered at a later date.

## **PUBLIC WORKS**

**Renewal of Interlocal Agreement for Development and Operation of Residential Household Hazardous Waste Collection Facilities:** Consideration of renewal of Interlocal Agreement between Wake, Durham, Orange, and Chatham County for development and operation of residential household hazardous waste collection facilities

Commissioner Wilson moved, seconded by Commissioner Holland, to authorize the Chairman to approve the renewal of the Interlocal Agreement for household hazardous waste

disposal and the amendment to the agreement, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

### **Household Hazardous Waste Committee Appointment**

Commissioner Wilson moved, seconded by Commissioner Holland, to appoint Lynn Weller, Waste Reduction Coordinator, as Chatham County's representative on the Triangle Region Household Hazardous Waste Committee as specified under Item #3, Page #2, of the Interlocal Agreement. The motion carried five (5) to zero (0).

**Revision to the County Plan Review and Inspection of Water Improvements:** Consideration of a revision to the County Plan Review and inspection of water improvements

Commissioner Wilson moved, seconded by Commissioner Holland, to approve the revised fee schedule included in the County Plan Review and Inspection of Water Improvements, to be effective immediately, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

**Amendment to the Regulations of the Chatham County Water System Rate Schedule:** Consideration to amend the Regulations of the Chatham County Water System rate schedule by deleting the provision II.A.2 regarding special rates for apartments so that all customers are charged at the current published rates

Commissioner Grimes moved, seconded by Commissioner Wilson, to table action on this matter until further research can be done on how other jurisdictions treat new apartment complexes and if they have changed their policies within the last five-six years. The motion carried five (5) to zero (0).

## HEALTH DEPARTMENT

**Health Department Budget Discussion:** Discussion of the Health Department funding appropriations

Wayne Sherman, Health Director, explained that 1996-97 has been a difficult financial year for the Health Department. He stated that a number of unanticipated developments and a very tightly crafted budget have resulted in a potential \$120,000 deficit for the department; that they anticipate the actual amount will be lower when the final figures are in as they have stopped all discretionary spending except for emergencies, reduced their clinical contractual obligations, submitted all outstanding billings for payment, stressed billable productivity among the staff, and instituted a revised fee policy. He stated that the Home Health Agency and CAP are not experiencing financial difficulties and anticipate meeting or exceeding their projected surplus (\$190,000); that the General Health Services Division is projected to have a deficit of about \$69,000; that this is primarily due to the increased cost of medical supplies and contractual services, sharply cut in budget negotiations last year, loss of Medicaid clients to other providers in an increasingly competitive market, and a growing number of indigent or 0% pay residents seeking services at the health Department; that Environmental Health Services anticipates showing a deficit of \$40,000 as a result of an inability to recruit certified registered sanitarians for vacancies, thus training and lost productivity with resulting fee generation has resulted in a deficit; that Animal Control, although extremely tightly budgeted this year, will show a deficit of around \$11,000; that this is due to the increased expense associated with responding to a rabies epidemic and the need to employ a third full-time Animal Control Officer in March to handle the demand for Animal Control Services. He stated that it is important to recognize this and past years' contributions to the Fund Balance from Home Health and asked that the potential deficit amount be transferred from Fund Balance to assure a balanced budget this year.

## BOARDS AND COMMITTEES

~~**Solid Waste Advisory Committee:** Consideration of appointment to the Chatham County Solid Waste Advisory Committee~~

This item was removed from the Agenda to be considered at a later date.

## MANAGER' S REPORTS

The County Manager informed the Commissioners of the following:

- 1) **Work Session** - The next scheduled work session on the budget will be for June 13, 1997.
- 2) **Employee Picnic** - The Chatham County picnic will be held on Thursday, June 12,, 1997 at 5:00 PM at the Pittsboro Park.
- 3) **Chatham County Extension Homemakers Luncheon** - Lunch for the Commissioners today will be provided by the Chatham County Extension Homemakers.
- 4) **Closed Session** - There needs to be a short Closed Session to discuss litigation matters before

the Board adjourns their meeting today.

### **COMMISSIONERS' REPORTS**

Commissioner Holland asked about Extended Area Telephone Service east of Pittsboro. meeting date at 1:00 PM.

### **CLOSED SESSION**

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

### **WORK SESSION SCHEDULES**

Commissioner Dunlap asked that possible dates be considered for Budget Work Sessions. By consensus, June 19, 1997 at 1:00 PM was set as the next Budget Work Session.

### **ADJOURNMENT**

- Commissioner Grimes moved, seconded by Commissioner Holland, 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 12:09 PM for lunch with the Chatham County Extension Homemakers.

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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