

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING, MAY 18, 1998

The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in regular session in the District Courtroom, Pittsboro, North Carolina, at 7:00 P.M. on May 18, 1998.

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

The meeting was called to order by the Chairman at 7:00 P.M.

AGENDA

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

The County Manager asked that Item #18, Strategic Planning Steering Team Appointments and Item #19 Judicial Center Design Team Appointments be deferred until a later meeting and that an Award of Furniture Bid for Renovation Projects be added to the Agenda as Item #19A.

Commissioner Wilson moved, seconded by Commissioner Holland, to approve the Agenda with the noted changes. 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 May 04, 1998 and Minutes for Budget Input Sessions held May 7, 1998 and May 11, 1998

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. **Sketch Design Approval for Sparrow Subdivision:** Consideration of a request by David and Sue Sparrow for subdivision sketch design approval for a "Subdivision for David and Sue Sparrow" consisting of three new lots on 5.1 acres off SR #1718 [Village Way] in Williams Township

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

4. **Sketch Design Approval for Monterrane:** Consideration of a request by C. A. Keisler, developer, for subdivision sketch design approval of "Monterrane" consisting of 17 lots on approximately 91 acres off SR #1700 [Mt. Gilead Church Road]

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

5. **Preliminary Approval for Bobcat Point Subdivision, Phase One (Revised):** Consideration of a request for approval by Ricky Spoon Builders for preliminary approval for Bobcat Point Subdivision, Phase One (Revised) consisting of 11 lots on 27.9 acres off SR #1558 (Henderson Tanyard Road) in Hadley Township

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

6. **Preliminary Approval for Monthey Subdivision:** Consideration of a request for approval by Eric Schwartz for preliminary approval of Monthey Subdivision consisting of 12 lots on 57.5 acres off SR #1943 [Gum Springs Road] in Haw River Township

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

7. **Resolution Abandoning Road:** Consideration of a request for approval of a **Resolution #98-16 Abandoning a Portion of SR #1954 (Joe Womble Road)** from the Division of Highways' Secondary Road System, attached hereto and by reference made a part hereof.

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

8. **Mid-Carolina Service Delivery Area Articles of Association Consortium Agreement:** Consideration of a request for approval of the Mid-Carolina Service Delivery Area Articles of Association Consortium Agreement and authorization to execute agreement by the Chairman, attached hereto and by reference made a part hereof.

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Jim Knight, PO Box 27647, Raleigh, NC, Director of Public Affairs for the North Carolina Department of Agriculture and media coordinator for the North Carolina State Fair, stated that he was representing the new county fair for all citizens of the County; that the Public Affairs Office is working with the Chatham County Agricultural Fair Board in a three-year program to assist the board in management, etc.; that the fair will emphasize agriculture, including livestock exhibits and a petting zoo and will also provide nightly entertainment, given adequate sponsorship. He thanked Chairman Pollard and the

members of the Agricultural Fair, and asked for any financial support from the County to help make this fair a success.

PLANNING AND ZONING

Zoning and Ordinance Amendments

Public Hearings

- The Chair administered the oath/affirmation to those in attendance who wished to make public comments.

- **Public Hearing Request by Glenwood Triangle Company, LLC:** Public hearing to receive public comments on a request by Glenwood Triangle Company, LLC for a revision to the Conditional Use Permit for Cole Park Plaza to allow a school [public or private]

Patrick Hennigan 647 Brawley School Road, Suite 203, Mooresville, NC, representing the Glenwood Development Company, Inc. stated that Glenwood was approached by the charter school group regarding a location for their school; that this would be a public school from public funds and would provide an alternative in education; that a lottery system would be used for enrollment; that Cole Park Plaza is geographically a good location and has adequate utilities; that it is a place for the school to start as they grow; that it would be a three-year lease; that Glenwood will construct an additional forty parking spaces; that this concept has been used successfully elsewhere; that the school would begin as grades 6-9 with the hope of expanding to serve grades 6-12; that the Glenwood Development Company has the ability to accommodate the school and would like to pursue it with the County's blessing.

Public Hearing Request by Elton and Evelyn Chevalier: Public hearing to receive public comments on a request by Elton and Evelyn Chevalier for an amendment to the Chatham County Zoning Ordinance, Section 10.7 [Ind.-H. Heavy Industrial District], to allow grinding, screening (sifting and separating of particles), mixing, blending, processing and dyeing of mulch

Patrick Bradshaw, PO Box 607, Pittsboro, NC, representing Elton and Evelyn Chevalier, stated that the zoning change is needed to accommodate uses not currently covered in the ordinance. He introduced Elton and Evelyn Chevalier, applicants, Allen Boyette, Environmental Consultant for the proposed project, and Ellis Fincher, the Chevaliers' business partner, to speak on behalf of the operation.

Public Hearing Request by Elton and Evelyn Chevalier: Public hearing to receive public comments on a request by Elton and Evelyn Chevalier for a Conditional Use Light Industrial District with a Conditional Use Permit for receipt of wood waste materials, storage of mulch, soil, debris, and wood waste materials, sales of wood waste products and storage warehouse and yard; and a request for a Conditional Use Heavy Industrial District with a Conditional Use Permit for receipt of wood waste materials, grinding, composing, shredding, mixing, blending, processing, screening, (sifting and separating of particles), and dyeing of wood waste materials to produce marketable wood waste products and storage of mulch, soil, and wood waste materials, and debris and sales of wood waste

products, on 7 acres on the south side of US #64 East

Elton Chevalier, 11814 Hwy. #64, Apex, NC, stated that the operation would be located on Highway US #64, east of Wilsonville; that he is proposing to use a lot currently used by the Department of Transportation for a site to process wood waste and wood waste materials; that the road is 200-300 feet off the highway and the mulch operation will not be visible from the road; that there is a wooded area surrounding the property, and additional buffers have already been planted; that the noise level will not exceed the limits set forth by County ordinance; that this operation will operate only during regular business hours and not on the weekend; and that the grinding part of the operation will occur only 3-4 times per month.

Patrick Bradshaw, asked the Commissioners to consider the relevant facts regarding this issue. He stated that the eastern part of Chatham County is experiencing rapid growth; that because of the growth in construction, this operation would provide a needed service to the County; that more commercial development is needed in the County, and that this project requires very little services from the County, but will generate tax revenue; that this project will not impair the character of the County; that there are no adverse health or safety issues; that there is a similar industry located nearby, and that the applicant already has a Conditional Use Permit for the adjoining property; that this is not inconsistent with surrounding uses; that the grinding operation will occur on an average of four days per month, and that the noise levels have been investigated by Detective Sergeant Mike Talbert of the Chatham County Sheriff's Department and were under the maximum levels stated in the Chatham County noise ordinance; that additional vegetation has already been planted to provide additional buffering; that the water run-off is not a problem, and engineers have been retained to investigate this issue; and that the water supply and road will be adequate to serve this operation. A copy of the affidavit regarding the operation of the decimeter for measuring and recording sound levels is attached hereto and by reference made a part hereof.

Ellis Fincher, PO Box 1060, Tryon, NC, stated that he is working with the Chevaliers' regarding the grinding of wood waste; that his company helps develop wood waste yards around North and South Carolina; that dust was not an issue because of the pond already established on the property; that an irrigation system would be installed to help control dust production; that dust would not be generated from tub grinders; that odor has never been a problem at any of the other sites he has worked with; and that recycling of wood waste is a positive alternative for the future.

Alan Boyette, 1130 Kildaire Farm Road, #200, Cary, NC, Environmental Engineer, stated that his job would be to develop a site plan and meet all state and local requirements; that the pond on the site would be used, and that an apparatus would be constructed to insure no run-off; that the dye material would be recycled and be reused in the process, and that it is not a hazardous material.

Patrick Bradshaw, Ellis Fincher, and Elton Chevalier answered questions from the Board of Commissioners and the Planning Board.

Nancy Jennings, 205 East Deer Run, Apex, NC, stated that she is a resident of the Deer Run Subdivision; that this operation will be only 870 feet west of their homes; that friendly industries are needed; that there will be no significant tax revenues for the County from the operation and that it is not worthy of the diminished standard of living that will occur. She submitted a petition signed by 100% of the residents opposing the heavy industrial zoning request, attached hereto and by reference made a part hereof.

Leon Williams, 93 East Deer Run, Apex, NC, stated that he is a resident of the Deer Run Subdivision and is opposed to the operation; that this will open the door to future businesses of this nature; and that he has many questions about the operation and its effect on the community.

Bob Liposchak, 117 East Deer Run, Apex, NC, stated that he is a resident of the Deer Run Subdivision and is opposed to the rezoning request; that it is not good for residents of Deer Run, Jordan Lake, nor Chatham County; that the proposed rezoning is one lot removed from the Jordan Lake Wildlife Area; that there are several points to be considered regarding this request: 1) Have the owners complied with various laws and policies? 2) The request is not suitable for the County. 3) The tax consideration is not sizeable enough and may stymie anymore residential growth. 4) It will have a negative impact on property value and will not have a positive impact on the area. Written comments are attached hereto and by reference made a part hereof.

Marcus Clark, 11492 US #64, Apex, NC, stated that he is a lifelong resident of the area and past Planning Board member; that 95 acres of his property is adjacent to the property in question, and that his family is opposed to a change in zoning; that there would be problems with pollution due to heavy equipment and trucks; that there would be an accumulation of stagnant water and pollutants; and that zoning would not significantly increase tax revenues. He thanked the Commissioners for the opportunity to express his heartfelt concerns about changing the natural area to one which would neither be pleasing to observe nor be in the best interest of the health, safety, or welfare of the community. Written comments are attached hereto and by reference made a part hereof.

David Rooks, PO Box 2208, Chapel Hill, NC, Attorney speaking on behalf of the neighbors of the Chevaliers stated that he wanted to discuss three findings previously mentioned to the Board: 1) The Conditional Use Permit is justified for utility sites and the tax revenue from this site would be minimal; 2) The integrity of surrounding area or adjoining districts will not be impaired and will be preserved. This site will affect property values, and residents will have to deal with health and safety problems. 3) Consistency with Land Development Plan - This request sets a bad precedent for this area.

Thad Jennings, 205 East Deer Run, Apex, NC, stated his strong opposition to the request by stating that originally the area was zoned RA-40; that heavy industrial facilities belong in industrial parks; and that there are many other uses for this land. He strongly urged the Board of Commissioners to reject this plan.

CHATHAM COUNTY BUDGET PRESENTATION

Public Hearing

Public Hearing on the Manager's Recommended Budget: Public hearing to receive public comment on the Manager's Recommended 1998-99 Budget

Charlie Horne, County Manager introduced the budget and gave a brief summary of the various funds.

Marcia Mandel, PO Box 4758, Chapel Hill, NC, Executive Director of the Family Wellness and Recovery Services, stated that the treatment center is a long-term, residential treatment center for pregnant women with substance abuse problems and is associated with OPC. She asked that the Board of Commissioners consider the program for funding and stated

that it is in line with County goals; that the program has secure funding through OPC, though Medicaid is part of it and is not stable; that the program has come upon unanticipated needs primarily for operational costs (personnel); that she has approached other boards and the United Way in her service area and has been unsuccessful in gaining financial support. Ms. Mandel stated that the original request was for \$16,000, but that any money appropriated by the Board would be appreciated.

NORTH CAROLINA PARKS AND RECREATION

- **Jordan Lake “No Wake Zone” Request:** Consideration of a request for a “No Wake Zone” request adjacent to the Jordan Lake Ebenezer shoreline

Don Lein, Vice President of the Jordan Lake Advisory Committee, stated that due to an increase in boating traffic along and around the shoreline of Ebenezer Day Use Area at Jordan Lake, it is recommended that “No Wake” buoys be installed; that this is a high traffic area with boars, wind surfers, and jet-skis converging on this one point; that there have been a few accidents and several near misses in this area; that it is recommended that several no wake buoys be installed approximately one hundred feet out from the shoreline; that this would slow boat traffic immediately around the point and improve boater visibility by forcing boats to travel further out from the shoreline; that the installation of these buoys according to the Wildlife Residential Community would give law enforcement officers the authority to enforce the “No Wake” zone and hopefully prevent potential accidents.

Commissioner Grimes moved, seconded by Commissioner Dunlap, to establish a “No Wake Zone” area near Ebenezer Recreation Area. The motion carried five (5) to zero (0).

PLANNING AND ZONING

Annual Communication Tower Plan: Consideration of a request to approve the proposed annual communication tower plan

Commissioner Grimes moved, seconded by Commissioner Wilson, to set June 15, 1998 as the date on which to hold a public hearing on a request to approve the proposed annual communication tower plan.

After considerable discussion, Commissioner Grimes withdrew his motion. Commissioner Wilson withdrew her second to the motion.

Jerry Eatmon, 2626 Glenwood Avenue, Raleigh, NC, stated that everyone has really worked hard on the plan; that he asks that if the Commissioners choose to hold a public hearing on the communication tower plan, that they focus on the plan rather than the individual site location.

After further discussion, Commissioner Grimes moved, seconded by Commissioner Wilson, to hold a public hearing on the proposed annual communication tower plan, limited to the plan only with no site selection to be discussed. The motion carried four (4) to one (1) with Commissioner Dunlap opposing.

RECESS

- The Chair called for a five-minute recess.

PUBLIC WORKS

- **Kent View Developers Request Follow-Up:** Consideration of a request submitted by Kent View Developers for County reimbursement for water line installed on Morris Road

Commissioner Dunlap moved that the amount of the unwritten agreement, \$18,000, be credited to the developers.

The motion died for lack of a second.

After considerable discussion, Commissioner Wilson moved, seconded by Commissioner Holland, to establish an agreement with the developers that grants them connection credits for all of Phase I including the eight currently unserved lots, but requires them to pay tap fees including current availability fees for Phase II taps. The motion carried five (5) to zero (0).

Collection Center Grazing Card: Consideration of a request to approve a collection center grazing card

Commissioner Wilson moved, seconded by Commissioner Grimes, to adopt the Grazing Card Policy, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

BOARDS AND COMMITTEES

- **Appearance Commission Appointments:** Consideration of a request to appoint two members to the Appearance Commission

Commissioner Wilson moved, seconded by Commissioner Grimes, to reappoint Martin Spritzer and Kurt Lent to the Appearance Commission. The motion carried five (5) to zero (0).

~~**Strategic Planning Steering Team Appointments:** Consideration of a request to appoint members to the Strategic Planning Steering Team~~

This item was removed from the Agenda and deferred until a later meeting.

~~**Judicial Center Design Team Appointments:** Consideration of a request to appoint members to the Judicial Center Design Team~~

This item was removed from the Agenda and deferred until a later meeting.

Triangle Rails-to-Trail Conservancy (TRTC) Appointments: Consideration of a request to appoint members to the Triangle Rails-to-Trail Conservancy (TRTC)

Commissioner Wilson moved, seconded by Commissioner Holland, to appoint Barbara Oslund and Al Capehart to the Triangle Rails-to-Trail Conservancy (TRTC). The motion

carried five (5) to zero (0).

BOARD OF COMMISSIONERS' MATTERS

- **Furniture Bid for Renovation Projects:** Consideration of a request to award a furniture bid for renovation projects

Commissioner Grimes moved, seconded by Commissioner Wilson, to award the furniture bid for furniture and furnishings for Finance, Environmental Health, Planning, Inspections, Tax Administration, Department of Social Services and Mental Health in Siler City to Hart Furniture, Inc. in the amount of \$51,984.00. The motion carried five (5) to zero (0).

Air Quality Volunteer Program: Consideration of a request to participate in the Air Quality Volunteer Program

Charlie Horne, County Manager, stated that the County has been asked by the State to participate in a voluntary program to help increase the air quality in the Triangle Area; that because of increased levels of ground level ozone which occurs in hot, sticky, airless weather; that the State hopes to encourage voluntary participation for carpooling, etc. when the warnings occur; that hopefully, by doing this, the State will not have to place increased regulations on businesses

Mary McDowell, explained that the NC Air Awareness Program is forming a coalition of businesses and industries concerned about their local air quality; that this is both a health and economic development issue; that an Ozone Action Day will be announced if the following day's forecast is predicted to be a Code Orange or Code Red; that during the ozone season, meteorologists with the Division of Air Quality will determine daily (3:30 – 4:00 PM) whether the next day will be an Ozone Action Day; that local media including television, radio, and newspaper and local business and industry will be notified by FAX of Ozone Action Days; that employees would have to be educated and notified so that they would know what to do; that basically it is a request for voluntary action from the employee; and that the regional air quality coalition will provide the leadership for mobilizing the area citizens to reduce air pollution that forms ground-level ozone.

Commissioner Grimes moved, seconded by Commissioner Holland, to support the efforts of the NC Air Awareness Program and join the coalition. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

The County Manager informed the Board of Commissioners of the following:

- 1) Jim Knight, Director of Public Affairs for the North Carolina Department of Agriculture and media coordinator for the North Carolina State Fair, requested \$2,500 from the County Commissioners. The Manager asked if the request would be considered in next year's budget.

By consensus, it was decided that the request would be considered in the Fiscal Year

1998-99 Budget.

COMMISSIONERS' REPORTS

Graffiti on Signs:

Commissioner Dunlap expressed concern over the writing and graffiti on stop signs and residential signs seen in Siler City. He stated that there appears to be symbols on the signs which could be gang related; that the Sheriff's Department and the County Manager should get in contact with the Town Manager of Pittsboro and Siler City to discuss the matter.

Park Lands:

Commissioner Pollard stated that after having spoken with Don Lein, Vice President of the Jordan Lake Advisory Committee, that he thought that the Corps of Engineers might be interested in making some land available for a County park.

The County Attorney stated that this was tried before Jordan Lake was ever finished; that there was an area around Park's Creek that everyone thought was going to be a Chatham County Park; that it was found out that the only thing the County could do was finance the project and provide it for everyone who wanted to use it, but that priority use could not be given to Chatham County residents for use of the park.

Legislative Meeting:

Commissioner Pollard reminded the Board of the meeting to be held with the Legislative Delegation at Fearington House, Jennie's Board Room, on May 21, 1998 at 4:00 PM to discuss additional school funding.

CLOSED SESSION

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

REGULAR SESSION

Commissioner Holland moved, seconded by Commissioner Grimes, 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 Dunlap 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 10:16.

Margaret Bryant Pollard, Chair

ATTEST:

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