

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING, APRIL 19, 1999

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the District Courtroom, located in Pittsboro, North Carolina, at 7:00 P.M. on April 19, 1999.

Present: Chair Rick Givens; Vice Chair Uva Holland, Commissioners Margaret Pollard, Carl Outz, and Gary Phillips; County Attorney, Robert L. Gunn; Assistant County Manager, René Dickson; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Lee

Absent: County Manager, Charlie Horne

The meeting was called to order by the Chairman at 7:11 PM.

AGENDA

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

Chairman Givens asked that Item #9, Resolution Recognizing Chatham Central Girls Basketball Team be deferred until the May 17, 1999 Board of Commissioners’ meeting at which time the team could be in attendance.

Commissioner Holland moved, seconded by Commissioner Outz, 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 Pollard 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 work session held March 29, 1999 and Special Meeting held April 6, 1999

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

2. **Sketch Design Approval of Wilder Ridge:** Consideration of a request by H & A Properties, Inc. for subdivision sketch design approval of “**Wilder Ridge**” consisting of 19 lots on 25.79 acres off SR #1721 (Lystra Road) in Williams Township

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

3. **Preliminary Approval of Bobcat Point, Phase III, Lots 33-38:** Consideration of a

request by Van R. Finch, for Ricky Spoon Builders, Inc., for subdivision preliminary approval of **“Bobcat Point, Phase III, Lots 33-38”**, on approximately 13.8 acres, off SR #1559 (Emerson-Cook Road), in Hadley Township

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

4. **Final Approval of Bobcat Point, Phase II, Lots, 24, 25, 27, 28, and 29:** Consideration of a request by Van R. Finch, for Ricky Spoon Builders, Inc., for subdivision final approval of **“Bobcat Point, Phase II, Lots 24, 25, 27, 28, and 29**, on approximately 7.866 acres, off SR #1559 (Emerson-Cook Road) in Hadley Township
The motion carried five (5) to zero (0).

5. **Funds Acceptance for Health Department:** Consideration of a request to accept additional funds in the amount of \$447 for the Health Department from the NC Division of Women’s & Children’s Health

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

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

COMMUNICATION TOWER PLAN

Public Hearing

Public Hearing on Communication Tower Plan: Public hearing to receive public comments on the 1999-2000 Communication Tower Plan for Chatham County

Jerry Eatmon, 3625 Laurel Hills Road, Raleigh, NC, Sprint PCS representative, stated that the new plan for 1999 had five search areas, and two jointly used tower sites; that Sprint PCS and BellSouth collaborated initially this year to produce the best plan for Chatham County that complies with the tower ordinance.

Tom Stedt, 3324 Dangerfield Drive, Raleigh, NC, representative for the site acquisition company hired to work on the Phase III plan, stated that there was much compromise on both sides, and that BellSouth and Sprint PCS are both trying to expand service in the western areas of the County. He further stated that the McDaniel and Hart sites are being evaluated for possible upgrades to accommodate new carriers and new technology.

Gray Styers, 4101 Lake Boone Trail, Suite 400, Raleigh, NC, SBA representative, stated that the Bynum site is the only 1998 site that is not completed, due to a delay in approval from the State Historical Commission and that alternate locations must be investigated. He further stated that a site has been located in Bynum that is further north, and that they will be seeking approval of a search ring that would encompass this area.

Ken Carter, answered questions from the Planning Board and stated that they took a proactive approach in that they had already asked for approval for a 150 ft. tower.

David Farren, 1718 US #64 West, Pittsboro, NC, applauded the Board of Commissioners and the Planning Board for its proactive approach to this issue. He stated that he is concerned about unintended consequences, such as encroachment into the towns, their ETJs; and that open communication with the towns could help alleviate some future problems.

Paul Parker, 3705 Bellevue Road, Raleigh, NC, stated that he represented a co-location business that is working with the McDaniel site and a site north of Siler City that contains a small unzoned area of the County.

Greg Soloman, 406 Buck Branch Road, Pittsboro, NC, stated that he appreciated the work of the Planning Board; that he encouraged the Board to build as few monsters as possible; that perhaps the communications companies could become more actively involved in the community by helping provide other technology resources such as Internet access for the schools and cellular phones for school buses.

PUBLIC HEALTH MONTH RECOGNITION

Resolution Proclaiming April 1999 as Public Health Month: Consideration of a request to approve **Resolution #99-13 Proclaiming April 1999 as Public Health Month**

Commissioner Pollard moved, seconded by Commissioner Holland, to approve **Resolution #99-13 Proclaiming April 1999 as Public Health Month**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

SENIOR CITIZEN MONTH RECOGNITION

Resolution Declaring May 1999 as Senior Citizen Month: Consideration of a request to approve **Resolution #99-14 Declaring May 1999 as Senior Citizen Month in the County of Chatham, State of North Carolina**

Commissioner Holland moved, seconded by Commissioner Pollard, to approve **Resolution #99-14 Declaring May 1999 as Senior Citizen Month**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

CHATHAM CENTRAL GIRLS BASKETBALL TEAM RECOGNITION

~~**Resolution Recognizing Chatham Central Girls Basketball Team:** Consideration of a request to approve **Resolution Recognizing the Chatham Central Girls Basketball Team as State Champions**~~

This item was deferred until the May 17, 1999 Board of Commissioners' meeting.

APPEARANCE COMMISSION

Annual Appearance Commission Report: Consideration of a request to present the annual report from the Appearance Commission

Martin Spritzer, Appearance Commission Chairman, stated that the Commission was established in 1992 and serves to enhance and improve the visual quality and aesthetic characteristics of the County. He explained, as is customary, that the Commission reports to the Board of

Commissioners each year. The following details were outlined:

1. **Design Guidelines:** At the request of the Planning Board, the Appearance Commission has been working to establish design guidelines for commercial uses. Based on a draft of the Commission's product, recommendations were made and changes effected in the Chatham Crossing development. Working at many meetings, the design guideline subcommittee, consisting of Kurt Lent, Bunny Stone, and Martin Spritzer, and a subcommittee from the Planning Board completed the proposed guidelines and presented same at the April 6, 1999 meeting of the Planning Board. The fate of the guidelines is now in the hands of the Planning Board and Board of commissioners. They hope that the guidelines will be used to promote well-designed commercial development in the County.

2. **Chatham County Flag Design Contest:** At the request of the Board of Commissioners, the Commission is sponsoring a competition to select a flag for the County. The Board is familiar with the parameters which were approved in January, 1999. Publicity was undertaken through distribution of flyers, newspaper articles and ads, and personal contact. The deadline for submission is April 30, 1999. The preliminary selection by the panel of judges will be May 3, 1999, and the final entries will be forwarded to the Board of commissioners to select the winner.

3. **Sign Enforcement:** The Commission was instrumental in helping to draft the off-premises sign ordinance adopted by the County. This past year, they worked with the zoning officer to help eliminate or correct poorly maintained or abandoned billboards. Through his efforts, two have already been removed, and action is pending on several others.

4. **County Entrance Signs:** The Commission is still awaiting the production and delivery of eight signs to be installed on roads entering the County thus promoting Chatham County's recognition. The Board of Commissioners will be notified when installation is ready so that appropriate ceremonies and photo opportunities can be arranged.

5. **Scenic Byways:** In 1997, the Department of Transportation refused the Commission's proposal to make SR #1008 a scenic byway. They have gotten representatives of the Historical Association involved in submitting a modified application in the hopes of winning approval.

6. **Planning Board Liaison:** The Commission stays abreast of development projects through their permanent liaison to the Board, Bunny Stone. The Planning Board is aware of the willingness to review conditional use and other commercial projects for aesthetic purposes such as landscaping, buffering, screening to insure good design of which the County can be proud.

Mr. Spritzer stated that the Commission now consists of five members, Kurt Lent, Bunny Stone, Neil Flynt, Jean Foxx, and Martin Spritzer. He asked that the Board send letters of appreciation for their service to the two retiring Appearance Commission members, Cliff Poole and Chris Ketchel and appoint two new members as soon as possible to bring the Appearance Commission up to their full complement of seven members. He thanked the Commissioners for their past support and stated that he hopes the Appearance Commission can provide good service for the Board in the future.

PLANNING AND ZONING

Final Approval of Maple Springs Estates, Phase I, II, and III: Consideration of a request by Richard H. Givens for subdivision final approval of plats as listed below consisting of 18 subdivision lots on approximately 143.92 acres, off, SR #1006 (Siler City Glendon Road) in Bear Creek Township:

Chairman Givens asked to be excused from voting on this issue due to a possible conflict of interest.

Commissioner Pollard moved, seconded by Commissioner Outz, to excuse Commissioner Givens from voting on this issue. The motion carried five (5) to zero (0).

1. **“Richard H. Givens and Susan R. Givens, Phase 3, Lots 25 and 26”**, prepared by Absolute Land Surveying and Mapping, P. C., dated March 22, 1999; and

Commissioner Outz moved, seconded by Commissioner Pollard, to approve Richard H. Givens and Susan R. Givens, Phase 3, Lots 25 and 26, prepared by Absolute Land Surveying and Mapping, P. C., dated March 22, 1999. The motion carried four (4) to zero (0).

2. **“Maple Springs Estates, Phase I, Lots, 4, 5, 6, 7, 8, 9, 10, 11A, 11B and 12”**, prepared by Absolute Land Surveying and Mapping, P. C., dated March 22, 1999; and

Commissioner Outz moved, seconded by Commissioner Pollard, to approve Maple Spring Estates, Phase I, Lots, 4, 5, 6, 7, 8, 9, 10, 11A, 11B and 12, prepared by Absolute Land Surveying and mapping, P.C., dated March 22, 1999. The motion carried four (4) to zero (0).

3. **“Maple Springs Estates, Phase 3, Lots 17, 18, 19, 20, 21, 22, 23, and 24”**, prepared by Absolute Land Surveying and Mapping, P. C. Dated March 22, 1999

Commissioner Outz moved, seconded by Commissioner Pollard, to approve Maple Springs Estates, Phase 3, Lots 17, 18, 19, 20, 21, 22, 23, and 24, prepared by Absolute Land Surveying and mapping, P. C. dated March 22, 1999 The motion carried four (4) to zero (0).

The Vice Chair called for a motion to return the gavel to the Chairman.

Commissioner Holland moved, seconded by Commissioner Outz, to return the gavel to the Chairman. The motion carried five (5) to zero (0).

Amendment to the Chatham County Water Shed: Consideration of a request by Evelyn and Ernest Clemons for a Watershed Review Amendment to request an additional permitted use to be added to the Watershed IV Critical Area attachment #A and a Conditional Use B-1 Business District with a Conditional Use Permit for retail stores and personal service shops specifically for the sale, servicing, and utilization of computers, e-mailing, public internet access, and computer consulting for individuals and small businesses. (The property is approximately 1.133 acres, off SR #1717 [Jack Bennett Road] and SR #1008 [Farrington Road] in Williams Township.)

Keith Megginson, Planning Director, explained that the application for these two requests was received February 12, 1999 and that the requests were heard at a public hearing on March 15, 1999.

He stated that several people spoke about the two requests, some in favor of and some against the request; that the items were before the Planning Board at their regular meeting on April 6, 1999; that the planning staff recommended the requests be denied based on language in the adopted land development plan about not having additional business in the watershed critical area and insufficient information to make the required findings; that the Planning Board thought the requests had merit because they involved a potential local small business on a small tract of land; that the Board tabled the requests until their next regular meeting for further consideration; that Section 17.7 of the County Zoning Ordinance states, "The Planning Board has a maximum of three regularly scheduled meetings to consider a request."; that Section 17.8 states "The Board of County Commissioners shall not consider the adoption of the proposed amendment until after the Planning Board makes a recommendation, or fails to make a recommendation within the time allowed."; that the Chatham County Watershed Protection Ordinance in Section 503(B) reads as follows: "No action shall be taken until the proposal has been submitted to the Watershed Review Board for review and recommendations. If no recommendation has been received from the Watershed Review Board within 45 days after submission of the proposal to the Chairman of the Watershed Review Board, the County Governing Board may proceed as though a favorable report had been received."; that although the Planning Board does not frequently table a request, it does happen; that some of the other requests tabled for further consideration are as follows: Davis request for a debris landfill; Glennwood request for Chatham Crossing Shopping Center; Ledford Engineering request for a rock crusher; Astoria, a planned unit development; and the Booth request for a medical office.

BOARDS AND COMMITTEES

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

Commissioner Phillips moved, seconded by Commissioner Holland, to appoint Sue Schwartz, 321 Shady Grove, Pittsboro, NC, and Barbara Thomason, 358 White Oaks, Chapel Hill, NC, to the Appearance Commission. The motion carried five (5) to zero (0).

Economic Development Commission Appointments: Consideration of a request to appoint members to the Economic Development Commission

Commissioner Phillips moved, seconded by Commissioner Outz, to appoint Jennifer Andrews, 99 Plantation Drive, Pittsboro, NC, to the Economic Development Corporation. The motion carried five (5) to zero (0).

Water Advisory Committee: Consideration of a request to appoint members to the Water Advisory Committee

Commissioner Givens moved, seconded by Commissioner Holland, to appoint Lou Phillips, 2436 Ronald Scott Road, Bear Creek, NC, to the Water Advisory Committee. The motion carried five (5) to zero (0).

Home and Community Care Block Grant Committee Appointments: Consideration of a request to appoint members to the Home and Community Care Block Grant Committee

Commissioner Holland moved, seconded by Commissioner Outz, to appoint Betty Wilson, Jimmy Perry, Gloria Williams, Thelma Turner, Wayne Sherman, Mary Schoonard, Robert Hall, Margaret Pollard, Cassie Wasko, and David Moser, as chairman, to the Home and Community Care Block Grant Committee. The motion carried five (5) to zero (0).

Recreation Board Appointments: Consideration of a request to appoint a members to the Recreation Board

See Page 6 for this action.

BOARD OF COMMISSIONERS MATTERS

Set Dates for Public Comments, Required Public Hearing and Budget Workshops: Consideration of a request to set dates for public comments, required public hearing, and budget workshops on the FY 1999-2000 Chatham County Budget

Commissioner Pollard moved, seconded by Commissioner Phillips, to set May 24th (North Chatham Elementary School), 25th (Siler City Courtroom), and 26th (Pittsboro District Courtroom) as the dates on which to hold public comments sessions and May 26th as the date on which to hold a public hearing to receive public comments on the proposed 1999-2000 Chatham County budget. The motion carried five (5) to zero (0).

Set Date for Board of Equalization and Review: Consideration of a request to set May 3, 1999 as the date to convene as the Board of Equalization and Review

Commissioner Phillips moved, seconded by Commissioner Holland, to set May 3, 1999, 11:15 AM, as the date and time to convene as the Board of Equalization and Review. The motion carried five (5) to zero (0).

MANAGER'S REPORTS

There were no Manager's Reports.

COMMISSIONERS' REPORTS

- Chairman Givens explained that he called the Hispanic Task Force and talked with them with regard to setting a meeting date at which they can discuss assembling a group of Hispanic leaders to gather insight on disposition of trash, crowded housing, and other matters and how the County can help with these needs.

Recreation Board Appointments:

Commissioner Phillips moved, seconded by Commissioner Outz, to appoint Neal Smith, 2715 Castle Farm Road, Pittsboro, NC, to the Chatham County Recreation Board. The motion carried five (5) to zero (0).

Commissioner Holland moved, seconded by Commissioner Outz, to appoint Cloyce Lassiter, 6885 NC Hwy. #751, Durham, NC, to the Chatham County Recreation Board. The motion carried five (5) to zero (0).

Juvenile Justice Committee:

Commissioner Pollard asked about the Juvenile Justice Committee.

Planning Board:

Dave LeGrys, Planning Board Chairman, expressed his appreciation to the Board of Commissioners for their acceptance of the Land Use Development Plan. He stated that the Planning Board was conducting meetings in different locations, and that they appreciate the confidence placed in them by the Board of Commissioners.

ADJOURNMENT

- Commissioner Outz moved, seconded by Commissioner Pollard, 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 8:27 PM.

Rick Givens, Chairman

ATTEST:

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