

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING, JULY 21, 1997**

---

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 July 21, 1997.

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

Absent: Vice Chairman, Betty Wilson

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 an appointment to the Mid Carolina Workforce Development Board be added to the Agenda as Item #35A; that a Closed Session for the purpose of discussing litigation and industrial relocation as Item #37A; that Item #21 be moved to be discussed with Item #29; and that Items #15-20 be changed to show that Keith Megginson, Planning Director, will brief the Board on the named issues instead of the County Manager.

Commissioner Grimes moved, seconded by Commissioner Holland, to approve the Agenda with the noted request. The motion carried four (4) to zero (0).

### CONSENT AGENDA

The Chairman directed the Clerk to the Board to read the Consent Agenda. Commissioner Holland, seconded by Commissioner Grimes, 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 16, 1997 and Budget Input Sessions held June 13, 1997 and June 19, 1997

The motion carried four (4) 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 four (4) 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 four (4) to zero (0).

4. **Department of Social Services Contracts:** Consideration of various contracts for the Department of Social Services, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

5. **Adolescent Pregnancy Prevention Program Grant Funds Acceptance:** Consideration to accept grant funds in the amount of \$58,696 from the Adolescent Pregnancy Prevention Program, DEHNR, Division of Maternal and Child Health, **Budget Amendment #9**, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

6. **Smart Start Grant Acceptance to Continue the Latino Kindergarten Preparedness Program:** Consideration to accept a grant in the amount of \$20,077.00 from Smart Start to continue the Latino Kindergarten Preparedness Program through June 30, 1998, **Budget Amendment #8**, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

7. **Peace Development Fund and Helping Hands Center Grant Acceptance:** Consideration to accept a grant in the amount of \$1,600.00 from Peace Development Fund and the Helping Hands Center to conduct a Cultural Diversity Workshop in Siler City, NC, **Budget Amendment #10**, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

8. **Request by the Library Department to Apply for Title I Grant Funds:** Consideration of a request by the Library Department to apply for federal Library Services & Construction Act (LSCA) Title I grant funds for electronic reference resources

The motion carried four (4) to zero (0).

9. **Elderly and Handicapped Transportation Assistance Program Allocations:** Consideration of disbursement of Elderly and Handicapped Transportation Assistance Program allocation in Chatham County for Fiscal Year 1997-98 in the amount of \$25,790, **Budget Amendment #11**, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

**END OF CONSENT AGENDA**

## **PUBLIC INPUT SESSION**

**Jim Diggs**, 40 Diggs Lane, Chapel Hill, NC, stated that he had repeatedly asked for help in getting the dual numbering system for Fearington Road resolved. He stated that the problem had been in existence since the E-911 numbering system was put into place; and that whomever is responsible for taking care of the

matter needs to do so.

**Ed Wheeler**, 6917 Fearington Road, Chapel Hill, NC, expressed concern regarding the dual numbering of Fearington Road. He asked that the Commissioners consider the request for help an urgent one in naming the portion of Fearington Road

located in Durham County as "North Fearington" and the southern part of Fearington Road located in Chatham County as "South Fearington".

**Thad Jennings**, 205 East Deer Run, Apex, NC, asked that a different type of sign be used to inform citizens of public hearings. He stated that the signs presently used look more like "Buried Cable" signs; that larger signs need to be used with possibly a large "Z" to identify areas to be rezoned.

Commissioner Holland moved, seconded by Commissioner Grimes, to instruct the County Manager to take care of the Fearington and Old Lystra Roads matter immediately and continue with it until it is satisfactorily resolved. The motion carried four (4) to zero (0).

## **CABLE FRANCHISE**

### *Public Comments*

**Public Comments on Cable Franchise for Charter Communications II:** Public comments session on a cable franchise for Charter Communications II

The County Manager explained that the night's meeting is the first of two readings to be held for the proposed cable franchise for Charter Communications.

David Premar, Raleigh Attorney working with Cable Administrator with the City of Raleigh, Bob Sepe, through Triangle J, for cable renegotiations. He stated that the proposed cable franchise has already been executed by Charter Communications and is identical to the one negotiated for Siler City, Benson, and Sanford; that it requires Charter Communications to upgrade the system within 30 months; that he feels the new system will offer a very high-level of service; that for the first time in the new franchise agreement, the system has requirements for public education and governmental access and for an institutional network; that they are very pleased with the franchise and what they have been able to achieve with Charter; and that they recommend its approval.

Mr. Premar answered questions from the audience.

Commissioner Grimes moved, seconded by Commissioner Holland, to approve the first reading of the franchise contract. The motion carried four (4) to zero (0).

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

## **PLANNING & ZONING**

### *Public Hearings on Zoning Issues*

**Public Hearing on Request by Jeffrey H. Cosgrove for a Conditional Use B-1 Business District with a Conditional Use Permit:** Public hearing to receive public comments on 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 three acre tract of land (owned by Paul W. Goodwin) to be an addition to an existing 12 acre B-1 Business District located on the south side of Hwy. #64 East in New Hope Township

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

**Public Hearing on a Request by George Farrell, Jr. for a Conditional Use Light Industrial District with a Conditional Uses Permit:** Public hearing to receive public comments on a request by George Farrell, Jr. for a Conditional Use Light Industrial District with a Conditional Use Permit for a mini-warehouse storage facilities on SR #1717 (McGhee Road) in Williams Township

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

**Public Hearing on Proposed Amendment to Section 301 - Establishment of Watershed Area:** Public hearing to receive public comments on a proposed amendment to Section 301 (Establishment of Watershed Area), Dunlap. (WS-IV Watershed Areas - Critical Area, WS-IV-CA, (1). Allowed Uses, (Dunlap). Non-residential development of the Chatham County Water Supply Watershed Protection Regulations to allow mini-warehouse storage facilities

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

**Public Hearing on Proposed Amendment to the Chatham County Zoning Ordinance:** Public hearing to receive public comments on a proposed amendment to the Chatham County Zoning Ordinance to add Section 17.12 to provide for the expiration of Conditional Use Districts and Conditional Use Permits if specified conditions are not fulfilled

David LeGrys, 111 Pokeberry Lane, Pittsboro, NC, Chatham County Planning Board Chairman, explained that this particular proposal came from the Planning Board at their February meeting when the proposed conditions for expiration of conditional use permits was reviewed; that of the proposed conditions, the time limit for utilization of the permit was selected for further development; that currently the Chatham County Zoning Ordinance does not establish conditions other than the intentional violation of the terms of the permit for the expiration or revocation of a Conditional Use Permit; that this is a proposal to add a new section to the County Zoning Ordinance to establish a condition and to outline procedures for the revocation of the permit and a re-instatement of the previous zoning. He explained that after a period of two years from the date of the approval of the conditional use permit the site is unchanged or no evidence can be found that substantial progress is being made toward the utilization of the permit, then the permit is suspended pending further review.

### ***Final Subdivision Plat Review***

**Request for Sketch, Preliminary, and Final Approval for The Fidelity Bank:** Consideration of a request by Mauldin-Watkins Surveying, P.A., applicant, on behalf of The Fidelity Bank for sketch, preliminary, and final approval for one lot non-residential subdivision located on Old US #1 in Haw River Township

Commissioner Grimes moved, seconded by Commissioner Holland, to grant sketch, preliminary and final approval of the plat as submitted with the condition that the 25 foot wide private easement for ingress and egress, as shown on the map, is not infringed on by septic fields or other uses. The motion carried four (4) to zero (0).

**Request for Subdivision Preliminary and Final Approval for Eagles Ridge, LLC, Phase 2B:**

Request by Clyde Keisler, applicant, on behalf of Wade Barber and Donald J. Meuten, developers, for subdivision preliminary and final approval for Eagles Ridge, LLC, Phase 2B consisting of 4 lots on 21.96 acres located off SR #1943 (Hanks Chapel Road) in Center Township

Commissioner Holland moved, seconded by Commissioner Grimes, to grant preliminary and final approval of the plat as submitted. The motion carried four (4) to zero (0).

**Request for Subdivision Final Approval of Hickory Haven - Phase 2:** Consideration of a request by James Associates for subdivision final approval of Hickory Haven - Phase 2 consisting of 6 lots on 28.26 acres off Dewitt Smith Road (SR #2176) in Hickory Mountain Township

Commissioner Grimes moved, seconded by Commissioner Dunlap, that the plat be approved as submitted with the condition that the plat not be recorded until the roadway has enough gravel to provide all weather access for emergency vehicles. The motion carried four (4) to zero (0).

**Zoning Request****Request for Light and Heavy Industrial Conditional Use District and Conditional Use Permit:**

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 W. Goodwin property on the south side of US #64 in New Hope Township

Commissioner Dunlap moved, seconded by Commissioner Holland, to approve the zoning change, make the five findings and approve the conditional use request with the following conditions:

1. The general layout and design shall be as shown on the site plans dated June 24, 1997 with plantings and lighting as shown and described in documents submitted except as noted below.
2. Lighting shall be shielded to prevent direct skyward glare. Area lighting shall be designed to prevent light spillage on adjacent properties. Lighting, except for required security lighting, shall be timed to go off 1/2 hour after normal business hours and go on no more than 1/2 hour before normal business hours.
3. Additional needs for communication towers may require a change to the Conditional Use Permit. Hidden, or "stealth towers" or communication equipment that can be attached to the sides of the silos would not require a revision to the permit. Construction of a free standing, traditional communication tower will require revision to the permit.
4. The color of the batch plant silos shall be of a color or colors to minimize visibility. Light gray is one acceptable color.
5. Additional evergreen vegetative screening shall be provided along the SR #1901 frontage. Berming may also be provided in lieu of planting.
6. County noise limitations of 60dBA during the day and 50dBA during the night shall apply to the operation of the facility.
7. Long term outdoor storage of materials shall be limited to the area within the security fence.

8. If dust from the large graveled area becomes a problem for adjacent properties, a policy of periodic water spraying to reduce dust will be initiated.
9.
  - a. The normal hours of operation for the building supply store being open to customers shall be limited to 6:30 am to 8 PM Monday through Saturday.
  - b. The normal hours of operation for the concrete batch plant and trucks operating shall be limited to 6:30 am to 7 PM Monday through Friday and 7 am to 1 PM on Saturday.
10. Wash out pit(s) shall provide a minimum of 12" of freeboard at all times.
11. The on-site shop/repair facility is for the fork lifts and other small equipment as requested in the application. Repair of cement trucks is to be done off-site.
12. Access to this site from Olive Chapel Road is limited to emergency vehicles only. This access is not to be used as an alternate route for deliveries of supplies during the construction or operation of the plant.
13. Additional trees shall be planted along the east side of the employee parking lot to breakup the visibility of the east side of the main store building. Additional evergreen vegetative screening shall be provided along the north side of the storage yard fencing located near the southeast corner of the employee parking lot.
14. A minimum 20' wide undisturbed area shall be provided along the US64 frontage from the west property line to the main entrance. A minimum 50' wide undisturbed area shall be provided along the north, west and south sides of the concrete batch plant. Exception to these undisturbed areas may be made for drives and stormwater facilities.
15. Off building signs are allowed provided no sign is larger than 100 square feet or taller than 20 feet.
16. The minimum flow for a. and b. below shall be certified following a 24 hour draw down test. This information shall be confirmed by the Planning Department in consultation with the County Health Department.
  - a. Prior to issuance of a building permit for the building supply store, a well(s) shall be drilled yielding a minimum flow of five (5) gallons per minute.
  - b. Prior to issuance of a building permit for the concrete batch plant, a well(s) shall be drilled yielding a minimum flow often (10) gallons per minute.
17. Prior to transfer of the land for the building supply property and concrete batch plant, a legal instrument restricting the total Goodwin 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.
18. Prior to transfer of the land for the building supply property and concrete batch plant, a legal instrument providing access to and maintenance of the stormwater management system (infiltration or storage of the first one half inch of stormwater from impervious surfaces of the concrete batch plant) shall be drafted to the county's satisfaction and shall run with the land.

19. The developer shall install a dry fire hydrant in the pond on the Goodwin property at his expense and legal and physical access shall be provided at the applicant's expense.
20. If a building permit is 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 four (4) to zero (0).

### ***Chatham County Board of Adjustment***

**Request for Variance from the Chatham County Zoning Ordinance:** 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 rights-of-way outside paved roadways to be included in calculating net land area

Commissioner Holland moved, seconded by Commissioner Grimes, to recess as the Board of Commissioners and convene as the Board of Adjustment. The motion carried four (4) to zero (0).

Commissioner Dunlap moved, seconded by Commissioner Grimes, to approve **Resolution #97-30 Regarding Calculation of Density Under the Chatham County Zoning Ordinance**, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

Commissioner Holland moved, seconded by Commissioner Grimes, to adjourn as the Board of Adjustment and reconvene as the Board of Commissioners. The motion carried four (4) to zero (0).

Commissioner Grimes moved, seconded by Commissioner Holland, to amend Governors Club conditional use permit to allow up to 1830 dwelling units in their development according to the plans submitted at the April, 1997 meeting, based on the actions of the Board of Adjustment. The motion carried four (4) to zero (0).

### **Housing Grants Update**

**Housing Grants Update:** Consideration of a housing grants update

Commissioner Holland moved, seconded by Commissioner Grimes, to add Ida Belle Gains, Bonlee Carbonton Road in Goldston and Catherine Alston, Solomon Degraffenreid Road in Pittsboro to the approved list for evaluation and rehabilitation under the North Carolina Housing Finance Agency Rehabilitation Program. The motion carried four (4) to zero (0).

Commissioner Grimes moved, seconded by Commissioner Dunlap, to award the 1997 Community Development Block Grant administration to Hobbs, Upchurch & Associates, not to exceed a ceiling of \$51,500. The motion carried four (4) to zero (0).

### **RECESS**

The Chair called for a five-minute recess.

## **PUBLIC WORKS DEPARTMENT**

**Backyard Composting Education and Promotion Grant:** Consideration to accept a Backyard Composting Education and Promotion Grant

Commissioner Holland moved, seconded by Commissioner Grimes, to accept the Backyard Composting Education and Promotion grant in cooperation with Orange Community Recycling. The motion carried four (4) to zero (0).

## **LIBRARY SERVICES**

**Request to Apply for Library Services and Construction Act Title I Grant Funds for Collection Development Project:** Consideration of a request by the Library

Department to apply for federal Library Services and Construction Act (LSCA) Title I grant funds for Collection Development Project

Commissioner Grimes moved, seconded by Commissioner Holland, to approve the library's request to apply for federal Library Services and Construction Title I grant funds to pursue the Collection Development Project. The motion carried four (4) to zero (0).

**Request to Apply for Library Services and Construction Act Title I Grant Funds for Video Services Project:** Consideration of a request to apply for Library Services and Construction Act (LSCA) Title I grant funds for Video Services Project

Commissioner Holland moved, seconded by Commissioner Grimes, to approve the library's request to apply for federal Library Services Construction Act (LSCA) Title I grant funds to pursue the Video Services project. The motion carried four (4) to zero (0).

## **COUNCIL ON AGING**

**In-Home Aide Contract:** Consideration to approve In-Home Aide Contract (Formerly CHORE Contract)

Commissioner Grimes moved, seconded by Commissioner Holland, to approve In-Home Aide Contract, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

## **DEPARTMENT OF SOCIAL SERVICES**

**State Automated Child Welfare Information System:** Consideration to approve a request to participate in the State purchase of computer equipment for the State Automated Child Welfare Information System (SACWIS) in the amount of \$106,523.00

Commissioner Grimes moved, seconded by Commissioner Holland, to approve participation in State purchase of computer equipment for the State Automated Child Welfare Information System (SACWIS) in the amount of \$106,523.00. The motion carried four (4) to zero (0).

## **FINANCE DEPARTMENT**



**Budget Amendments:** Consideration to approve Budget Amendments #1 – 7

Commissioner Holland moved, seconded by Commissioner Grimes, to approve Budget Amendments #1-#7, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

**Certificate of Achievement for Excellence in Financial Reporting Recognition: Presentation of Certificate of Achievement for Excellence in Financial Reporting**

Chairman Pollard expressed appreciation to the Finance Director and staff for receiving the Certificate of Achievement for Excellence in financial reporting. She stated that the Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting and its attainment represents a significant accomplishment by a government and its management.

**BOARD OF COMMISSIONERS' MATTERS**

**Voting Delegate Designation for 1997 Annual Conference:** Consideration of appointment of a voting delegate designation for the 1997 Annual Conference

Commissioner Dunlap moved, seconded by Commissioner Holland, to designate Margaret Pollard, Chairman, as the County's voting delegate for the North Carolina Association of county Commissioners Annual Conference in Guilford County on August 14-17, 1997. The motion carried four (4) to zero (0).

**Design Services - Phase I Contract for Facility Renovations:** Consideration of Design Services - Phase I contract for facility renovations

Commissioner Grimes moved, seconded by Commissioner Holland, to accept the proposal submitted by Kurt Lent for Phase I renovations in the amount of \$51,200 and upon review by the County Attorney, accepts the resultant contract. The motion carried four (4) to zero (0).

**Contract Renewal for Water Purchase from Town of Siler City:** Consideration of contract renewal for purchase of water by Chatham County from the Town of Siler City

Commissioner Grimes moved, seconded by Commissioner Holland, to approve the agreement to sell water by the town of Siler City to Chatham County. The motion carried four (4) to zero (0).

**BOARDS AND COMMITTEES**

**Industrial Facilities and Pollution Control Financing Authority Appointment/Reappointment:** Consideration of an appointment and a reappointment to the Industrial Facilities and Pollution Control Financing Authority

Commissioner Grimes moved, seconded by Commissioner Holland, to appoint Don Dixon, 1020 W. Chatham Street, Cary, NC and reappoint Victor Aldridge, 20 Fairway Road, Siler City, NC, J. E. Booth, Route 3, Box 240, Durham, NC, and J. Wallace Jones, 1828 St. Luke Church Road, Goldston, NC to the Industrial Facilities and Pollution Control Financing Authority with terms to expire on July 1, 2003. The motion carried four (4) to zero (0).

**ETJ Member and Alternate to the Town of Siler City Planning Board/Board of Adjustment Appointments:** Consideration of appointment of ETJ Member and Alternate to the Town of Siler City Planning Board/Board of Adjustment

Commissioner Grimes moved, seconded by Commissioner Holland, to appoint James Patterson, 3060 Old US #421 North, Siler City, NC to serve as the alternate ETJ member and Dr. Tim Scheetz, 95 Pine Forest Drive, Siler City, NC to serve as an active ETJ member of the Town's Planning Board/Board of Adjustment. The motion carried four (4) to zero (0).

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

Commissioner Dunlap moved, seconded by Commissioner Holland, to appoint Bonnie Vargo, 647 Pokeberry Lane, Pittsboro, NC and Mr. Selby Gration, 1004 Fearington Post, Pittsboro, NC to the Chatham County Library Board with terms beginning immediately and expiring on June 30, 2003. The motion carried four (4) to zero (0).

**Chatham County Planning Board Appointment:** Consideration of an appointment to the Chatham County Planning Board by Commissioner Holland

Commissioner Holland moved, seconded by Commissioner Grimes, to appoint Gary Anderson 79 Silverberry Road, Pittsboro, NC to the Chatham County Planning Board. The motion carried four (4) to zero (0).

**Appearance Commission Appointment:** Consideration of an appointment to the Chatham County Appearance Commission

Commissioner Dunlap moved, seconded by Commissioner Grimes to defer appointment to the Appearance Commission until the August 8, 1997 meeting.

**Mid Carolina Workforce Development Board Appointment:** Consideration of an appointment to the Mid Carolina Workforce Development Board

Commissioner Grimes moved, seconded by Commissioner Holland, to appoint Howard Caccia to the Mid Carolina Workforce Development Board. The motion carried four (4) to zero (0).

## MANAGER' S REPORTS

The County Manager informed the Commissioners of the following:

- 1) **Joint Meeting with Orange County, Chapel Hill, and Carrboro:** Information regarding a joint meeting with Orange County, Chapel Hill, and Carrboro officials will be available by the August 4, 1997 meeting. The Mayor of Chapel Hill will be returning from an out-of-town trip on July 25, 1997 at which time she will contact Commissioner Pollard to finalize meeting plans.
- 2) **Master Water Plan Update Work Session:** A work session will be held during the afternoon session of the August 4, 1997 Board of Commissioners' meeting at which time the

Master Plan Update for County water will be discussed.

- 3) **Planning Board Work Session:** A work session will be held with the Planning Board either on Monday, August 25, 1997 or Thursday, August 28, 1997 in the Byrd's Classroom or the Council on Aging Building, and will be announced.

### COMMISSIONERS' REPORTS

There were no Commissioner reports.

### CLOSED SESSION

Commissioner Grimes moved, seconded by Commissioner Holland, to go out of Regular Session and into Closed Session for the purpose of discussing litigation and possible industrial location. The motion carried four (4) 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 four (4) to zero (0).

### Community Development Block Grant (CDBG)

Commissioner Dunlap moved, seconded by Commissioner Grimes to schedule a public hearing for the Community Development Block Grant for August 4, 1997. The motion carried four (4) to zero (0).

### ADJOURNMENT

Commissioner Dunlap moved, seconded by Commissioner Grimes, that there being no further business to come before the Board, the meeting be adjourned. The motion carried four (4) to zero (0), and the meeting was adjourned at 10:15 P.M.

---

Margaret Bryant Pollard, Chair

ATTEST:

---

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