

**MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING, MAY 16, 1994**

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 May 16, 1994.

ATTENDANCE

Present: Vice Chair Holland; Commissioners Holmes, Hanner and Pollard; County Manager Ben Shivar; County Attorney Robert L. Gunn; and Clerk to the Board Sandra B. Cape

Absent: Chairman Dunlap

The meeting was called to order by the Vice Chair at 7:00 p.m..

The Vice Chair introduced Commissioner Margaret Pollard as the newest member of the Board.

AGENDA

The Vice Chair asked if there were additions, deletions or corrections to the Agenda.

Commissioner Holmes moved that the Board approve the agenda as presented. Commissioner Hanner seconded the motion.

The motion carried four (4) to zero (0).

CONSENT AGENDA

The Vice Chair directed the Clerk to the Board to read the Consent Agenda.

Planning Director Keith Megginson requested that item 8, entitled "Planning Department - Owen Gwyn - Sketch, Preliminary and Final Approval," be removed from the Consent Agenda.

Commissioner Hanner moved that item 8, as set forth above, be removed from the Consent Agenda. Commissioner Pollard seconded the motion.

The motion carried four (4) to zero (0).

Commissioner Holmes moved to approve the items listed on the Consent Agenda as amended. Commissioner Hanner seconded the motion. The Consent Agenda, with the vote on each item, is as follows, and was read verbatim by the Clerk to the Board:

1. **Minutes:** Consideration of approval of minutes of the following Board of Commissioners Meetings:
 - A. Regular Meeting, May 2, 1994; and
 - B. Special Budget Workshop Meeting, April 28, 1994

The motion carried four (4) to zero (0).

2. **Tax Assessor - Tax Releases and Tax Refunds:** Consideration of a request for approval of Tax Releases and Tax Refunds

The motion carried four (4) to zero (0).

3. **Tax Assessor - Solid Waste Disposal Fees:** Consideration of a request for approval of Solid Waste Disposal Fees paid in error

The motion carried four (4) to zero (0).

4. **Emergency Operations - Local Emergency Planning Committee (LEPC) - Implementation Planning Grant:** Consideration of a request to approve acceptance of Implementation Planning Grant in the amount of \$500.00, Resolution and Memorandum of Understanding pertaining thereto

The motion carried four (4) to zero (0).

5. **Health Department - Out-of-State Travel:** Consideration of a request for out-of-state travel for the Health Director to attend the 1994 Conference on Health Care Reform in Williamsburg, Virginia

The motion carried four (4) to zero (0).

6. **Planning Department - Wendy Hill Subdivision:** Consideration of a request for approval of road names in Wendy Hill Subdivision

The motion carried four (4) to zero (0).

7. **Planning Department - Gary L. Winstead - Sketch Approval:** Consideration of a request by Gary L. Winstead for sketch approval of lot 4 on map entitled "Survey for Mozelle C. Abernathy" on the east side of U.S. 15-501 in Baldwin Township

The motion carried four (4) to zero (0).

End of Consent Agenda.

PLANNING AND ZONING DEPARTMENT

Owen Gwyn - Sketch Approval - Evergreen United Methodist Church: Commissioner Pollard moved to approve the request by Owen Gwyn for sketch approval of "Survey for Evergreen United Methodist Church" for four lots on the west side of U.S. 15-501 in Baldwin Township with a note that access to lot number 1 is restricted to the private easement. Commissioner Hanner seconded the motion.

The motion carried four (4) to zero (0).

ECONOMIC DEVELOPMENT

Public Hearing

Small Cities Community Development Block Grant (CDGB) Application Public Hearing and consideration of a request to authorize submission of the application for the relocation of the Sanford Steel Corporation: The County Manager stated that there was a public hearing on the general grant at the last regularly scheduled Board meeting. He noted that this second public hearing was to hear public input on the specifics of this grant application -- that being for the benefit of Sanford Steel Corporation. The Manager introduced Larry Jarvis, of The Wooten Company, which will prepare and submit the grant application.

Mr. Jarvis stated the following: this CDBG was being considered to provide a newly formed corporation, Sanford Steel Corporation, with working capital to enable it to construct a steel fabrication operation just outside of Goldston; a loan in the amount of \$200,000 would be given by the Department of Commerce;

there would be a one-year deferral; after one year, payback would be over a six year period; this is a loan to the corporation, not a grant; an additional \$207,000 would be borrowed by Sanford Steel from a conventional lender; the balance of the investment is from the owner's equity; this grant is designed to provide employment for low to moderate income persons; the corporation would provide for this type employment; these requirements would be monitored; location is just outside Town of Goldston; access is from a state maintained road; direct access to US 421 is planned; there is no noise; one to two trucks per day will be coming into the facility; a Resolution of the Board approving the application is required; and the agreement involved is between the County and the corporation which legally binds the corporation to abide by the terms of the application. Mr. Jarvis noted that the owners of the corporation were present at the meeting to answer questions if needed.

The Vice Chair opened the public hearing at 7:43 p.m.

Melanie O'Connell Underwood, Director of Economic Development, stated that the Economic Development Commission supports this grant application. She noted that there are two homes in the area of the site, which are 500 feet and 1,400 feet, respectively, from the site. She noted that direct access to US 421 is planned but until this access is obtained, the corporation will be using a gravel road as access. She stated that there is no environmental impact involved with this corporation. She requested that the Board approve this application.

Lynn Barrett, Route 1, Box 336, Goldston, North Carolina, stated that her residence is across the road from the site, and she opposed the site because of the traffic it would cause on the dirt road on which she resides. She voiced her concern that the direct access would not be approved or completed. Ms. Barrett stated that she is concerned that the County would use State funds on a site which has traditionally not been known as a good site for industry. She noted that this is a residential area in a rural setting. She stated that this facility does not seem compatible with the surrounding land.

Andy Starling, President of Sanford Steel Corporation, stated that his corporation is environmentally safe and has low traffic counts. He noted that the corporation has tentative approval from the adjacent land owner for direct access to US 421. Mr. Starling stated that his corporation does not require sewer; therefore, it is one of the few industries which could utilize a site in Goldston. Mr. Starling explained the location of the facility on the total land owned and the buffers which current exist and those planned for the site. He requested that the Board approve the submission of the application.

Larry Jarvis, The Wooten Company, explained the employment structure required by the grant and outlined the wages to be paid by Sanford Steel. He noted that Sanford Steel will pay wages for semi-skilled and unskilled labor which are higher than most industries pay.

Ed Harris, Mayor, Town of Goldston, stated the Town of Goldston has been working for years to get industry into this area of the County. He noted that Goldston does not have a sewage system which limits this area in the type of industry it attracts. He noted the need for jobs in the Goldston area. He noted that Sanford Steel is a steel fabrication plant without any pollution, very little noise, no sewage treatment requirements, and water is available for the site. He stated that the Town of Goldston is in favor of this corporation locating on the proposed site and requested that the Board approve the submission of this grant application.

There being no further public comment, the Vice Chair declared the public hearing closed at 8:05 p.m.

Resolution 94-16. Commissioner Holmes moved that the Resolution authorizing submission of an FY 94 CDBG-Economic Development Application on behalf of Sanford Steel Corporation Economic Development Project be adopted, a copy of which is attached hereto and by reference made a part hereof. Commissioner Hanner seconded the motion.

The motion carried four (4) to zero (0).

PLANNING AND ZONING

BOARD OF ADJUSTMENT

Public Hearing

Peter and Janet Gremillion: Public Hearing on a request from Peter and Janet Gremillion for a variance from Section 10.7 B of the Chatham County Zoning Ordinance, to reduce the side setback in the heavy industrial zone from 100 feet to 25 feet.

Commissioner Pollard moved that the Board recess as a Board of Commissioners and convene as the Chatham County Board of Adjustment. Commissioner Hanner seconded the motion.

The motion carried four (4) to zero (0) and the Vice Chair called the Board of Adjustment to order.

The Planning Director explained the request by Peter and Janet Gremillion and stated the following: The Gremillion's own property across from Allied Signal; all the land in this area was zoned for industrial use; in doing that, all the industrial district requirements apply to this property regardless of the present use of the property; the Gremillion's have a residence on their property, constructed in 1986; the Gremillion's purchased the property in 1991; the Gremillion's wish to add on to their house; setbacks are 100 foot in this area because of the industrial district zoning; the existing residence is only 60 feet from the property line, which makes it out of compliance; he described the provisions of the Zoning Ordinance, Section 9.8; and stated that according to this provision, it could be argued that the set back on the Gremillion's property would be 15 feet, if the Board feels that this provision of the Zoning Ordinance applies to this situation.

The Vice Chair announced that the public hearing was open at 8:13 p.m.

The Vice Chair administered the Oath to Patrick Bradshaw, Attorney for Peter and Janet Gremillion, and to Peter and Janet Gremillion, the property owners.

Patrick Bradshaw, Attorney for Peter and Janet Gremillion, explained that the Gremillion's purchased their home and land in 1991 through a licensed real estate broker but were never told that the heavy industrial zoning was in effect on their property. He noted that the Gremillion's were also not aware of the difficulties they would face because the property is in a 100-year flood zone. He noted that the combination of the zoning and flood zone problems, the Gremillion's cannot add on to their property and probably cannot sell. He noted that they have one child now and require additional space for their family. Mr. Bradshaw explained the variance laws applicable to this situation. He noted that it is impossible for any structure on this property to meet the setback requirements. He requested that the Board approve a variance to the zoning ordinance.

Peter Gremillion, property owner, stated that he and his wife purchased the property in good faith, unaware of the problems associated with the zoning and the flood zone status. He stated that his growing family needed additional housing space. He requested that the Board approve the request for a variance and for a reasonable setback for the property.

The Vice Chair closed the public hearing at 8:22 p.m.

Robert L. Gunn, County Attorney, stated that the Board could take action at this time and suggested that, if the Board looked favorably upon the request, a variance be granted after the Board makes the necessary five findings of fact.

Commissioner Holmes moved that the Board make the five (5) findings of fact required prior to approving a variance request, and that the Board grant a variance to the setback from 100 feet to 25 feet as requested by Peter and Janet Gremillion. Commissioner Hanner seconded the motion.

The motion carried four (4) to zero (0).

Commissioner Hanner moved that the Board adjourn as a Board of Adjustment and reconvene as the Board of Commissioners. Commissioner Pollard seconded the motion.

The motion carried four (4) to zero (0).

BOARD OF COMMISSIONERS RECONVENED

PLANNING AND ZONING

Public Hearing

Bud Matthews - Conditional Use Light Industrial District and Conditional Use Permit: Public Hearing on a request by Bud Matthews for a Conditional Use Light Industrial District and a Conditional Use Permit for a sheet metal shop on 2.06 acres east of U.S. 15-501 and north of Cole Park Plaza. The Planning Director described this request. He stated that anyone wishing to speak would need to do so under oath.

The Vice Chair opened the public hearing at 8:30 p.m.

There being no one wishing to make public comment, the Vice Chair closed the public hearing at 8:31 p.m.

The Planning Director stated that the Planning Board would consider this request and bring this matter back before the Board at a future date.

Public Hearing

Chatham County Subdivision Regulations: Public Hearing on proposed amendment to the Chatham County Subdivision Regulations to change the private road standards listed specifically in Section 6.2D(3) of the Subdivision Regulations. The Planning Director stated that this item deals specifically with private road standards.

The Vice Chair opened the public hearing at 8:32 p.m.

There being no one present to comment on this issue, the Vice Chair closed the public hearing at 8:33 p.m.

The Planning Director stated that the Planning Board would hear this matter and bring this item back before the Board at a future date.

Highland Forest Estates: Consideration of a request by Leslie A. Walton for a Conditional Use Permit for a Planned Unit Development on 64 acres on S.R. 1568 in Baldwin Township in an RA-90 zoning district. The Planning Director stated that this item has been heard at previous Board meetings; however, there is an additional item to be considered. He noted that there is a land-locked property owner adjacent to the subject property, the Websters, which now needs to be considered. The Planning Director reiterated the Planning Board's recommendations and the Planning Department staff's recommendations on this matter.

After lengthy discussion, Commissioner Holmes moved to table this item until the next regular meeting, June 6, 1994. Commissioner Pollard seconded the motion.

The motion carried four (4) to zero (0).

N.C. Department of Transportation - US 15-501 Improvements: The Planning Director announced that the North Carolina Department of Transportation had scheduled a citizens meeting on U.S. 15-501 improvements for May 26, 1994, from 4:00 p.m. until 7:00 p.m., at Ferrington Barn. He noted that public officials would be given an opportunity to speak from 3:30 p.m. until 4:00 p.m.

PUBLIC WORKS

Solid Waste/Recycling

Public Meeting for comment on siting of a staffed solid waste/recycling collection center in the Bennett area: Public Works Director Mark Ashness stated that public meetings for both the Bennett area and Crutchfield Crossroads were scheduled; however, due to a change in the negotiations for the Crutchfield Crossroads location, only the Bennett area site would be discussed at this time.

The Public Works Director described the site and the location of the site and requested public comment. He noted that letters had been sent to adjacent property owners regarding this location.

Vesta Purvis, a citizen of the Bennett Community, stated that he had spoken with all the adjacent property owners and no one had voiced disapproval of this location. He thanked the Solid Waste Management Team for realizing the need for this additional center and the Board for approving this center.

There were no further public comments.

Scrap Tire Recycling and Disposal Contract: Consideration of a contract with Central Carolina Tire Disposal. The Public Works Director asked Recycling Coordinator Matt Young to present this item. The Recycling Coordinator stated that the current contractor had requested termination of the current contract since it will no longer be accepting whole scrap tires at its facility in Sanford. He noted that bids had been received from three vendors. He noted that Central Carolina Tire Disposal of Cameron was being recommended, even though it was not the least expensive, because the net impact for a year's time is only \$60, it is closer for travel purposes, and it is the most favorable for the citizens who will utilize this service.

Commissioner Holmes moved that the Board authorize the County Manager to contract with Central Carolina Tire Disposal of Cameron for the handling and processing of scrap tires, pending approval by the County Attorney as to legal form and content. Commissioner Pollard seconded the motion.

The motion carried four (4) to zero (0).

Water Department

Award of Contracts on Jordan Lake Water Treatment Plant: The Public Works Director outlined the bids received on the Jordan Lake Water Treatment Plant and the method by which this project was put out for bids. He noted that the bid opening occurred April 7, 1994, and that the results were favorable to the County.

Commissioner Holmes moved that the Board award contracts to the following companies pending regulatory approval for the plant and approval by the County Attorney as to legal form and content of each contract:

Section A - General & Mechanical to Crain & Denbo, Inc. in the amount of \$2,521,598.00

Section B - Clearwater Reservoir to Precon Corporation in the amount of \$329,000.00

Section C - HVAC to Cooper Oil Company in the amount of \$86,509.00

Section D - Electrical to Crowder Construction Company in the amount of \$629,838.00

Section E - Off-Site Utilities to State Utility in the amount of \$1,615,398.38

Commissioner Hanner seconded the motion.

The motion carried four (4) to zero (0).

Goldston-Gulf Sanitary District: Consideration of a request from the Goldston-Gulf Sanitary District for County Participation in chlorine dioxide disinfection study. The Public Works Director noted that the cost to the County to participate in this study would be \$1,500, which funds exist in this year's budget. He recommended approval.

Commissioner Holmes moved that the Board approve participation in the chlorine dioxide disinfection study with the Goldston-Gulf Sanitary District and that the money come from the current year's water fund budget. Commissioner Hanner seconded the motion.

The motion carried four (4) to zero (0).

EMERGENCY OPERATIONS

Private Road Name Petitions: Consideration of the request from citizens to approve certain private roads within Chatham County. The Manager presented this item and stated that there had been no objections voiced on these petitions.

Commissioner Pollard moved that the Board approve the five petitions to name the following private Chatham County roads:

1. Bonsal Crossing
2. Peachtree Road
3. Horace Brower Road
4. Gaster Road
5. Chalet Trail

Commissioner Hanner seconded the motion.

The motion carried four (4) to zero (0).

BOARDS AND COMMITTEES

Chatham County Transportation Advisory Committee: Helen Stovall, Transportation Director, stated that the Management Performance Review had been completed and presented to the Chatham County Transportation Advisory Committee. She outlined the current method by which the Chatham County Transportation system operates. She noted that the Transportation Advisory Committee recommends to consolidation of the human service transportation system under a new special purpose non-profit agency; that the Transportation Advisory Committee play an active role in creating this agency; and that the current staff (drivers, director, etc.) be given first consideration for staffing this new agency. Dan Stroupe, Executive Director of Chatham Trades, inc. noted the benefits of a consolidated system. Ms. Stovall outlined the requirements related to application for Section 16 and Section 18 funds.

Commissioner Holmes moved that the Board authorize the consolidation of the human services transportation system. Commissioner Pollard seconded the motion.

The motion carried four (4) to zero (0).

Commissioner Holmes moved that the Board authorize the Manager, his staff, and an appropriate committee to investigate the type of non-profit corporation to be set up to administer the human services transportation system, and return to the Board with their findings and recommendations. Commissioner Pollard seconded the motion.

The motion carried four (4) to zero (0).

Chatham County Library Board: Consideration of an appointment to the Chatham County Library Board. The Manager stated that due to the resignation of Frank E. Swain of Siler City from the Chatham County Library Board, it is necessary for the Board to appoint an individual to complete Mr. Swain's unexpired term. He noted that the Library Board recommended Sandra McSween be appointed; however, the Board might wish to consider other individuals.

Commissioner Holmes moved that the Board appoint Sandra McSween, 617 East Raleigh Street, Siler City, North Carolina, to serve the unexpired term of Frank E. Swain, which term shall expire on June 30, 1995, to the Chatham County Library Board. Commissioner Hanner seconded the motion.

The motion carried four (4) to zero (0).

BOARD OF COMMISSIONERS

Room Occupancy Tax: Assistant to the County Manager Renee Dickson presented the proposed Room Occupancy Tax and stated that the Legislative Delegation recommended that the tax dollars not be earmarked for specific agencies but state more generally that the tax be used to promote travel or tourism. She noted that the "Option B, An Act to Authorize Chatham County to Levy a Room Occupancy and Tourism Development Tax," a copy of which was delivered to the Board for its consideration, follows the recommendation of the Legislative Delegation.

Commissioner Holmes moved that the Board approve "Option B, An Act to Authorize Chatham County to Levy a Room Occupancy and Tourism Development Tax," a copy of which is attached hereto and by reference made a part hereof, and direct that the County Attorney submit the bill to the General Assembly for introduction during the

1994 Short Session prior to May 31, 1994, the deadline for submission. Commissioner Pollard seconded the motion.

The motion carried four (4) to zero (0).

MANAGER'S REPORTS

Criminal Justice Partnership: The Manager stated that both Orange and Chatham County are considering a joint application for this program. He noted that the Orange County Board of Commissioners had not yet considered this matter nor appointed a Commissioner to the workgroup. He stated that as soon as Orange County approves the joint application and appoints a Commissioner, he would proceed with scheduling the necessary workshops. The Manager also noted that additional information on this program had been received concerning the dates on which this program will go into effect, indicating that the program will not be operational until mid-March of 1995; however, there is a technical assistant grant fund available which should be applied for available July 1, 1994.

Finance Officer, Award for Financial Recording Achievement: The Manager stated that Finance Officer Vicki McConnell had again received the Award for Financial Recording Achievement that is given by the Government Finance Officers Association of the United States and Canada. He noted that this is the fifth year this award has been given to the Finance Officer. He stated that this is a very prestigious award, and he congratulated the Finance Officer for again obtaining this recognition.

COMMISSIONERS' REPORTS

The Vice Chair called for Commissioners' Reports; however, none were given.

EXECUTIVE SESSION

Commissioner Holmes moved that the Board recess from regular session and go into Executive Session for the purpose of discussion of industrial locations. Commissioner Pollard seconded the motion.

The motion carried four (4) to zero (0).

Commissioner Holmes moved that the Board excuse her from the second portion of the Execution Session. Commissioner Pollard seconded the motion.

The motion carried four (4) to zero (0).

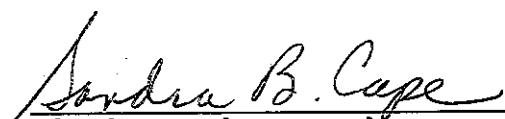
Commissioner Hanner moved that the Board adjourn from Executive Session and reconvene as the Board of Commissioners. Commissioner Pollard seconded the motion.

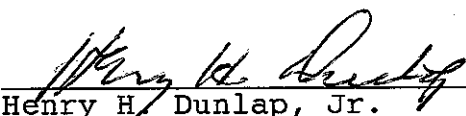
The motion carried four (4) to zero (0).

ADJOURNMENT

There being no further business to come before the Board, the Vice Chair adjourned the meeting at 10:20 p.m.

ATTEST:


Clerk to the Board


Henry H. Dunlap, Jr.
Chairman

