

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING, DECEMBER 15, 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 December 15, 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 7:10 P.M.

AGENDA

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

Charlie Horne, County Manager, asked that Item #4, Request for a Revision to Existing Conditional Use Permit, and Item #5, Election of Franchise Fee on Franchise Fee, be removed from the Consent Agenda and placed on the Regular Agenda after the Public Input Session due to a request from Commissioner Grimes; that a Closed Session for the purpose of discussing litigation be added to the end of the Agenda; and that a request from the Board of Education be added to the Agenda for discussion after Items #4 and #5.

Commissioner Wilson asked that Item #19, Economic Development Corporation Appointment, be deferred until the next meeting.

Commissioner Holland asked that the December Board of Commissioners' Minutes be corrected to show Commissioner Pollard as Chair for those in attendance at the meeting.

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 Wilson moved, seconded by Commissioner Holland, 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 December 1, 1997

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

2. **Sketch, Preliminary, and Final Approval of Farrell's Self Storage:** Consideration of a

request by George R. Farrell, Jr. for sketch, preliminary and final approval of Farrell's Self Storage consisting of one lot on 4.73 acres on SR #1717 (McGee Road) in Williams Township

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

3. **Sketch Design Approval for Daniel L. Rice Property:** Consideration of a request by Daniel L. Rice for sketch design approval for Daniel L. Rice Property consisting of 2 lots on 10.03 acres off SR #1733 (New Hope Church Road) in Williams Township

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

4. ~~**Request for a Revision to Existing Conditional Use Permit:** Consideration of a request by Bill Akridge for a revision to his existing Conditional Use Permit for a mini-warehouse storage facility to allow two (2) additional mini-warehouse storage buildings on 2.48 acres on SR #1724 (Old Lystra Road) in Williams Township~~

This item was removed from the Consent Agenda.

5. ~~**Election of Franchise Fee on Franchise Fee:** Consideration of election of franchise fee on franchise fee~~

This item was removed from the Consent Agenda.

6. **Restructuring of Charter Communications:** Consideration of a name change from Charter Communications, L. P to Charter Communications, II, L.P.

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

7. **Chatham Transit Dispersal of Funds:** Consideration of the Elderly and Handicapped Transportation Assistance Program (EDTAP) allocations in the amount of \$16,601

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

8. **American Tobacco Trail Resolution:** Consideration of **Resolution #97-49 to Facilitate the Creation and Protection of the American Tobacco Trail in Chatham County, North Carolina**, attached hereto and by reference made a part hereof.

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

9. **Private Roads:** Consideration of a request from citizens for the naming of private roads in Chatham County as follows:

- | | |
|-------------------|----------------------|
| 1) Burcybil Drive | 4) W. B. Cheek Drive |
| 2) Grace Avenue | 5) Wildwood Drive |
| 3) Sam Dixon Road | |

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

10. **Uncollectable Water Utility Accounts:** Consideration of uncollectable water utility accounts for the FY 1996-97

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

11. **Food Stamp Service Agreement Renewal:** Consideration of a renewal of the Food Stamp Service Agreement with Cost Containment, Inc., attached hereto and by reference made a part hereof.

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Thomas J. Emerson, 186 John Emerson Road, Siler City, NC, addressed the history of the Health Board regulations. He stated that it was his understanding that the Board of Commissioners was going to meet in Closed Session with council for the purpose of discussing litigation and future plans for ordinances concerning swine operations. He recommended that if the Board acts, that they be equitable to get the issue on the table in front of public as soon as possible. He encouraged the Board to drop the current Health Board regulations which he stated are indefensible from a legal perspective and address the issue through House Bill #515.

Request for a Revision to Existing Conditional Use Permit: Consideration of a request by Bill Akridge for a revision to his existing Conditional Use Permit for a mini-warehouse storage facility to allow two (2) additional mini-warehouse storage buildings on 2.48 acres on SR #1724 (Old Lystra Road) in Williams Township

Commissioner Grimes moved, seconded by Commissioner Wilson, to approve the Planning Board and Planning Department recommendation that the request be approved with the following two additional conditions:

- 1) Lighting shall be shielded from upward glare and poles shall not exceed 25 feet above the base elevation of the buildings.
- 2) A stormwater retention pond(s) shall be constructed to retain the first ½ inch of run-off from the impervious surfaces.

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

Election of Franchise Fee on Franchise Fee: Consideration of election of franchise fee on franchise fee

Commissioner Wilson moved, seconded by Commissioner Dunlap, to approve the five cents increase in Franchise Fee to be paid a cable TV franchise fee on the existing Cable TV franchise fee, and realize that this will increase cable customers bills. The motion carried five (5) to zero (0).

CHATHAM COUNTY SCHOOLS

County Manager, Charlie Horne, explained that a letter received by Commissioners from signed by

Jack Wilkie, Chairman of the Chatham County School Board, stated that Siler City Elementary School and Chatham Middle School are in severe need of help to relieve a serious difficulty related to having so many students whose native language is not English. He stated that according to Mr. Wilkie, there were less than 42 students in the County in 1989 and over 364 students at present who are unable to communicate in English and that the problems of both students and their teachers have been compounded; that more people are moving into the area without the ability to speak English and that this is causing a serious and extremely difficult problem for these two schools. He stated that the Board of Education is requesting help in funding three ESL (English as Second Language) teachers at a cost of \$60,000.00, four teacher assistants at a cost of \$44,000.00, and supplies, materials, software, travel, staff development and four computers at a cost of \$33,000.00.

Jerry Wood, III, 546 Pine Forest Drive, Siler City, NC, stated that they had come to the Board to inform them of a grave situation; that they have an opportunity to educate all children, whether they be American or other students who do not speak English as a native language: that the population in the Siler City area has grown tremendously within the last six-eight years and will increase considerably over the next three-five years; that this has placed an undue burden on teachers; that 26% of the children are Hispanic at Siler City Elementary School and 22% at Chatham Middle School; that the hiring of new ESL teachers will enhance the development of the Hispanic children and will not hinder the learning of the American children; that a team has been formed called the Citizen Parent Support Team to support teachers in their fight to help eliminate this problem; and that any consideration the Board of Commissioners can give to help with this problem will be greatly appreciated.

Laurence Price, 85 Fearington Post, Pittsboro, NC, stated that as Assistant Principal for five years and Principal for ten years, the school's situation is one that is continually changing; that when he first came to Siler City, there were 42 students and that now there are 192; that last year approximately 28 students in kindergarten were Hispanic or Latino; that this year there are 51 students who are Hispanic or Latino; that the schools are growing approximately 6% each year; that the present rate is changing dramatically; that the teachers have to be more flexible; that last year there were two ESL teachers positions, this year only one and one half; and that there are more students to serve and the student-teacher ratio is higher. He asked that the Commissioners consider the fact that there is a definite need which is not going to go away.

After considerable discussion, Commissioner Dunlap moved to appropriate funds in the amount of \$137,000 for the Chatham County Schools for the problem in Siler City and to explore possibilities State funding for these positions through Senator Howard Lee and others.

Commissioner Wilson seconded the motion and stated that the School Board was asked to spend their funds in their large fund balance and to come to the Board of Commissioners if they had emergencies; that she feels that the Board of Commissioners need to support the School Board in this matter; that she sees this funding as a band aid treatment to help with this one semester; and that she intends to be lobbying hard to get State funding as she feels that this problem is really a State responsibility.

Commissioner Grimes stated that he, too, supported Commissioner Dunlap's motion and Commissioner Wilson's statement that the Board needs to seek State funding for this particular area of our schools, as it is a State problem. He stated that he would like to have the County Manager or the Chair of the Board of Commissioners to find out the amount of the schools fund balance. He also asked that the County Manager explore and report to him what agencies are not allowed to ask for documentation, by law, and what agencies that the County provides services for that can ask for documentation of citizenship.

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

NC SOIL AND WATER CONSERVATION DISTRICT EMPLOYEE OF YEAR

Resolution #97-50 Honoring Brenda Williams as NC Soil and Water Conservation District Employee of the Year: Consideration of Resolution Honoring Brenda Williams as NC Soil and Water Conservation District Employee of the Year

Commissioner Wilson moved, seconded by Commissioner Holland, to approve Resolution #97-50 Honoring Brenda Williams as North Carolina Soil and Water Conservation District Employee of the Year, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

PLANNING AND ZONING

Zoning and Ordinance Amendment: Consideration of a request for a zoning district change from RA-40 (Residential-Agricultural) to Heavy Industrial Conditional Use District with a Conditional Use Permit for an industrial facility that recycles scrap metal, and manufactures structural steel, and for other industrial uses on approximately 1,260 acres off SR #1912 (Christian Chapel Road) and SR #1924 (Moncure-Flatwood Road) in Cape Fear Township

Commissioner Wilson moved, seconded by Commissioner Grimes, to return this request to the Planning Board for further study and review. The motion carried five (5) to zero (0).

Request for a Light Industrial Conditional Use District with a Conditional Use Permit: Consideration of a request by Herbert & Elizabeth Parker for a Light Industrial Conditional Use District with a Conditional Use Permit for contractor's storage yard, office and staging area for construction contractors including storage and service buildings and related facilities on 12.55 acres off SR #1008 (Farrington Road) in Williams Township

Commissioner Grimes moved, seconded by Commissioner Holland, to approve the Planning Board recommendation with the following conditions:

- 1) The landscape plan as proposed be implemented with the area not in active use to be planted in pine seedlings.
- 2) The access road be relocated approximately 300 feet southward.
- 3) Lights shall not be higher than 25 feet above the base elevation of the buildings and shall be shielded from upward glare.
- 4) The stormwater pond shall be sized to catch the first one inch of run-off from impervious surfaces.

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

Proposed Amendment to the Chatham County Zoning Ordinance: Consideration of a proposed amendment to the Chatham County Zoning Ordinance text to allow a reduction in building setbacks to the minimum established in the state building code for industrial districts

Commissioner Grimes moved, seconded by Commissioner Wilson, to accept the Planning Board and

the Planning Department recommendation and approve the County Zoning Ordinance amendment to include the following text as stated:

“Section 10.6B. and 10.7 B.:

- **The minimum yard setbacks listed except along state maintained roads may be reduced to the minimum established in the most recent North Carolina building code when the adjacent property has the same zoning district and an adjacent property owner provides a written affidavit allowing said reduction along the property line between the property in question and the property owned by the consenting property owner.”**

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

SUPERIOR COURT JUDGE

Commissioner Grimes, and other Commissioners, congratulated Mr. Wade Barber on his appointment as Superior Court Judge..

FINANCE DEPARTMENT

1997 Comprehensive Annual Financial Report: Presentation of the 1997 Comprehensive Annual Financial Report

Vicki McConnell, Finance Director, reviewed items of special interest to the Commissioners and then introduced Mr. Bob Nelson and Mrs. Donnarene Steele, Certified Public Accountants with Dixon, Odom & Company who were in charge of conducting the independent audit.

Ms. Steel discussed the 1997 Chatham County Comprehensive Annual Financial Report , specifics of the audit, the County’s internal control structure, and the segregation of duties.

PUBLIC WORKS

- **Chatham County Water Utility Guidelines:** Consideration of approval of Chatham County Water Utility Guidelines for Pressure Testing and Disinfection of Water Mains

Commissioner Wilson moved, seconded by Commissioner Grimes, to approve Guidelines for Pressure Testing and Disinfection of Water Mains. The motion carried five (5) to zero (0).

Chatham County Water Utility Hydrant Meter Program: Consideration of approval of Chatham County Water Utility Hydrant Meter Program

Commissioner Wilson moved, seconded by Commissioner Holland, to approve Standard Operating Procedures for Hydrant Meters. The motion carried five (5) to zero (0). A copy of the Chatham County Water Utility Hydrant Meter Program is attached hereto and by reference made a part hereof.

Commissioner Wilson moved, seconded by Commissioner Holland to approve hydrant meter rate schedule. The motion carried five (5) to zero (0).

BOARDS AND COMMITTEES

~~**Economic Development Corporation Appointment:** Consideration of appointment to the Economic Development Corporation by Commissioner Wilson~~

- This item was removed from the Agenda and deferred until the January Board meeting.

BOARD OF COMMISSIONERS' MATTERS

- **Temporary Pay Increase for Community Services Consultant:** Consideration of a temporary pay increase to reflect the additional duties brought about by Welfare Reform

- Charlie Horne, County Manager explained that Bill Lail, Community Services Consultant with the Chatham County Health Department, has expanded his role and assumed new duties, some at the request of County Commissioners; that a summary of revised job responsibilities was forwarded to State Personnel for review to determine if reclassification was appropriate; that State Personnel, based on current job responsibilities has recommended Mr. Lail be reclassified to a Human Resource Planner/Evaluator II (Grade 19). He stated that Mr. Lail has recently assumed a major responsibility in the County in serving as Chair of the Welfare Reform Committee, having been appointed by the Commissioners at their November 3, 1997 Board meeting; that it is Wayne Sherman, Health Director's, recommendation that Mr. Lail be reclassified on a temporary basis to the Human Resource Planner/Evaluator II position (Grade 19, Step 1) from November 3, 1997 to February 1, 1998; and that based on pending Commissioners' recommendation, his reclassification could be extended based on assigned duties.

Commissioner Grimes moved, seconded by Commissioner Wilson, to approve the reclassification of the Community Services Consultant to Human Resource Planner/Evaluator II (Grade 19, Step 1) position. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

The County Manager informed the Commissioners of the following:

1. **Home Health Sale:** The sale of the Home Health Agency was formalized at 10:00 AM and is now a part of the UNC system.
2. **Town of Pittsboro Meeting:** The Town of Pittsboro has requested a meeting with the Board of Commissioners as part of Strategic Planning. Dates offered were January 7th, 13th, or 14th.

January 7, 1997 was decided, by consensus, as the date on which to hold a joint meeting between the Town of Pittsboro and the Board of Commissioners, 7:00 PM, with the place to be determined.

4. **School Funding Directions:** The Manager asked for directions on how the Commissioners wished to pursue distribution of the \$137,000 in approved school funds. He stated that it could be made in a lump sum payment or on a reimbursement schedule based on their documentation of spent funds.

The Commissioners decided, by consensus, to distribute the funds on a reimbursement basis.

COMMISSIONERS' REPORTS

Commissioner Grimes asked to take a look at the direction several agencies within the County are being given with regard to providing services to individuals and not requiring that they ask for proper documentation as to legal citizenship. He asked the Manager to provide a list of the different agencies in the County that are required by either State or Federal Statute not to ask for documentation.

ATTORNEY'S REPORTS

Robert Gunn, County Attorney, stated that there have been no further developments on the Wilkie case; that various motions have been filed which are under consideration, but that it is uncertain when a decision will be reached in the matter.

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CLOSED SESSION

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

REGULAR SESSION

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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).

ADJOURNMENT

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Commissioner Grimes moved, seconded by Commissioner Holland, that there being no further business to come before the Board, the meeting be adjourned. The motion carried five (5) to zero (0), and the meeting was adjourned at 9:38 PM.

Margaret Bryant Pollard, Chair

ATTEST:

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