

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING, OCTOBER 20, 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 October 20, 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 7:04 P.M.

AGENDA

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

Charlie Horne, County Manager, asked that the charging off of 1993 and 1994 motor vehicle taxes be added to the Agenda as Item #14; and that a Closed Session to discuss litigation and the sale of property be added to the end of the Agenda.

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

CONSENT AGENDA

- The Chairman directed the Clerk to the Board to read the Consent Agenda. Commissioner Holland moved, seconded by Commissioner Wilson, to approve the items listed on the Consent Agenda as read by the Clerk.

1. **Minutes:** Consideration of approval of Board Minutes for regular meeting held October 6, 1997 and Work Session held October 6, 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. **Solid Waste Disposal Fee Refunds and 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. **Sketch Approval for Hosta Homes:** Consideration of a request by Mike Duckwall and Greta James for sketch approval for Hosta Homes consisting of 4 lots on 10.37 acres on US #64 W. in Hickory Mountain Township

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

5. **Sketch, Preliminary, Final Approval for Ronald F. Moses, Phase II Subdivision:** Consideration of a request for sketch, preliminary and final approval for subdivision for Ronald F. Moses, Phase II consisting of 2 lots on 6.348 acres off SR #1539 (Crawford Dairy Road) in Baldwin Township

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

6. **Accounting and Tolling Order:** Consideration of a request for approval of the Accounting and Tolling Order for FCC-1240 updating maximum permitted rates filing, extending review period to January 27, 1998, attached hereto and by reference made a part hereof.

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

7. **Franchise Fee Exclusion and Franchise Negotiations:** Consideration of approval of franchise fee exclusion by Time Warner and current franchise negotiations with Time Warner, attached hereto and by reference made a part hereof.

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Linda Campany, 360 Bent Tree, Pittsboro, NC, spoke regarding the flood plain determination. She stated that by the regulations established by the Board within the past year, a determination of the one-hundred year flood plain must be submitted in order to obtain a building permit; that infrastructure within the County's documentation ranges from elevations along some major rivers, overlays of FEMA maps onto USGS contour maps, or only maps which have a scale so large (one inch to 2000 feet) that non-professionals may be challenged to use them; that there are also areas in the County where the USGS maps can hardly be used because there are no benchmarks within a reasonable distance; that she is in sympathy with the intent of the regulations which facilitates the disaster relief process; that she supports the concept of keeping our watershed protected from inappropriate development but that she feels it places an unfair burden on some property owners who purchased land along waterways prior to this regulation as long as such limited information exists within the County to help taxpayers determine the flood plain. She respectfully requested that the Commissioners engage the Corps of Engineers or other entities to make and record the necessary studies since these determinations can be an enormous and prohibitively expensive undertaking or that the County prepare overlays of FEMA maps onto USGS maps to a scale that property owners can access them without paying a professional to do so; that in cases of further subdivision development, the developer be required to include elevations on the preliminary plats and verify that building sites, adequate to meet the regulations, exist on all tracts; and that she recommends that in the case of those areas of the County where no readily usable information exists, that the flood plain determination requirement be grandfathered for property owners, developers excepted, reverting to the area set-back requirement until such information is available.

PLANNING AND ZONING

Public Hearing

Wireless Facilities Ordinance: Public hearing request for an ordinance regulating the construction and erection of personal wireless facilities (telecommunication towers) in Chatham County

David LyGrys, 111 Pokeberry Lane, Pittsboro, NC, stated that he feels the County is going to see a lot of change and that there are a couple of ways to respond: 1) To consider items on an ad hoc basis, one at a time, and hope for the best; 2) To embrace the change, get out in front of it, and make sure it is how we would like for it to be; that he believes the last way is good planning and that is what the ordinance endeavors to do; that there are several goals: 1) The ordinance shall be consistent with the Telecommunications Act of 1996 which sets the boundaries of what can be done as a municipality and what the telecommunication providers have been granted; that he feels the providers need to be given a clear idea of what they are supposed to do; that he feels if they are told, they will respond; that a number of work sessions have been held with BellSouth, 360, US Cellular at which they were asked to provide their long-

range plans and work with the County in implementing them; that he wants to establish the yearly planning process in order to review the plans; that he wants to assure the safety of the residents of the County; that they have talked about placing the towers along major highways where they feel will be better locations; that they want to maintain and preserve the rural areas; that he feels that the corridors is a very interesting idea; that towers do not have to be scattered throughout the entire landscape; that minimum height size can be reviewed so that multiple vendors can co-locate on them; that with certain heights in plan, the number of towers can be diminished; that they receive telephone calls from people who do not feel that they are adequately informed; that in the ordinance, there are three ideas: 1) Keep it the way it is where adjacent land owners are notified; 2) Draw a circle around the tower base and expand the notification process to those located within the circle; 3) To use a mathematical formula based on the height of the tower; that this is an ordinance which might be used as a standard for all counties within North Carolina.

Leonard Petraitis, 392 W. Salisbury Street, Pittsboro, NC, stated that there are other personal communication people in the County that will be putting up towers that have been using this mode of communication for a long time; that as radio amateurs, he wished to call attention to the federal ruling concerning amateur radio antenna towers; that this ruling is to preempt local ordinances so that the amateur radio operators who are federally licensed and who participate in emergency communications for the general public are preempted from the local ordinances and are not unduly restricted and financially burdened.

Teresa DeLoatch Bryant, 4101 Lake Boone Trail, Raleigh, NC, congratulated, on behalf of BellSouth, the Planning Director and Planning Board on the fine job they had done on the compilation of the ordinance. She stated that BellSouth had been involved from the beginning with the drafting and planning of the ordinance; that they will be trying to provide better coverage in Chatham County to provide wide-spread coverage; that they support the use of larger 300 foot towers in order to minimize the number of towers; that they advocate the move of Highway #421's corridor from Area #2 to Area #1 thus allowing 250 towers along the road; that they advocate an increase in the corridor width to 1500 feet from 660 feet to allow more flexibility in finding tower locations; that notification of adjacent land owners is the type of notification that most jurisdictions require and that they advocate that this type is sufficient. She stated that BellSouth looks forward to using the ordinance once it has been adopted.

Zoning Ordinance

Inert Debris Landfills: Consideration of a proposal to amend the Chatham County Zoning

Ordinance to include inert debris landfills as conditional use in all districts

Commissioner Wilson moved, seconded by Commissioner Holland, to amend the County Zoning Ordinance to include inert debris landfills as a conditional use in all zoning districts except the heavy industrial district where it is listed as a permitted use and to adopt the following definition of inert debris landfill:

Inert Debris Landfill: Land areas of greater than one-half acre in size, for the deposit of inert materials and land clearing materials including gravel, rocks, stumps, soil (not contaminated by petroleum products), unpainted and untreated building materials such as bricks, concrete blocks and lumber.

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

Zoning Board of Adjustment

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

Commissioner Grimes moved, seconded by Commissioner Holland, to convene as the Zoning Board of Adjustment. The motion carried five (5) to zero (0).

Variance Request from Chatham County Zoning Ordinance: Consideration of a Zoning Board of Adjustment request by Triangle Brick Company for a variance from the Chatham County Zoning Ordinance, Section 10.7 [Ind. H-Heavy Industrial District] B. [Dimensional Requirements] on property located on SR #1911 [King Road], in Cape Fear Township. The request is to allow a building to extend within the minimum required 100 foot setback from a state road right-of-way and side yard

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

Pat Brown, Triangle Brick Company, 6523 NC Hwy. #55, Durham, NC, stated that Triangle Brick, formed in 1960, is currently located in Wake, Durham, and Chatham Counties; that their facility in Chatham County was built in 1990-91 and doubled the capacity in 1993; that an additional five hundred fifty acres was purchased in Anson County in 1995 to build another brick facility; that it was decided, however, to expand in Chatham County rather than Anson County; that plans are to eventually phase out the corporate office and operations located in Wake County; that the requested variance is from the 100 ft. setback requirement from the front and side property lines in a heavy industrial district; that the site plan calls for the office (northwest corner) attached to the proposed new manufacturing facility to be within 25 feet of the road right-of-way instead of the required 100 feet; that the northeast corner of the proposed manufacturing facility also appears to be approximately 70 feet from the road right-of-way; that the maintenance building is planned to be within 50 feet of the northeast side property; that the property (106 acres) has existing considerations such as existing building paved brick storage area, storage lagoon, spray irrigation field and clay mines, existing railroad spur, and re-alignment of (Christian Chapel Road) limiting the placement of the new facility; that he has held conversations with Billy Elkins, owner of Elkins Sawmill to the east of the property which is also zoned heavy industrial, who has no objections to their request for a variance of 25 feet from the state right-of-way and 50 feet from their adjacent property lines. He presented a letter to the Clerk from Mr. Elkins and asked that it be made a part of the official record, attached hereto and by reference made a part hereof.

Tom Wainwright, McKim and Creed Engineers, 5625 Dillard Road, Suite 117, Cary, NC, stated that they were asked by Triangle Brick to provide the new grading plan for the placement of the new plant and in doing so topographically surveyed the area; that the new plant had to be situated adjacent to the existing plant which placed the new plant in a depression; that the front portion of the new building was below the road elevation by fourteen feet in some places; that the height of the building is approximately twenty-eight feet; and that only fourteen feet of the building in some places would be able to be seen from the road; and that the existing plant is fully visible from US Highway #1.

A letter was submitted by Triangle Shale Products Limited Partnership stating that they have an ownership interest in any or all of the real property related to the variance request submitted by Triangle Brick Company and certifying that Triangle Brick Company has been, and is, the general partner for the partnership and has the authority to request the variance on behalf of the partnership. The letter is attached hereto and by reference made a part hereof.

Scott Mollenkopf, Triangle Brick Company, 6523 NC Highway #55, Durham, NC, stated that they have proposed to the State and County, that in order to better serve the south end of Chatham County and adequately accommodate an increased amount of traffic, that they will dedicate some of their property to the state right-of-way in order to widen and relocate State Road #1912 (Christian Chapel Road); and that they will be prepared to do this as soon as they can get all of their permits, etc.

After further discussion, Commissioner Dunlap moved, seconded by Commissioner Holland and, to make the five findings based on the information submitted in the written application and under oath at the hearing due to the situation of the plant in relation to the road and land that they own on the opposite side of King Road and due to existing property being zoned and used for industrial use also approved variance of the 100 ft. setback as requested with the condition that the staff prepare a proposed zoning text change to address similarly situated industries. The motion carried five (5) to zero (0).

Commissioners Grimes 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).

BOARDS AND COMMITTEES

Solid Waste Advisory Committee Appointments: Consideration of two appointments to the Solid Waste Advisory Committee

Commissioner Dunlap moved, seconded by Commissioner Grimes, to appoint John Glosson and Miriam Murdock to the Chatham County Solid Waste Advisory Committee. The motion carried five (5) to zero (0).

BOARD OF COMMISSIONERS' MATTERS

- **Reclassifications:** Consideration of approval of reclassifications of the following positions: Social Worker II; Administrative Services Assistant V; Library Assistant II; Social Worker II; Environmental Health Specialist; Animal Control Officer I (2 positions)

Commissioner Wilson moved, seconded by Commissioner Holland, to approve the recommended reclassifications, current grade/step and proposed grade/step as follows:

Social Worker II (15,4) to Social Worker III (17,1)

Administrative Services Assistant V (11,3) to Administrative Assistant I (12,2)

Library Assistant II (9,4) to Library Assistant II (10,3)
Social Worker II (15,4) to Social Work Supervisor (18,1)
Environmental Health specialist (16,6) to Environmental Health Program Coordinator (18,3)
Animal Control Officer I (8,4) to Animal Control Officer II (10,1)
Animal Control Officer I (8,3) to Animal Control Officer II (10,1)

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

1998 Commissioners' Meeting Dates and Holiday Schedule Resolution: Consideration of the 1998 Board of Commissioners' meeting dates and holiday schedule resolution

Commissioner Wilson moved, seconded by Commissioner Holland, to approve **Resolution #97-39 Fixing the Time and Place of Its Regular Meetings for Calendar Year 1998**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

TAX ADMINISTRATION

- **Charging Off of Motor Vehicle Taxes:** Consideration of approval to charge off 1993 and 1994 motor vehicle taxes

Commissioner Grimes moved, seconded by Commissioner Dunlap, to approve the charging off of 1993 and 1994 motor vehicle taxes. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

The County Manager informed the Commissioners of the following:

Welfare Reform Task Force Appointments: There are three people interested in serving on the Welfare Reform Task Force as follows: Faye Hall (JOCCA), Geraldine Kirk (Charles Craft) and Marsha Mandell (Director of a substance abuse program for pregnant women).

Commissioner Grimes moved, seconded by Commissioner Wilson, to appoint Faye Hall, Geraldine Kirk, and Marsha Mandell to the Welfare Reform Task Force. The motion carried five (5) to zero (0).

Welfare Reform and Emergency Assistance for Social Services: October 28, 1997 has been set as the date on which to discuss Welfare Reform and Emergency Assistance for Social Services issues. The meeting will be held in the Byrd's Classroom at 7:00 PM.

Meeting with Senator Howard Lee: The meeting with Senator Howard Lee to discuss transportation and road projects within the County has been set for either October 28, 1997 or November 6, 1997.

Extension Service Internet Training: The computer internet training offered by the Extension Service has been scheduled for October 27, 1997 at 9:00 AM in the Agriculture Conference Room.

Agenda Review Meeting: The preliminary agenda review meeting regularly scheduled for Monday, October 27, 1997 at 9:00 AM will be rescheduled for 8:00 AM on the same date.

Expansion of Highway #421: Department of Transportation representatives will attend the December 1, 1997 Board meeting to discuss the process for widening Highway #421 South from Siler City to Gulf. They are also in the process of arranging a meeting at J. S. Waters School on December 3, 1997 to outline this process.

COMMISSIONERS' REPORTS

There were no Commissioner reports.

CLOSED SESSION

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

REGULAR SESSION

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

Commissioner Dunlap moved, seconded by Commissioner Wilson, to authorize the County Attorney and Attorney James Morgan to take all steps necessary to protect the County's interest in the case of Cosette Wilkie versus the Board of Commissioners including such post trial motions as they deem appropriate and an appeal to the Fourth Circuit Court of Appeals and such other actions and procedures as they deem appropriate. The motion carried five (5) 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 five (5) to zero (0), and the meeting was adjourned at 8:32 PM.

Margaret Bryant Pollard, Chair

ATTEST:

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