

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING, JUNE 16, 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 June 16, 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 7:00 P.M.

**AGENDA**

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

Charlie Horne, County Manager, asked that a Closed Session for the purpose of discussing Personnel as Item #23A.

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

**CONSENT AGENDA**

- The Chairman directed the Clerk to the Board to read the Consent Agenda. Commissioner Holland, 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 June 02, 1997 and Budget Input Sessions held May 27, 1997 and May 29, 1997

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 of 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.

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

4. **Consideration of the Order of Collection:** Consideration of the Order of Collection, attached hereto and by reference made a part hereof.

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

5. **Reappointment of Tax Collector:** Consideration of reappointment of Tax Collector, a copy of the oath is attached hereto and by reference made a part hereof.

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

6. **Charging Off 1987 Taxes:** Consideration to charge off 1987 taxes, a copy attached hereto and by reference made a part hereof.

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

7. **Acceptance of Diabetes Transition Funds:** Consideration to accept \$43,000 from the W. K. Kellogg Foundation for continued Diabetes Outreach and Education, **Budget Amendment #85**, attached hereto and by reference made a part hereof.

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

8. **Resolution Abandoning Road:** Consideration of **Resolution #97-27A Abandoning SR #1925 (CP&L Road) off SR #1916 from the Division of Highways' Secondary Road System**, attached hereto and by reference made a part hereof.

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

9. **Tax Software Package Contract:** Consideration of approval of a tax software package contract with Cox & Company, attached hereto and by reference made a part hereof.

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

10. **Subdivision Sketch Approval for Eagles Ridge, LLC:** Consideration of a request by Van R. Finch, applicant, on behalf of Wade Barber and Donald J. Meuten, developers, for subdivision sketch approval for Eagles Ridge, LLC consisting of 4 lots on 21.96 acres located off SR #1943 (Hanks Chapel Road) in Center Township

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

11. **Subdivision Sketch and Preliminary Approval of Kentview - Phase Two:** Consideration of a request by Van R. Finch, applicant, on behalf of Jesse Fearrington and Earl Thomas, developers, for subdivision sketch and preliminary approval of Kentview - Phase Two consisting of 11 lots on 16.4 acres located off SR #1527 (Morris Road) in Baldwin Township

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.

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### PLANNING & ZONING

#### *Public Hearing*

- **Public Hearing on Request by Goldston Apex Properties, LLC for a Light and Heavy Industrial Conditional Use District and Conditional Use Permit:** Public hearing to receive public comment on a request by Goldston Apex Properties, LLC for a Light and Heavy Industrial Conditional Use District and Conditional Use Permit for a building supply store and concrete plant on 46 acres of the Paul Goodwin property on the south side of US #64 in New Hope Township

Chairman Pollard administered the oath/affirmation to those in attendance who wished to make public comments.

**Jim Goldston**, 4900 Highway #98 West, Wake Forest, NC, stated that established as a family business in 1928, Goldston's building supply store has grown to become one of Wake County's oldest and most reputable building supply stores; that an opportunity has surfaced to establish a premier building supply store and mini concrete batch plant on the Goodwin Property located on US Hwy. #64; and that he feels that Chatham County will greatly benefit from the services of Goldston's Building Supply.

**David Lasley**, 1111 Oberlin Road, Raleigh, NC, representing Mr. Goldston as his land planner, stated that they are requesting a rezoning of 46 acres of land located on the south side of US Highway #64 known as the Goodwin Property from RA-40 to Light Industrial Conditional Use request; that the proposal relates to the goals of the Land Development Plan for Eastern Chatham County. He reviewed issues of concern regarding days and hours of operation, treatment of excess concrete, noise levels, traffic, utilities (water), sewerage, crime and safety.

**Roger Goodwin**, 1318 Olives Chapel Road, Apex, NC, speaking on behalf of his family living adjacent to the Goodwin property, stated that they had not had insufficient notification of the rezoning change from its former request to light industrial; that one of his main concerns is that of the contamination of the water in the nearby creek and surrounding property values. He stated that he is also concerned about air quality with idling trucks and noise quality.

**Thad Jennings**, 205 East Deer Run, Apex, NC, expressed disappointment over the poor notification of process and stated that there needs to be a dedicated position in the newspaper for location of notices of this type. He asked that letters of opposition from two of his neighbors, Daron and Cynthia Humphrey and Bob and Krystn Messer, who could not attend the meeting be made a part of the official record. He stated that he was concerned with light and noise pollution and from concrete production and encouraged the Commissioners to research the area before granting approval to this request as there are already three building

supply businesses within ten minutes of the proposed site.

**Nancy Jennings**, 205 East Deer Run, Apex, NC, asked that the Commissioners think long-term before approving the project and have the best interests of the citizens in mind when planning in this magnitude. She asked that the rezoning request not be approved as the area is so popular that it is certain to come before the Commissioners again with a more favorable request for land use.

**Bob Liposchak**, 117 East Deer Run, Apex, NC, stated that he opposes the zoning change; that most residents moved to the serene area to be away from industrial areas; that one of his major reasons of concern is the negative impact on residential properties of noise pollution, the potential run-off pollution, light pollution, and traffic, etc.

**Michael K. Stoskopf**, 3512 Olives Chapel Road Ext., Apex, NC, addressed two major concerns regarding the proposal: 1) Access to Service Road #1901 which is very popular with equestrians and cyclists, allows people to reach the lake without going through heavy traffic; 2)

Water - Because there is no aqua basin, it will be very difficult to get water through wells. He asked that no access be granted to SR #1901 and that it be used for fire access only.

**Suzanne Kennedy**, 3512 Olives Chapel Road Ext., Apex, NC, stated that SR #1901 would be inappropriate in its current state for handling heavy traffic; that it has no shoulders and is not proper width in some places; that it has no lines painted on it; that the area is a water shed protected area and there would have to be environmental impact studies done; that if Chatham County is going to develop heavy areas such as this, it needs a long-term plan on how to deal with businesses coming into what are now rural areas and destroying the quality of life.

**Gary Anderson**, 79 Silverberry Road, Pittsboro, NC, stated that he felt the County could save its long-range problems with a limited amount of higher density residential growth and sound, safe and attractive commercial growth. He thanked the County Manager, Economic Development Director and Chairman of the Board for taking an immediate and professional response to Mr. Goldston's desire to locate in Chatham County; He urged the Commissioners to approve and move forward with the request.

**Penny Beal**, 135 E. Deer Run, Apex, NC, stated that she appreciated the fact that the Commissioners look for facts and figures on which to base their decisions; that she is not opposed to new business but she is extremely concerned with regard to the proposed heavy industrial zoning and how it will impact their lives; that there may be an extreme amount of dust in the air and that she lives only one mile from the proposed site and one half mile from the proposed cement plant; that the noise levels may be high; that she is concerned about silos on the land and their heights. She expressed her appreciation to the Commissioners for their time and asked that they put themselves in the place of nearby residents.

**Peter Beal**, 135 E.. Deer Run, Apex, NC, stated that he did not receive adequate notice in order to have time to prepare for the public hearing; that he is not completely opposed to the business; that the Goldston's gave him good prices for materials purchased when he built his house; that he is sensitive to peace and quiet; that he feels that it will set a major precedent to change the zoning from residential to heavy industrial.

**Phyllis Watkins**, 168 East Deer Run, Apex, NC, stated that she opposes rezoning the area; that she looked for new land on which to build in Chatham County which allowed her to move from Wake County; that the rezoning will ruin one of the prettiest places in Chatham County if the proposed business is granted

approval; that the roads will be loaded with people and the area will be ruined.

**William Ewald**, 124 Deer Court, Apex, NC, stated that it was not known what is in the ground water run-off and how it will be treated. He stated that there had already been horrendous accidents at the intersection; that approximately 155 vehicles will be added on a daily basis; that there is good air quality in the area but asked about the dust from the operation; and that they have not been told what permits will be required for discharge, etc.

**David Legrys**, Chairman of the Planning Board, and Commissioners asked questions to be answered by Mr. Jim Goldston and David Lasley.

**Kurt Lent**, speaking on behalf of the Appearance Commission, stated that as a preliminary courtesy review for the project site and building design, the initial buffering is in conformance with the guidelines; that the vegetative screen around the concrete batch plant may be an issue in which they would like to become more involved; that the design of the buildings is probably acceptable, and that the architecture is pretty flexible; and that it is their expectations that the preliminary design can be developed to satisfy the guidelines.

**Request by Glenwood Development Company, Inc. for JHH Associates, Ltd. for a Conditional Use Business District with a Conditional Use Permit:** Consideration of a request

by Glenwood Development Company, Inc. for JHH Associates, Ltd. for a Conditional Use Permit District with a Conditional Use Permit for a shopping center on 12 acres (portion of Park & Stay Mobile Home Park) located at the southeastern corner of the intersection of US #15-501 and Mann's Chapel Road (SR #1532)

Commissioner Grimes moved, seconded by Commissioner Wilson, to make the five required findings and approve the change of zoning district to conditional use business district and to approve the conditional use permit according to the plans shown with the following eight (8) conditions with two additional conditions as follows:

1. The layout and design shall be as shown on the site plans dated May 27, 1997 with plantings and lighting as shown and described in documents submitted.
2. Lights shall be shielded to prevent direct skyward glare.
3. Off building signs are allowed according to a revised signage plan with a front monument sign not larger than 5 ft. x 12 ft.; a side street monument sign not larger than 4 ft. x 8 ft.; and an out-parcel monument sign not larger than 4 ft. x 8 ft..
4. Any outdoor speakers shall have volumes limited to conform to the County Noise Ordinance.
5. The uses allowed shall be those listed as permitted in the business district of the County Zoning Ordinance, with the exception of radio and television towers. The outside display of incidental merchandise for sale is allowed, however storage outside is not allowed without screening approved by the Board of Commissioners. This condition applies provided other applicable codes and requirements are met, i.e. fire codes and parking requirements.
6. Prior to transfer of the land for the shopping center property, a legal instrument restricting the total Holland tract to not more than 36% impervious surface according to the county water

supply watershed regulations shall be drafted to the county's satisfaction and shall run with the land.

7. Prior to transfer of the land for the shopping center property, a legal instrument providing access to and maintenance of the storm water management system shall be drafted to the county's satisfaction and shall run with the land.
8. The developer shall install fire hydrants on the property at his expense when county water is available.
9. Prior to land disturbing activities and/or the issuance of building permits, the developer shall provide the Planning Department with approvals from the state for the extension of utility service (water and sewerage) to the shopping center area and approval of plans for the extension of utility lines to the shopping center.
10. If building permits are not issued within 24 months of approval by the Board of County Commissioners the conditional use permit is null and void and the conditional use district reverts back to the original district prior to approval.

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

**Request by BellSouth Mobility DCS for A Revision to an Existing Conditional Use Light Industrial District with a Conditional Use Permit:** Consideration of a request by BellSouth Mobility DCS for a revision to an existing Conditional Use Light Industrial District with a Conditional Use Permit for a communication tower on the east side of SR #1910 (New Elam Church Road) in Cape Fear Township to co-locate on the existing 360 Communications 300' Guy Tower

Commissioner Wilson moved, seconded by Commissioner Holland, to approve the request as submitted with the condition that the applicant submit its two year plan for the Chatham County area within 30 days of June 3, 1997. The motion carried five (5) to zero (0).

**Request by Jeffrey H. Cosgrove for a Conditional Use B-1 Business District with a Conditional Use Permit:** Consideration of a request by Jeffrey H. Cosgrove for a Conditional Use B-1 Business District with a Conditional Use Permit for a landscape nursery on a 12 acre tract of land owned by Paul W. Goodwin located on the south side of Hwy. #64 East in New Hope Township

Commissioner Wilson moved, seconded by Commissioner Grimes, to find the five findings and approve the request with the following conditions:

1. Provide a 30 foot access easement along US #64 eastward to the access at Bob Horton Road (SR #1744). The easement is to be a minimum of 50 feet from the right-of-way of US #64.
2. Maintain a 50 foot un-disturbed buffer along the front property line except for the driveway access and easement to the east.
3. Hours of operation not to exceed 7:00 AM to 8:00 PM.
4. Lights shall be shielded from direct glow upward to the sky and from adjacent property and the road.

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

**Request by Governors Club Limited Partnership for a Revision to their Existing Planned Unit Development with Conditional Use Permit:** Consideration of a request by Governors Club Limited Partnership for a revision to their existing Planned Unit Development with a Conditional Use Permit for residential development, mixed use, O&I, as applicable, to include Horton Lake Tract (16.32 acres)

Commissioner Holland moved, seconded by Commissioner Wilson, to grant the request as submitted if the Zoning Board of Adjustment finds that the net land area may include a portion of private road rights-of-way, or if the ordinance is amended to allow inclusion of private road rights-of-way in the net land area; that the design of the East Dossett section include internal access to the Polk Parcel; that the garage apartments be allowed allocated off-street parking; and that the office and institutional and business areas be allowed to expand as submitted. The motion carried five (5) to zero (0).

### **HEALTH DEPARTMENT**

**Establishment of 20% Nutritionist II Position:** Consideration of a request to establish a 20% Nutritionist II position with the Home Health Agency, effective July 1, 1997

Commissioner Wilson moved, seconded by Commissioner Holland, to establish a 20% Nutritionist II position with the Home Health Agency effective July 1, 1997. The motion carried five (5) to zero (0).

### **FINANCE DEPARTMENT**

**Year End Budget Amendments:** Consideration of approval of year-end Budget Amendments - **Budget Amendments #16-21; #23-28; and #32-102**

- Commissioner Grimes moved, seconded by Commissioner Dunlap, to approve Budget Amendments #16-21, #23-28, and #32-102 excluding the Health Department General Health

Services line appropriated fund balance of \$51,230.00. The motion was defeated three (3) to two (2) with Commissioners Wilson, Holland, and Pollard opposing.

Commissioner Wilson moved, seconded by Holland, to approve **Budget Amendments #16-21, #23-28, #32-102**, attached hereto and by reference made a part hereof. The motion carried four (4) to one (1) with Commissioner Grimes opposing.

### **BOARDS AND COMMITTEES**

**Planning Board Reappointments:** Consideration of two reappointments to the Chatham County Planning Board

Commissioner Wilson moved, seconded by Commissioner Holland, to reappoint Priscilla Studholme and John Graybeal to the Planning Board. The motion carried five (5) to zero (0).

**Planning Board Appointments:** Consideration of two appointments to the Chatham County Planning Board

Commissioner Dunlap moved, seconded by Commissioner Grimes, to appoint Phil Edwards to the

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

Commissioner Holland deferred her appointment until a later date.

### **MANAGER' S REPORTS**

1) **Tax Bills:** Ken Joyner, Tax Administrator, reviewed tax billing options by printing them i printing them out-of-house.

Commissioner Grimes moved, seconded by Commissioner Wilson, to contract with SCS Direct Mail Marketing to print 8 1/2" x 11" bills.

After discussion, Commissioner Wilson withdrew her second to the motion after which Commissioner Grimes withdrew the motion.

Commissioner Grimes moved, seconded by Commissioner Wilson, to outsource the tax billing post cards contract to Tony McClamrock in the approximate amount of \$25,715.43. The motion carried five (5) to zero (0).

2) **Governors Club:** Wade Barber, Attorney, reviewed a request by Governors Club for a proposed amendment to water utilities for multi-family units from residential to commercial rates.

Mark Ashness, McKim & Creed, explained water rate adjustments based on customer growth.

Commissioner Grimes moved, seconded by Commissioner Dunlap, to adopt **Resolution #97-28 to Amend the County Water System Rules and Regulations, Sections I and II**, and to proceed with a water rate study. The motion carried five (5) to zero (0). The resolution is attached hereto and by reference made a part hereof.

Commissioner Grimes moved, seconded by Commissioner Dunlap, to establish new water rates for apartments, effective January 2, 1998. The motion carried five (5) to zero (0).

### **CLOSED SESSION**

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

### **COMMISSIONERS' REPORTS**

There were no Commissioner reports.

### **ADJOURNMENT**

Commissioner Wilson 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 9:53 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