

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**SPECIAL MEETING, SEPTEMBER 26, 1994**

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The Board of Commissioners (the "Board") of the County of Chatham, North Carolina, met in special session in the District Courtroom, located in the Courthouse Annex, Pittsboro, North Carolina, the regular place of meeting, at 7:00 p.m., on September 26, 1994.

Present: Chairman Henry Dunlap; Vice Chair Uva Holland; Commissioner Mary Hayes Holmes; Commissioner E. T. Hanner; Commissioner Margaret Pollard; County Manager Ben Shivar; County Attorney Robert L. Gunn; and Clerk to the Board Sandra B. Lee

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

**AGENDA**

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

Commissioner Holmes moved that the Minutes be removed from the Consent Agenda, considered separately with "recommended" substituted instead of "appointment" of Ray Greenlaw to the Wastewater Committee and approved with the correction.

Commissioner Pollard seconded the motion.

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

**CONSENT AGENDA**

The Chairman directed the Clerk to the Board to read the Consent Agenda.

Commissioner Holmes moved to approve items 2-3 as listed on the Consent Agenda as read by the Clerk. Commissioner Pollard 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

2. **Approval of Out-of-State Travel to American Dietetic Association Conference:** Consideration of approval of out-of-state travel for nutritionist to attend annual meeting of the American Dietetic Association in Orlando, FL on October 17-20, 1994

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

3. **Approval of Out-of-State Travel to National Home Care Association Annual conference:** Consideration of approval of out-of-state travel for Home Health Nursing Supervisor to attend the National Home Care Association Annual Conference in Chicago, IL on October 23-26, 1994

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

**PUBLIC INPUT SESSION**

There was no one who wished to speak during the Public Input Session.

**PRESENTATION BY DR. LARRY MABE**

Dr. Larry Mabe, on behalf of the Board of Education, thanked the Board of Commissioners for the opportunity to come before the Board to make a presentation and to express his appreciation for the approximately \$100,000 in additional funding as well as the regular funding given to the Board of Education which has allowed them to do things for the young people in the Chatham County School system that would otherwise have been impossible. He presented the Board with Chatham County Schools lapel pins, decorative tee shirts, and school calendars as a token of appreciation for the support of the school system by the Board.

Chairman Dunlap asked Dr. Mabe if he would like to discuss the additional funds that are necessary for the purchase of property for a school site.

Ben Shivar, County Manager, advised the Board that additional funds were needed for the purchase of property for a school site. This was a result of requirements of Environmental Management in the State of North Carolina which required the school board to obtain a small bulk of land of which they were unaware when the price was first set on the land. The amount needed is an additional \$4,000. He stated that the statutes require the approval of this amount by the Board of Commissioners.

Commissioner Holmes moved to approve the \$4,000 additional funds to purchase the extra land required by the State. Commissioner Holland seconded the motion.

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

**PLANNING AND ZONING**

The Chairman administered an oath/affirmation to those in attendance who wished to make public comment.

**Public Hearing**

**Approval of Request for Amendment to Conditional Use Permit:** Consideration of a request by Bruce and Alice Martindale for an amendment to their conditional use permit for an interior design shop on .9 acres on the west side of S.R. 1008 for a conditional use business district for several conditional use permit businesses

After answering questions from some of those present for the public hearing, Keith Megginson, Planning Director, explained that Bruce and Alice Martindale are requesting a revision to allow several possible businesses to locate on their property.

**Bruce Martindale**, Route 6, Box 468A, Chapel Hill, NC, asked the Board to extend the use of his conditional use permit. He stated that because he lives next door to the building, it will be properly maintained. He stated that it was approved for conditional use five or six years ago and he has never had a problem.

**Public Hearing**

**Approval of Request for Amendment to Conditional Use Light Industrial District:** Consideration of a request by Billy C. Akridge for an amendment to his conditional use light industrial district with a conditional use permit for a mini-warehouse storage facility on 2.48 acres on the south side of S.R. 1724 to allow additional storage buildings

Keith Megginson, Planning Director, explained that Mr. Akridge has two storage buildings on his property at this time and has requested another be situated within the existing conditions of his conditional use permit.

**Junius H. Terrell**, Route 7, Box 590, Chapel Hill, NC, stated that when he moved to Chatham County, he moved to be in the country. Now there is industrial proliferation moving in. He stated that he feels there will be a loss to his property values if an amendment to the conditional use permit is approved. He stated that he hopes the Board will not approve this amendment to the area until they look at it and weigh the benefits of the individual applicant against the neighborhood values, and consider why individuals moved to the country.

**Donald A. Tyndall**, 135 Old Lysta Road, Chapel Hill, NC, stated that as a new resident of Chatham County, he is concerned about maintaining the residential and rural nature of the area. He enjoys living in the area and hopes to see the character maintained. Another concern is that of the entrance to the site is adjacent to a sharp curve in the road. He is concerned that any type of additional storage facility in the area might increase traffic and thereby propose a potential traffic problem at that site.

**J. Knox Tate**, 220 Meadow Run Drive, Chapel Hill, NC, stated that he lives across the street from where these facilities already exist. He stated that although the owners have done a nice job with locating the building in a hollow, there has been no screening done to shield the site from the road. He stated that the chain-link fence around the property with a barbed wire attached at the top is not very residential in nature. He feels that there needs to be a clearer definition of the required screening to the property.

**Approval of Request for Conditional Use Light Industrial District and a Conditional Use Permit for Storage Tanks of Liquefied Petroleum Gas:** Consideration of a request by Rebecca D. Crabtree for a conditional use light industrial district and a conditional use permit for storage tanks of liquefied petroleum gas on one acre on the southwest corner of the intersection of S.R. 1539 and S.R. 1540

Keith Megginson, Planning Director, explained that this property is located south of Frosty's Trading Post where County dumpsters are situated.

**Alicia Ashe**, Route One, Box 323F, Chapel Hill, NC, stated that she lives three miles from the proposed site and that she opposes lovely rural areas which are being turned into ugly industrial sites. She stated that there is a dangerous intersection in the area and there will be a new school there soon. She stated that she is truly frightened by the prospect of the proposed change.

**Rebecca Crabtree**, Route One, Box 437, Pittsboro, NC, stated that she lived across the road from the proposed site and is the owner of Frosty Trading Post located on the other corner. She stated that she also owns the one acre lot on which she is requesting location of the liquefied petroleum gas tank. She asked the Board to review the data and know the facts concerning the propane storage tank and that with the information, make a positive decision to approve the request that she has made. She stated that because she is a life-long member of the community and would never do anything to cause any harm to her neighbors, she held a community meeting regarding the issue. She stated that there were over thirty people who attended to ask questions, voice their concerns, and share their opinions. For the purpose of justifying her conditional use request, she stated that she had asked Mark Young, who is with Carolane Propane who will speak regarding the safety of propane and Richard Fredenburg, who is with the Department of Agriculture regarding the standards, codes, or regulations followed by the State and the federal government.

**Lynn F. Chandler**, Route One, Box 437, Pittsboro, NC, stated that he was opposed to the request. Due to the amount of traffic and the school buses in the area, the large trucks, also traveling the road, may pose a severe threat of safety. He stated that there are twenty drive ways between where the site would be and one mile to the north and that there had been twenty-three motor vehicle accidents this year in the area. He

stated that the Commissioners were elected to protect and support the citizens. He asked the Board if they would approve the permit if it were located close to them, or if their children or grandchildren were riding the school buses past this site. He stated that the choice was not where in Chatham County it has to be located; as it did not have to be in Chatham County at all. He stated that he had a letter from a school bus driver which he would like for the Board to have.

The letter was given to the Clerk for distribution to the Commissioners at a later date.

**Art Bridgeman**, Route One, Box 440, Pittsboro, NC, deferred to Mr. Chandler's comments.

**Dorothy Chandler**, Route One, Box 399, Pittsboro, NC, voiced her concern about the country side. She stated that she attended the meeting on Friday and saw pictures of the tank which is 45 feet in length. She was concerned that no amount of screening would prevent it from being seen.

**Debra L. Bernard**, White Cross Road, Chapel Hill, NC, asked the Board to continue this matter. She stated that her father, captain of the volunteer fire department, was unable to attend the Board meeting but would be able to gather facts in terms of where they will be able to support this facility. She stated that her father had stated that the volunteer fire department would not be able to take care of an emergency of this nature if there was a fire or an explosion of the facility. She also voiced concern over road safety. She stated that the people who proclaim the road safe are the people who have a vested interest in putting the facility there.

**Karen C. Aldridge**, Route One, Box 343I, White Cross Road, Chapel Hill, NC asked that the Board delay decision on the matter. She stated that she did not feel that the intended use is consistent with the terms for the conditional use permit. She feels that there are not adequate facilities in place in the area to support the proposed use of a propane facility. She stated that she was particularly concerned with the issue of safety.

**Bob Harris**, Route One, Box 455, Pittsboro, NC, stated that Rebecca Crabtree was a good neighbor. He stated that he drove a school bus on the road past the proposed location and he could attest to the fact the road was very narrow. He stated that in 1969 and in 1970, two buses side-swiped. In 1994, the mobile home which he had purchased was being pulled to its permanent location and was total lost when hit by a log truck on the narrow road. He strongly urged the Commissioners to vote against the request.

**David Harris**, Route One, Box 457, Pittsboro, NC, encouraged the Commissioners to travel to the site, drive up the road and see what he is referring to regarding the danger of the narrow, congested road.

**Jean Leonard**, Route One, Pittsboro, NC, stated that the main theme of discussion is that of health, depreciation of property, and the character of the district. She stated that she drives the smaller of her two cars when she is traveling on the road of the proposed propane tank because the road is too narrow to accommodate wide vehicles. She stated that if the trucks delivering the propane hold 9,000 gallons of propane at four pounds per gallon, there would be approximately 40,000 pounds of weight on the little, narrow, crooked, pot-hole filled road.

**Honi Gluck, MD**, Route One, Box 454, Chapel Hill, NC, stated at the community meeting, the speaker for the propane gas company admitted to the fact that there will be some leakage of gas as the truck fills the tank at the proposed site. She further stated that the representative stated that there was no odor from propane. Dr. Gluck said that the gas is terrifically malodorous and can be lethal. She stated that she felt this should be considered detrimental to the health of the community.

**Mark Young**, 3117B Guess Road, Durham, NC, representative of Carolane Propane, stated that DOT had looked at the road and transport of smaller volumes from as many as seven or eight gas companies frequent the road in question, other smaller side roads, and unmarked roads Siler City roads daily. He stated that he was concerned with people's perception that the propane delivery truck was just an accident waiting to happen. He stated that the concerns addressed at the community meeting were those of safety and appearance which were addressed. He asked that the Board look at the facts, the State regulations and DOT before making a final decision.

**Hubert O'Daniel**, Route One, Chapel Hill, NC, stated that he does not oppose the conditional use permit for a propane gas tank on Rebecca Crabtree's property. He stated that Ms. Crabtree has been good to the community and has his full support.

**Richard Fredenburg**, liquefied gas engineer with the State of North Carolina, Raleigh, stated he was attending the meeting at the request of Ms. Crabtree. He stated that he looked at the proposed site earlier in the day and would be glad to address if a site could be built according to State standards. He stated that pending submittal of official request plans which would have to be approved, he feels certain that the site could be built.

**Warren Strowd**, Pittsboro, adjoining land owner of Ms. Crabtree, stated that his main concern living close to the tank site is that of gas odor.

**John Strowd**, Mt. Gilead Church Road, Pittsboro, NC, stated that he was neither for nor against the tank site. He stated that as Chief of the North Chatham Fire Department, that whatever was built in the community, his department would try to protect. However, that if several fire departments had to be called in in an emergency, the citizens would be looking at thirty minutes to one hour until mutual aid could reach the site.

**Baxter Riggsbee**, Mt. Gilead Church Road, Pittsboro, NC stated that as a real estate broker in Chatham County for 35 years, the property in question was presently zoned agriculture and residential and he would like to see it stay that way.

**Lamont Norwood**, stated that he opposes any restrictions on the way Ms. Crabtree wishes to run her property.

**Frank Crabtree**, urged, as an adjoining property owner, the Board to listen to facts. He stated that he did not object to having the facility next to him; that more people receive injuries from their 20 pound tank on their home gas grill; and very rarely is there an accident at this type of storage facility.

**Thomas Bender**, Interim Chatham County Fire Marshall, stated that he was originally contacted by Ms. Crabtree concerning her request and that the Chatham County Fire Marshall has no jurisdiction as to where the tank is placed.

**Jack Roberson**, stated that having been a truck driver for twelve years, he knew that propane trucks were safe. He stated that a tanker was taken up to North Chatham Fire Department to demonstrate safety and how a fire would be fought if one occurred.

**Eloise Bridgeman**, Route One, Box 440, Pittsboro, NC, voiced concern that the present zoning will have to be changed to industrial and she is opposed to this change.

Keith Megginson encouraged anyone who would like to make a written comment to do so within the next five days to his office.

**Approval of Request of a Conditional Use Light Industrial District with a Conditional Use Permit for a Radio Communication Tower:** Consideration of a request by Rupert and Joyce Bynum for a conditional use light industrial district with a

conditional use permit for a radio communication tower on 10 acres on the west side of red Gate Road off S.R. 1700

Keith Megginson, Planning Director, explained that the Bynums have an existing 180 foot tall communication tower on their property that is an accessory use for amateur radio operations and that they are requesting permission to use the existing tower for commercial antenna use.

**George Bowie**, Route 4, Box 520, Pittsboro, NC, yielded his time to Bryan Tilden.

**Bryan Tilden**, Route 4, Box 526, Pittsboro, NC, stated that he owned the property 200 feet south of the proposed tower. He stated that he purchased the land in 1977; the land was subject to restrictive covenants for no commercial buildings; this information was recorded in Book 356, Page 306; these covenants were to run with the land and be binding upon all parties and all persons claiming under them until January 1, 2000, after which said covenants shall be automatically extended for twenty years; that it was zoned in 1973 by the County as rural low density residential and screen buffer. He stated that in 1984, another set of covenants were signed that stated no covenants which were recorded in Book 464, Page 343. He stated that he and the residents of the area would like to have time to get adequate representation in this matter.

**William Fischer**, Route 4, Box 534, Pittsboro, NC stated that this action had taken the residents by surprise; he would like to have this matter continued; and allow the residents of Red Gate Road to have a meeting and get back with the Board.

**Gloria Alderman**, Route 4, Box 518, Pittsboro, NC stated she and her family were informed of the action last week by neighbors. She requested a continuance so that more facts can be gathered and she strongly objected to rezoning of land agricultural/residential to light industrial.

**Jack Roberson**, Route 4, Box 501, Pittsboro, NC, who owns adjoining property to the tower stated that his son has a mobile home within striking distance of the tower should it fall. He asked who will be responsible if the tower falls on someone's property; if the private road located on the property to the tower will serve for industrial purposes; and whom is responsible for the tower operating efficiently.

**Mary Roberson**, Route 4, Box 501, Pittsboro, NC, deferred comment.

**Helen H. Perlmutter**, 624 Morgan Creek Road, Chapel Hill, NC, deferred comments to those who have already spoken.

**Joseph H. Perlmutter**, 624 Morgan Creek Road, Chapel Hill, NC, stated that he owns land across the road from the opposed tower; that after having talked with Mrs. Bynum, he agreed with the Bynums to begin with because of their need for more power for their ham radio; that there would be no structural modifications to the tower or base building of the station; and that a commercial venture would not result from the increased electrical power to the station. He stated that he withdrew his approval at this time.

**Joseph K. Ward**, Route 4, Box 522, Pittsboro, NC, deferred comment.

**Robert Blair**, Route 4, Box 532, Pittsboro, NC, stated that he does not have any objection to the tower itself. However, he does have an objection if there has to be a zoning change for the tower.

**John Gray**, Route 4, Box 530, Pittsboro, NC, stated that he supported Mr. Tilden's comments.

**Cindy Bland**, representing Elmo Yancey and his corporation Communication Structures, stated that the tower was in place; a perfectly legal use as its currently constituted; and is in place as a ham repeater for Mr. Rupert Bynum. She stated that the County cannot, under the regulations, control Mr. Bynum's use of the tower. She pointed out that there is another close tower owned by the Hudson Family which has not lowered property value. She stated that there was some question regarding the forceability of the restrictive covenant. Due to the fact that not all of the homeowners in the Red Gate Road subdivision signed the restrictive covenant. She stated that the tower was a benign use and not an intrusive use and it will not change the character of the neighborhood at all.

**Charles Durst**, 3612 Stoneybrook, Durham, NC, stated that as an electrical engineer and a ham radio operator, has used the equipment at Mr. Bynum's location. He stated that a ham radio is of value to the citizens as a means of providing public service communications; primarily of value when there are disasters of various degrees, tornado, hurricanes, ice storms, power failures, etc. He stated that the tower was located at Mr. Bynum's to give the height to aid in that communication in the Chatham County area. He stated that the tower was built in accordance to the rules and regulations of the County and that the only difference in the tower is that it will just have an additional antenna.

An unidentified man stated that he was glad to meet the people who were proposing to do business in the neighborhood. He stated that the tower could fall on someone else's land. He stated that it could fall across the road and also take the power lines down.

**Sandra Tilden**, Route 4, Box 526, Pittsboro, NC, stated that there was no question Mr. Bynum inherited covenants when he purchased the land, later signed additional covenants that said "no commercial", so there is no question that this is a violation of the covenants. She asked who paid for and who owns the tower.

**Cindy Bland**, informed the Board and public that the land is owned by Mr. Bynum and the tower is owned by Communication Structures.

**Approval of Subdivision Sketch Design Request for River Ridge:**  
Consideration of approval of subdivision sketch design request for River Ridge consisting of 16 lots on 42 acres off S.R. 1300 and S.R. 1346 in Albright Township

Commissioner Pollard moved to accept the Planning Department recommendation that lots 1-12 be considered vested and that the plat be granted sketch approval; and that lots 1-12 be considered vested for the following reasons:

- 1) purchased land for development
- 2) surveyed entire property
- 3) preliminary plan was prepared
- 4) property lines surveyed and staked (1-12 lots)
- 5) paid fee to County Health Department for evaluation
- 6) employed someone to coordinate with Health Department to perk land
- 7) prepared financial analysis based on one acre minimum lot size

Commissioner Holland seconded the motion.

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

## **PUBLIC WORKS**

**Collection Center Population Cost Analysis and Site Development:**  
Consideration of collection center population and cost analysis and site development options on siting staffed solid waste/recycling collection centers

Commissioner Holmes expressed concern regarding the placing of centers at Harper's Crossroads and Bennett and there being only five miles in between the centers. She stated that she did not want to vote for the Bennett site.

Commissioner Pollard asked about the desirability of a smaller waste center.

Matt Young, Recycling Coordinator, stated that operating costs of a smaller center could be cut but that smaller centers could not provide the same services; that yard waste, appliances and other large items would have to be taken to Harper's Crossroads. He stated that smaller centers would have to be collected more often and thus be less cost effective.

Commissioner Pollard moved to proceed with a public hearing on the Jessie Bridges Road/Snow Camp Road intersection on the James Boling property and Highway #64 Rieves Chapel Road intersection on the Tam de St. Aubin property. Commissioner Hanner seconded the motion.

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

**Contract Award for Construction of Solid Waste/Recycling Collection Centers:** Consideration of award of contract for construction of three solid waste/recycling collection centers

Matt Young, Recycling Coordinator, explained that the County has proposed construction of collection centers throughout the county in order to provide a better, cleaner, and safer means to provide solid waste and recyclables collection for County residents. Development of these sites will allow the green box collection method to be eliminated from the rural location in the County. He stated that the site plans and specifications were mailed to seven potential general contractors and the project was advertised. Bid proposals were received in the Public Works office. Three proposals were received as follows:

Triangle Paving, Burlington, NC submitted a bid of \$520,000.00  
Myrick Construction, Biscoe, NC submitted a bid of \$347,400.00  
Sanford Grading Co., Gulf, NC submitted a bid of \$305,591.00

Commissioner Hanner moved to follow the Public Works staff recommendation the Board of Commissioners award the contract for construction of three solid waste/recycling collection centers to Sanford Grading Company, Inc., a copy attached hereto and by reference made a part hereof. Commissioner Pollard seconded the motion.

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

#### **Water Issues**

**Approval of Water Department Accounts:** Consideration of approval as "uncollectible" the accounts from fiscal year 1992-1993 submitted by the Water Department

Commissioner Holmes moved to approve a write-off of the Water Department accounts as uncollectible, a copy of the list is attached hereto and by reference made a part hereof. Commissioner Pollard seconded the motion.

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



## **ECONOMIC DEVELOPMENT**

**Approval of Extended Area Telephone Service Resolution #94-38:**  
Consideration of approval of extended area telephone service between the Pittsboro area, and Apex, Cary, and Raleigh

Melanie Underwood, Economic Development Director, explained that we are in the process of trying to obtain extended area service (EAS) between the Pittsboro area, Apex, Cary, and Raleigh. If acquired, it would provide toll-free calling between citizens and businesses in the Apex/Cary section of the County, their county government agencies, schools and other businesses in the Pittsboro area. The Chatham County Economic Development Commission has been working with Triangle J Council of Governments and the North Carolina Utilities Commission in acquiring extended area service. The project should be accomplished at no cost to Apex, Cary and Raleigh and with minimal cost to Pittsboro. The cost to Pittsboro subscribers is a projected \$ .58 for residents and \$1.33 for businesses.

Commissioner Holmes moved to approve the attached Extended Area Service Resolution, a copy of which is attached hereto and by reference made a part hereof. Commissioner Holland seconded the motion.

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

### **Report from Melanie Underwood Regarding Economic Development**

Melanie Underwood stated highlights of happenings within Chatham County within the last few months. She said that according to a publication received from Greenville, Chatham County is first in Economic Development in North Carolina. However, the bad news is that several industries have closed during the last year within the County. She also stated that one company is possibly looking to purchase Tapwood industry this week. Raleigh-Durham Regional Association has recently been renamed the Research Triangle Regional Partnership. The Department of Commerce has assigned all the counties in the State to a regional organization. She stated that we are fortunate that we were assigned to Raleigh-Durham which was already in existence whereas some counties are having to start from the beginning. Their purpose is for marketing. Eighty percent of their budget is allotted to marketing, promoting the Triangle for new businesses, for corporate relocations, and expansions. Their largest funding is coming from the State. Chatham County was allotted \$11, 628.00. She stated that we have a real opportunity to work with them. She stated that work is being done slowly on our strategic plan. We have named ourselves CAN (Chatham Action Now). On November 16, 17, and 18, the resource team will be coming in. This team is comprised of individuals from the State that specialize in utilities, infrastructure, water treatment, education, recreation, tourism, art, business development, community development, agriculture, drugs, crime, health care and housing.

## **EMERGENCY OPERATIONS**

**Renaming of Public Roads:** Consideration of a request to set a public hearing to rename public roads

Commissioner Holmes moved to set the date for a public hearing for October 17, 1994 to rename John Bowers Pleasant Hill Church Road to Pleasant Hill Church Road. Commissioner Hanner seconded the motion.

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

Commissioner Pollard stated that there was a road in the Haywood Community named Bottom Road which she finds offensive. She asked if a hearing could be set at the same time the Pleasant Hill Church Road hearing is set.

The County Manager advised Commissioner Pollard that it would be best to have a petition prepared which would show the proposed name change so that the request could be properly advertised.

The County Attorney advised that there needed to be ten days notice to set the public hearing.

**STAR Team Budget Amendment #7: Consideration of a request for the STAR Team Budget**

Commissioner Holmes moved to approve Budget Amendment #7, a copy attached hereto and by part made a reference hereof, appropriating \$10,000 to the STAR Team. Commissioner Pollard seconded the motion

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

**Contract with North Chatham For STAR Team Equipment** Consideration of a request for service with North Chatham

Commissioner Holmes moved to rescind the earlier contract with North Chatham Fire Department and approve the contract with North Chatham Fire Department and Resolution #94-39 Declaring Property Surplus and Authorizing the Sale of Said Property to the North Chatham Volunteer Fire Department, Inc., copies of each attached hereto and by part made a reference hereof. Commissioner Holland seconded the motion.

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

**BOARD OF COMMISSIONERS MATTERS**

**Occupancy Tax: Consideration of a Resolution to levy a room occupancy tax**

Commissioner Holmes moved to approve the Resolution #94-40 Levying a Room Occupancy Tax in Chatham County at 3% to begin January 1, 1995, a copy of the Resolution is attached hereto and by part made a reference hereof. Commissioner Holland seconded the motion.

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

Commissioner Pollard moved to establish a task force to develop strategies and proposals for monies appropriated and report back to the Commissioners. She proposed the following committee: Don Winegar, Marketing Director for Fitch Creations; Laura Hill, Bread and Breakfast, Siler City; Representative from Bill's Motel; Representative from the Arts Council; Representative from the Recreation Committee; Representative from Antiques Association; Representative from the Haw River Assembly; Representative from the Deep River Association; and a Representative from the North Carolina Jordan Lakes Department of Parks and Recreation; and Renee Dickson, Assistant to the County Manager to staff the committee.

Commissioner Holland asked that a Representative from the Wildlife be included. Commissioner Dunlap explained that 7% of the revenue would be used for administration.

Commissioner Holland seconded the motion.

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

**Library Policy on Lost and Damaged Materials:** Consideration of approval of new policy regarding lost and damaged library materials

Commissioner Holmes moved to approve the Library Policy regarding lost and damaged materials, a copy attached hereto and by reference made a part hereof. Commissioner Pollard seconded the motion.

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

**Amberly Annexation:** Consideration of a status report on Amberly Annexation

Ben Shivar, County Manager explained that for a number of months, the Town of Cary has had under consideration an annexation request from Simanco, Inc. for the proposed Amberly planned unit development, approximately half of which will be in Chatham County. A recent significant change was made in the proposal when the developers removed the golf course from the original plan. The acreage left will be used for the other mixed uses contained in the plan, most of which will be residential. The overall acreage of the proposal will remain the same. He stated that it was his understanding that the petition for annexation expires at the end of this month and will expire without being acted on. Dan Camp with Simanco, Inc. has advised that his company will repetition for annexation next month. Since the original petition has expired and the original proposal has changed, a new public hearing may be necessary. He stated that it is also important to note that the development proposal, independent of the annexation issue, must be approved by the Cary Planning Board, but it may be possible to do that simultaneously with the annexation issue.

**Consulting Services Contract:** Consideration of an amendment to contracts previously approved by the Board for Geosciences Management Institute and Radioactive Waste Management Associates

Commissioner Holmes moved to accept staff recommendation to approve contracts for \$6,000 for Geosciences Management Institute, and \$45,409 for Radioactive Waste Management Associates without requiring business automobile liability or professional errors and omissions coverage when not carried by the firm, a copy attached hereto and by reference made a part hereof. Commissioner Pollard seconded the motion.

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

**MANAGER'S REPORTS**

Ben Shivar, County Manager advised the Board of Commissioners of the response received from Michael Crowell regarding redistricting. He stated that Mr. Crowell has agreed to do the work for the County and the Manager has prepared some precinct and township maps and materials to be sent to him. He stated that he expects to have alternatives available to present to the Board at the October 17, 1994 meeting.

**COMMISSIONER REPORTS**

**Commissioner Pollard** stated that the friends and family of the Reverend Mattie Walden are having a banquet in her honor at Best Foods in Siler City on October 1, 1994 at 6:00 P.M. She said that she thought it would be nice for the staff to draft a letter in her honor.

The Manager stated that he had also received a letter regarding the banquet and advised that it was intended to be an invitation to the entire Board.

Commissioner Holmes moved that Renee Dickson draw-up a Resolution #94-40A in honor of the Reverend Mattie Walden. Commissioner Pollard seconded the motion.

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

**Commissioner Holmes** informed the Board that she had received a letter regarding the Cape Fear River Assembly which will be having a meeting on November 15, and 16, 1994. She asked if a member of staff should attend the meeting.

The Manager stated that Steve Grathwohl was appointed as a community representative approximately one year ago. He said he thought that Mr. Grathwohl should be contacted to see if he is still participating; one person from the staff should attend; and at least one Commissioner should attend.

**Commissioner Holland** stated that she was certain that everyone knew Chatham County was funded for Smart Start. She thanked everyone for their support and help.

**Commissioner Dunlap** thanked Commissioner Holland for all of her hard work regarding Smart Start which will result in funds in excess of one million dollars for one and one half years.

**Commissioner Holmes** stated that the TIP meeting is going to be held in Hamlet at the Richmond Community College on Monday, October 24, 1994 with registration at 6:00 P.M. She also informed the Board the Corps of Engineers is going to make funds available to help restore the John Mason House on the peninsula between Morgan Creek and New Hope Creek in the lake and then turn it over to the State who will in turn lease it to the Triangle Land Conservancy who will have someone living there. There will have to be arrangements made as to police, fire, and rescue protection. It is located in Chatham County but is accessible only through Durham.

#### **EXECUTIVE SESSION**

Commissioner Pollard moved to go out of Regular Session and into Executive Session for the purpose of discussing Industrial Location and a Personnel Matter. Commissioner Holland seconded the motion.

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

Commissioner Pollard moved to go out of Executive Session and into Regular Session. Commissioner Hanner seconded the motion.

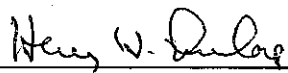
The motion carried five (5) to zero (0).

#### **REGULAR SESSION**


Commissioner Hanner moved that there being no further business to come before the Board, the meeting be adjourned. Commissioner Homes seconded the motion.

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

The meeting was adjourned at 11:42 P.M.

  
Henry H. Dunlap, Jr., Chairman  
Board of Commissioners

ATTEST:

  
Sandra B. Lee  
Clerk to the Board