

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING, SEPTEMBER 15, 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 September 15, 1997.

Present: Chairman Margaret Pollard; Vice Chair Betty Wilson; Commissioners Uva Holland, John Grimes, and Henry Dunlap; County Attorney, Robert L. Gunn; Assistant County Manager, Reneé Dickson; and Deputy Clerk to the Board, Carolyn A. Chandre

Absent: Charlie Horne, County Manager, and Sandra B. Lee, Clerk to the Board

The meeting was called to order by the Chairman at 7:03 P.M.

**AGENDA**

- The Chairman asked if there were additions, deletions or corrections to the Agenda.
- Reneé Dickson, Assistant County Manager, asked that the following items be added to the Agenda:
  - Rescinding the Resolution Appointing a Review Officer dated September 2, 1997 and adoption of the Resolution Appointing a Review Officer dated September 15, 1997 as Item #12A;
  - Resolution Honoring Bishop Leach as Item #12B;
  - Appointment to the Water Advisory Board as Item #20A;
  - Appointment to the JOCCA Board of Directors as Item #20B;
  - Consideration of a request by Cindy Bland, on behalf of Garry Anderson, to purchase property owned by the County as Item #20C;
  - Resolution of Support for JOCCA application for the JobLink facility as Item #20D; and
  - Closed Session for the purpose of discussing industry location and personnel as Item #23.
- 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 Deputy Clerk to the Board to read the Consent Agenda. Commissioner

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

1. **Minutes:** Consideration of approval of Board Minutes for regular meeting held September 2, 1997

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

2. **Hunting and Fishing Day:** Consideration to approve **Resolution #97-34 Proclaiming September 27, 1997 as Hunting and Fishing Day in Chatham County**, attached hereto and by reference made a part hereof.

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

3. **State Funding Allocations:** Consideration to approve adjustments to the Fiscal Year 1997-98 Health Department Budget based on final State funding allocations, **Budget Amendment #13**, attached hereto and by reference made a part hereof.

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

4. **Childhood Lead Poisoning Funds Acceptance:** Consideration of a request to accept additional State Childhood Lead Poisoning funds in the amount of \$1500 for the Environmental Health Division, **Budget Amendment #14**, attached hereto and by reference made a part hereof.

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

5. **Immunization Funds Acceptance:** Consideration of a request to accept additional funds in the amount of \$4,438.65 from the Immunization Section, Department of Environment, Health, & Natural Resources (DEHNR), awarded to the Health Department, **Budget Amendment #15**, attached hereto and by reference made a part hereof.

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

6. **Duke Endowment Funds Acceptance:** Consideration of a request to accept funds in the amount of \$46,156 from Duke Endowment to develop and sustain strategies as a result of the community assessment conducted by the Chatham Community Health Improvement Project (CCHIP), **Budget Amendment #16**, attached hereto and by reference made a part hereof.

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

7. **Medicaid Federal Financial Participation Funds:** Consideration of a request to accept additional funds in the amount of \$24,371 from Medicaid Federal Financial Participation (FFP) for the Health Department's Helping Families/Healthy Starts Program, **Budget Amendment #17**, attached hereto and by reference made a part hereof.

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

8. **Smart Start Grant Funds:** Consideration of a request to accept funds in the amount of

\$15,292 to implement the Aprendiendo con Mama Program, **Budget Amendment #18**, attached hereto and by reference made a part hereof.

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

9. **Bad Debt Write-Off:** Consideration of a request to approve a bad debt write-off for the General Health Services and Home Health Divisions of the Health Department

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

10. **Private Road Name:** Consideration of a request from citizens for the naming of a private road in Chatham County:

- 1) Sweet Water Ridge

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

11. **Governors Village, Phase Three:** Consideration of a request by Wade Barber for preliminary and final approval of Governors Village, Phase Three consisting

of 61 lots on 34.252 acres in Williams Township

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

12. **Household Hazardous Waste Agreement:** Consideration or a renewal of the agreement with Laidlaw Environmental Services to continue providing the Household Hazardous Waste collection and disposal program, attached hereto and by reference made a part hereof.

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

- 12A. **Rescinding of Resolution #97-33 Appointing a Review Officer:** Consideration to rescind Resolution #97-33 dated September 2, 1997 and to adopt **Resolution # 97-35 Appointing a Review Officer**, attached hereto and by reference made a part hereof.

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

- 12B. **Resolution Honoring Bishop Leach:** Consideration of **Resolution #97-36 Honoring Bishop Leach**, attached hereto and by reference made a part thereof.

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

**END OF CONSENT AGENDA**

### **PUBLIC INPUT SESSION**

**Joan Cunningham**, 644 Tanager Lane, Chapel Hill, NC stated that she had been a citizen of Chatham County for 17 years, and a member of the ad hoc committee assembled in 1992 to present a preliminary design and recommendation for the animal shelter in Chatham County. She stated that then Health Director, John Shaw, mandated that the shelter should be designed to fit future needs and take Chatham County into the 21<sup>st</sup> century; that rabies cases were not at the level they are currently, but that Commissioners had the

foresight to appropriate funds for the building of a wonderful animal shelter; that now some years later, the 21<sup>st</sup> century is fast approaching, and rabies has spread and animal control officers have logged hundreds of hours in compensatory time to keep the community safe; that the community is asking for and deserves more; that Animal Control Officers are still lacking in equipment, investigative and communication tools; that rabies will never be eradicated; that future developments, such as Astoria, will create the demand for more emergency services, training officers, and need for education about public safety issues such as rabies. She urged the Commissioners to listen to the Animal Control Supervisor, and to have the courage and foresight of their predecessors in helping to make the Animal Control program as professional and responsive as the County deserves.

**Ruth Nesenkar**, 3244 Silk-Hope Liberty Road, Siler City, NC, stated that she had retired to Siler City and in the past has been able to adopt and care for stray animals; that now, however, she is scared to go out of her home due to the widespread rabies epidemic; that recently there was a large dog outside her house and she was afraid to leave the house; that she called Animal Control and that they stated they could do nothing unless it is an emergency; that she then called the Sheriff's Department and a deputy came, but would not shoot the dog; that she felt it was ridiculous that with all of his training, he should have to serve as an escort for an old woman who is afraid of a dog; that the deputy helped her and her daughter search for the dog's owner; that the deputy called for assistance, the dog was roped, and removed from the property.

## **PLANNING AND ZONING**

### ***Public Hearings***

**Zoning Ordinance Amendment:** Public hearing on a proposal to amend the Chatham County Zoning Ordinance to include debris landfills as conditional use in all districts

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

**Heavy Industrial Conditional Use District with a Conditional Use Permit for Rock Crusher:** Public hearing request by Ledford Engineering, Inc. for a Heavy Industrial Conditional Use District with a Conditional Use Permit for a rock crusher and associated uses on 38.9 acres off SR #1916 (Corinth Road) in Cape Fear Township

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

**Michael Trapnell**, 750 E. Swedesford Rd., Valley Forge, PA, spoke on behalf of CertainTeed Corporation, and introduced Mr. Joe Quaranta, Mr. Jim Smith, and Mr. John Connor and Mr. Mark Ledford. He stated that Ledford Engineering has acted on behalf of the CertainTeed Corporation and are retained as local consultants. He stated that CertainTeed has always shown the utmost respect for the people and environments in which they operate, and that their intentions are honorable in Chatham County. He assured the Commissioners that the citizens and properties will be treated with appropriate level of care and concern.

Mr. Trapnell explained that the project is for the construction of a roofing granules plant and that from the plant in Chatham County, two asphalt shingle plants will be served; that the production process involves purchasing crushed stone from a local quarry, and resizing it through crushing to the final size of 1/32 of an inch; that the crushing process produces by-product which would be disposed of through slurry system at an adjacent landfill site; that the material is inorganic and environmentally safe; that approximately 40-50% of the by-product will be disposed of in an existing depression adjacent to site; that all storage facilities will comply with County, state, and federal regulation; that the site is in the Brickhaven area near remote

properties; that the plant site will be buffered by existing vegetation, and will exceed the 50 foot requirement; that the minimum buffer employed would be 100 feet; and that due to the increased volume of truck traffic, the access road will be paved to eliminate dust and that sound barriers will be constructed.

**Jim Shank**, 3357 Corinth Road, Moncure, NC, stated that as an adjacent property owner, he is unabashedly opposed to development. He stated that the truck traffic begins very early in the day from Cherokee Sanford Brick, and that even though they are saved from the dust by favorable winds, the noise wakes them nearly every morning; and that the road is busy enough already, with many school-aged children, and that a development of this nature would be bad for the neighborhood.

**Edwin E. Utley**, Route 1, Moncure, NC, stated that he owns a farm that is partially adjacent to the proposed development. He emphasized that this is a large corporation and that this request allows them to get their foot in the door; that once this happens, there is no limit to expansion; that there is a large amount of truck traffic already from Cherokee Brick and logging trucks going to Weyerhaeuser and other plants; that rock crushing operations are not clean; that this will generate pollution in a creek that is already polluted; and that this is a situation that warrants particular attention from the Planning Board and the Board of Commissioners.

**Mary Ann Perkins**, 3045 Corinth Road, Moncure, NC, stated that she is a lifelong resident of the Corinth Road area and that she and her family have grave concerns about the proposed development. She asked that the Commissioners consider the following environmental impacts from such a facility: 1) noise pollution; 2) possible groundwater contamination; 3) increased traffic problems; and 4) road hazards from rock debris. She stated that she understood that Chatham County needed to attract new industry, however, that this type of industry would have an adverse effect on their environment and community.

**Cindy Bland**, PO Box 264, Pittsboro, NC, asked that the Commissioners look at the proposal very carefully. She stated that she is a positive person with regard to environmental growth and is very concerned about the proposal; that two years prior, she represented Deep River Minerals and made a rezoning request for a roofing granules plant in southern Chatham County; that the County approved a rezoning request; that the company's president, David Hepple implemented a business plan to get the project going; that he protected this plan with a

confidentiality agreement, a written agreement that stated that his plan would be protected for a minimum of two years; that this confidentiality plan remains in effect now; that the proposed development is the same proposal as Deep River Minerals was two years ago; that Mr. David Hepple made an initial investment of \$100,000 and expect to turn that around to a \$5-8 million profit; that she wants a responsible and honest industry in the County, but what has happened to Mr. Hepple could very well happen to the County. She asked that the Board of Commissioners put the project on hold long enough to send a message to CertainTeed and force them to deal with Mr. Hepple before they rezone and approve the development.

**Donna Harrington**, 3605 Corinth Road, Moncure, NC, has a little boy who would be cut off from friends if the proposed development was approved. She stated that she can see clay pits from house in the winter, and that the noise is a big factor; that they are also concerned about the impact on the creek that runs behind their property; that there have also been several accidents on road; that she cannot imagine the effects of increased truck traffic on the road; and that the residents received no notification of a proposed development or public hearing on the matter.

Representatives of Ledford Engineering and CertainTeed Corporation answered questions from the public and members of the Planning Board.

**County-Wide Sign Ordinance:** Consideration of a request to extend "An Ordinance Establishing A

Moratorium On The Erection Of Off-Premise Outdoor Advertising Signs in Chatham County” until December 5, 1997

Commissioner Wilson moved, seconded by Commissioner Holland, to approve the extension of “An Ordinance Establishing A Moratorium On The Erection OF OFF-Premise Outdoor Advertising Signs in Chatham County” until December 5, 1997. The motion carried five (5) to zero (0).

**Telecommunication Towers Ordinance:** Consideration of a request to schedule a public hearing on the draft ordinance for October 20, 1997

Commissioner Wilson moved, seconded by Commissioner Holland, to schedule a public hearing on the draft ordinance for October 20, 1997. The motion carried five (5) to zero (0).

### HEALTH DEPARTMENT

**Fee Implementation and Increase:** Consideration to implement and increase fees for the Health Department

Commissioner Wilson moved, seconded by Commissioner Holland to implement and increase fees for the Health Department as follows:

|  |         |
|--|---------|
| Rabies vaccine processing fee:           | \$16.00 |
| DNA testing for convicted sex offenders: | 6.00    |
| Various injection vaccines:              | 6.00    |

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

### PUBLIC WORKS

- **Water Services Agreement:** Consideration of a request for a water services agreement between Chatham County and Summit Properties, Inc.

Commissioner Grimes moved, seconded by Commissioner Holland to approve the water services agreement, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

**Gainey Store Renovations:** Consideration of a request to approve Gainey store renovations project and appropriate funds

Commissioner Grimes moved, seconded by Commissioner Wilson to approve the Gainey Store renovations project and appropriate funds in the amount of \$69,281.54 to complete the Gainey Store renovation project. The motion carried five (5) to zero (0).

### SHERIFF'S DEPARTMENT

**Radio Tower Lease Contract:** Consideration of approval of a lease contract for a radio tower

Commissioner Wilson moved, seconded by Commissioner Holland to approve a lease contract with Leroy Self for the communications tower, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

## BOARDS AND COMMITTEES

**Water Advisory Board Appointment:** Consideration of one member to the Water Advisory Board

Commissioner Dunlap moved, seconded by Commissioner Wilson to appoint William Lowry to the Water Advisory Board. The motion carried five (5) to zero (0).

**JOCCA Board of Directors:** Consideration of one member to the JOCCA Board of Directors

Commissioner Holland moved, seconded by Commissioner Wilson, to appoint Dr. Robert Eby to the JOCCA Board of Directors. The motion carried five (5) to zero(0).

## BOARD OF COMMISSIONERS' MATTERS

**Purchase of County Owned Property:** Consideration of a request by Cindy Bland, on behalf of Mr. Gary Anderson, to purchase property owned by the County

Ms. Cindy Bland, representing Garry Anderson, expressed his interest to purchase an odd shaped tract of land (2.6 acres) off Old Graham Road. She stated that a driveway is currently located on the property, which serves an elderly member of the community and that Mr. Anderson has volunteered to upgrade and pave that driveway.

The Assistant County Manager voiced the County's concerns regarding use of the land for future parking needs. The County Attorney stated that he asked the County Manager to review with the Public Works Director and the Social Services Director, relocation of the driveway and determine if the land would be of use or value to the County. The Public Works Director stated that it was difficult to ascertain the dimensions of the property and that the long range facilities plan has identified that space as optional parking in the future.

Commissioner Dunlap moved, seconded by Commissioner Grimes to ask the County Attorney to draw up the necessary papers to sell the property and that Mr. Anderson absorb the cost of the appraisal done on the property. The motion carried five (5) to zero (0).

**Resolution of Support for JOCCA Application for the JobLink Facility:** Consideration of a request by JOCCA for **Resolution of Support for JOCCA Application for the JobLink Facility**

Faye Hall, JOCCA Executive Director, stated that JOCCA is seeking a grant to help fund the career center. She stated that because there is no Employment Securities Commission on this side of the county, this program helps job seekers. Ms. Hall asked that the Commissioners recognize the good thing they are doing, and requested their support in seeking a grant.

Commissioner Grimes moved, seconded by Commissioner Holland, to adopt **Resolution #97-37 of Support for JOCCA Application for the JobLink Facility**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

## MANAGER' S REPORTS

The Assistant County Manager informed the Commissioners of the following:

**Work Session with Town of Chapel Hill:** The work session with the Town of Chapel Hill officials will be held on Wednesday, October 1, 1997, 7:00 P.M. at the Chapel Hill Town Hall.

**Work Session for October 6, 1997 Meeting:** The next work session for the Board of Commissioners will be held on Monday, October 6, 1997, beginning at 3:30 P.M, with the location to be announced.

### **COMMISSIONERS' REPORTS**

#### **JobLink Career Center Task Force:**

Commissioner Wilson reported that she had received a letter from JOCCA in connection with the JobLink Career Center Task Force stating that they do not have a Chatham County Commissioner serving on the Task Force and asking that she serve in that capacity.

Commissioner Holland moved, seconded by Commissioner Grimes, to appoint Commissioner Wilson to serve on the JobLink Career Center Task Force. The motion carried five (5) to zero (0).

#### **Overcrowded School Classrooms:**

Commissioner Dunlap stated that he had received a call regarding a citizen whose first grade child was not allowed to join a class because the class was already too large and that it would be in violation of state law.

Commissioner Pollard stated that she had received two similar calls, as did Commissioner Wilson.

Commissioner Wilson stated that a group of parents had planned to go before the Board of Education regarding this issue.

#### **Preferred Site Research Coordinator:**

Commissioner Pollard reported that she was present at a meeting of the Legislative Delegation and that Representative Joe Hackney praised the efforts of Mary MacDowell, Chatham County Preferred Site Research Coordinator, stating that Ms. MacDowell had given them all of the information they needed in order to make decisions and support the fight to eliminate the nuclear waste site from the proposal. He commended her work and stated that he felt that her salary was money well spent.

Commissioner Pollard also reported that Wake County has put \$95,000 back into their budget in this fiscal year for a consultant, and is a result of Mary MacDowell's effort to gain support from the Chatham County Board of Commissioners for this Wake County process.

### **CLOSED SESSION**

Commissioner Grimes moved, seconded by Commissioner Holland to go into Closed Session for the purpose of discussing industry location. 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).

Commissioner Grimes moved, seconded by Commissioner Wilson, to offer the following incentives for the location of Chaparral East:

- Up to \$1,500,000 to offset land purchase costs
- Construction of water lines to serve their 1.0 MGD need
- If the tax revenue generated by the steel plant did not cover the debt service payments, the steel plant would make up the difference, beginning the first year

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

Commissioner Dunlap moved, seconded by Commissioner Grimes, to approve **Resolution #97-38 in Support of Chaparral Steel to Locate a Manufacturing Facility in Chatham County, NC**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

#### **DEPUTY CLERK**

- Commissioner Grimes moved, seconded by Commissioner Wilson, to appoint Carolyn Chandre as Deputy Clerk to the Board due to the absence of the Clerk to the Board. The motion carried five (5) to zero (0).

#### **CLOSED SESSION**

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

#### **RECESS**

Commissioner Grimes moved, seconded by Commissioner Wilson, to go out of Closed Session and recess the meeting until September 29, 1997 at 9:00 A.M. The motion carried five (5) to zero (0) and the meeting was recessed at 11:21 P.M.

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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