

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING, OCTOBER 3, 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 10:00 a.m., on October 3, 1994.

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

Absent: Uva Holland

The meeting was called to order by the Chairman at 10:14 a.m.

AGENDA

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

Ben Shivar, County Manager asked that consideration of the Holiday-Meeting Date Resolution be removed from this agenda and considered at a later meeting.

Commissioner Pollard asked that Clark Road be added to Item #8: Public Hearing Date to Rename a Public Road.

Commissioner Dunlap asked that Jay Mullins with CP&L be allowed to speak.

Jay Mullins, thanked the Board for allowing him the opportunity to introduce Joy Phillips who is the new Manager of Carolina Power & Light Company in Chatham County. He stated that he felt Ms. Phillips will bring a lot of value to the efforts in which she is involved and will be an asset to the County. He stated that she will be moving to the area shortly.

Commissioner Holmes moved to approve the Agenda with the noted requests. Commissioner Hanner seconded the motion.

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

CONSENT AGENDA

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

Commissioner Holmes moved to approve items 1-5 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.

1. **Minutes:** Consideration of approval of Board Minutes for Special Meeting held September 26, 1994

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

2. **Tax Releases:** Consideration of approval of Tax Releases

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

3. **Refunds of Solid Waste Disposal Fees Paid in Error:** Consideration of a request for approval of refunds of Solid Waste Disposal Fees paid in error

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

4. **Solid Waste Disposal Fees Releases:** Consideration of a request for approval of Solid Waste Disposal Fees Releases

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

5. **Naming of Private Roads in Chatham County:** Consideration of a request from citizens for the naming of the following private roads in Chatham County:

- a) Doc Gaines Road
- b) Easy Street
- c) Harts Creek Drive
- d) Jack Culberson Road

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

PUBLIC INPUT SESSION

Eleanor Paige, 1505 E. Third, 3-H, Siler City, NC, voiced concern regarding the road in front of Chatham Middle School. She stated that the road had been rerouted; had no crossing guard; and was a hazard to pedestrians and to the students. She stated that she had asked, by letter through the police chief a year or two ago, if a caution sign and flashing lights could be installed in the area. At the beginning of this school year, she found the extra traffic lane instead of the caution sign. She asked the Commissioners to look into the rationale of this matter and if the County or State could do something about it.

Commissioner Holmes asked for Ms. Paige's telephone number and stated that she would have someone contact her regarding the matter.

Ben Shivar, County Manager stated that the road had been modified to include a center turning lane which eliminated parking areas on each side of the road. He stated that he felt this was done to allow for better turning of vehicles for children to be dropped off/picked up at the school.

PLANNING AND ZONING

BOARD OF ADJUSTMENT

Variance from the Zoning Ordinance to Exceed 40-Foot Front Setback Line: Consideration of a request by Timothy E. Deal for a variance from the Chatham County Zoning Ordinance to exceed the 40-foot front setback line in the RA-40 zoning district on Lot 59, White Oak Trail of Chatham Development

Commissioner Holmes 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).

Keith Megginson, Planning Director, explained that Mr. Deal's request is to allow an attached garage of 28 feet in depth by 20 feet long to exceed the front 40 foot building setback line by seven feet. According to tax records, the house was built in 1972 and the property was purchased by Deal in 1975. He stated that if White Oak Trail was constructed today, only a 45 foot right-of-way would be required because it is a dead-end

street less than 2500 feet in length. With a 45 foot right-of-way, the required distance from the center line of the road would be 62 1/2 feet instead of the present 70 feet. The proposed building is 63 feet from the center line, so a variance request would not be required. Other residences in the area have garages.

Timothy Deal was administered the oath and asked the Commissioners to consider his request.

Commissioner Holmes moved that the Board accept the Planning Department's recommendation, that the five findings be made and the request be granted. Commissioner Pollard seconded the motion.

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

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

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

BOARD OF COMMISSIONERS RECONVENED

TAX ASSESSOR

Applications by JOCCA for Property Tax Exemption: Consideration of a request by JOCCA to approve late applications for property tax exemption for seven (7) lots with houses on Anthony Street in Pittsboro

Commissioner Holmes moved to approve the applications for property tax exemption for lot numbers 24, 26, and 28 for their 1994 taxes. The total value exempted would be \$35,100.00 and the total County taxes releases for 1994 would be \$259.74. Commissioner Hanner seconded the motion.

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

EMERGENCY OPERATIONS

Public Hearing Date to Rename a Public Road: Consideration of a request to set the date for a Public Hearing to rename "Bottom Road" and an unnamed public road

Commissioner Pollard moved to set a public hearing on October 17, 1994 for the purpose of considering the request to rename Bottom Road and an unnamed public road as requested by Commissioner Pollard. Commissioner Hanner seconded the motion.

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

Commissioner Dunlap asked about the standing of Mt. Pleasant Church Road.

The Manager told the Board that the public hearing on Mt. Pleasant Church Road had been set for October 17, 1994.

BOARDS AND COMMITTEES

Criminal Justice Partnership Committee: Consideration of final appointments to the Orange-Chatham Criminal Justice Partnership Program (CJPP) Advisory Board

Commissioner Holmes moved to approve the appointment of Roxie Edwards and Patricia Hahn to the Orange-Chatham Criminal Justice Partnership Program advisory Board. Commissioner Pollard seconded the motion.

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

JOCCA Appointments: Consideration of two appointments to fill vacancies on the Joint Orange-Chatham Community Action Board (JOCCA)

Commissioner Holmes moved to appoint E. T. Hanner and Margaret Pollard. Commissioner Dunlap seconded the motion.

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

Water Board Appointment: Consideration of appointment to the Water Board

Chairman Dunlap moved to appoint Gene Galin to the Chatham County Water Board. Commissioner Hanner seconded the motion.

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

Commissioner Holmes informed the Board that on Wednesday, October 5, 1994 from 2-5 p.m., there will be a Triangle Regional Council meeting at the Biotechnology Center. Chancellor Monteith from N. C. State University will be talking about regional water needs resources and possibly a regional water authority.

PIC Appointment: Consideration of appointment to the Private Industry Council

Commissioner Pollard moved to appoint John Jabbusch as the community-based representative and Howard Stier as the private sector representative with terms to expire June 30, 1996. Commissioner Hanner seconded the motion.

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

BOARD OF COMMISSIONERS MATTERS

1995-96 Budget Process and Calendar: Consideration of a request to adopt the 1995-96 Budget Process and Calendar

The Manager explained that the staff suggests holding a community meeting in different sections of the County where citizens are given several opportunities to review preliminary budget material and share their views with the Board of Commissioners. Commissioners are then able to use citizen input proactively in establishing goals and parameters for preparation of the final budget.

Commissioner Holmes expressed concern regarding the number of meetings to be held during the month of December when the new Commissioners will be on the Board, in addition to the two regularly scheduled Board meetings and the staff retreat.

The County Manager explained that there would be approximately four budget meetings held in central County locations but that some of the meetings could be moved to the month of January.

Commissioner Holmes suggested that perhaps the December Board meeting could be held in Siler City after the citizen input meeting.

Commissioner Pollard moved to approve the Proposed Budget Schedule for F.Y. 1995-96 and associated changes in the budget process. Commissioner Hanner seconded the motion.

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

Designation of a County Official to Determine Suitability of Persons and Locations for ABC Permits: Consideration of a request by the ABC Commission for designation of a County official to make recommendations to the Commission on suitability of persons and locations for ABC permits

Commissioner Holmes moved to approve the Resolution #94-41 Designating the Chatham County Sheriff as the Official to Make Recommendations to the North Carolina Alcoholic Beverage Control Commission on ABC Permit Applications, a copy attached hereto and by reference made a part hereof. Commissioner Pollard seconded the motion.

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

Project Budget Amendment #8 to E-911 Budget Amendment #9: Amendment to the E-911 Project Budget

Commissioner Holmes moved to adopt Project Amendment #8 increasing the E-911 Project Fund by \$92,027 and Budget Amendment #9 which allows the transfer of these funds from the General Fund, copies attached hereto and by reference made a part hereof. Commissioner Pollard seconded the motion.

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

Policies and Procedures for Appointments to County Boards, Commissions, Committees, or Authorities: Discussion of establishment of policies and procedures for appointments to County Boards, Commissions, Committees, or Authorities

Renee Dickson, Assistant to the County Manager, explained that at their September 6, 1994 meeting, the Board approved a new system for soliciting applications for volunteer boards and committees. Commissioner Pollard had asked that the Board also consider implementing policies and procedures for appointments to the various County boards. Ms. Dickson stated that if the Board is interested in establishing rules for attendance, term limits, appointments, volunteer solicitation, orientation sessions, and notification of term expirations, the staff will draft a model set of rules and procedures for the Board to consider at its next meeting.

Commissioner Hanner moved to have the staff draft a model set of rules and procedures for establishing policies and procedures for appointments. Commissioner Pollard seconded the motion.

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

TIP Presentation: Discussion of County needs for State Transportation Improvement Program

Ben Shivar, County Manager, explained that this item was placed on the agenda for the purpose of receiving input or discussion from the Board regarding projects that we would like the Department of Transportation to consider or either accelerate if it already appears in the TIP. From the information that is gained at the meeting, he explained that he will then prepare a presentation that the Board can review and approve at the October 17, 1994 Board meeting.

Commissioner Holmes stated that she would like for the Manager to speak with Siler City, Pittsboro and Goldston to make sure that their wishes are included in the TIP. She also stated that there is some sidewalk money available.

The Manager explained that there is also an aviation element which will probably concern Siler City and he will discuss it with them. He stated that he would contact someone from the Bikers Association, at the request of Commissioner Pollard, to see if they had any needs or concerns.

Law Change Regarding Executive Session: Discussion of Open Meetings Law

Renee Dickson, Assistant to the Manager, explained that during its past session, the North Carolina General Assembly made several changes to the "Open Meetings Law". These changes center around **(1) The definition of a public body** - Public body means that any body of state or local government with two or more members is subject to the open meetings law, with the exception of meetings constituted solely of professional staff; **(2) Matters which are permissible to discuss in "closed session"** - The revision in the law changed the terminology from "executive session" to "closed session". The major difference between the old Open Meetings Law and the current revisions are that the Board can no longer discuss site selection in closed session nor can they discuss performance of its own members or appointments to another body in closed session. **(3) Procedural requirements for going into closed session** - If the closed session is to consider confidential information or information in records not subject to the public records law, the motion to go into closed session must cite the law that makes the information confidential or exempts it from the public records law. In addition, if the closed session is to discuss pending litigation, the motion must name the parties to the litigation. **(4) Minutes of closed sessions** - The final change concerns how and what minutes are to be kept of the closed sessions. The law requires that public bodies keep "full and accurate" minutes of all closed sessions and show any actions taken and any conditions necessary to take action, such as the presence of a quorum, and nothing else. If action was taken, the law continues to permit a public body to seal the minutes if necessary to avoid frustrating the purpose of the closed session.

PRESENTATION BY SENATOR HOWARD LEE and REPRESENTATIVE JOE HACKNEY

Senator Howard Lee stated to the Board of Commissioners that in the recent short session of the General Assembly, it was discussed that two counties, Chatham and Richmond, had been saddled with an unfair and undue burden of having to protect themselves against the siting of low-level radioactivity as well as having the responsibility of monitoring the process. He stated that after conversations with House Representatives Joe Hackney and Anne Barnes, it was mutually agreed that Senator Walker and he would support a bill in the Senate to provide funds in the amount of \$250,000 to Chatham for expenses incurred in monitoring of the potential siting of the low-level radioactive waste facility. He stated that it was a credit to the strength of our delegation that they were able to do this. He stated that he was pleased on behalf of the legislature to symbolically present the check which symbolizes our recognition that it is a State shared responsibility with Chatham County which he hopes will assist the County with our budget and relieve the tax payers for having to assume the entire responsibility.

Representative Joe Hackney stated that he would like to add a special thank you to the Board of Commissioners for their efforts in protecting the County; for hiring consultants; and for checking-up on the "experts" that Chem-Nuclear Systems, Inc. and others have brought forward. He stated that if anything had been learned, it was that in order for a County to protect itself, it needs to have their own people watching and questioning whatever is put forward so that real science and not politics is what is involved. He stated that he was also proud of State regulators who have also taken this problem seriously. He thanked the Commissioners for protecting the County which takes money which is what this reimbursement does.

Commissioner Holmes asked the Board of Commissioners to remember Gus Murchison who was one of the first commissioners instrumental in supporting the use of County funds for low-level radioactive waste facility siting.

Commissioner Holmes moved to be allowed to leave the meeting. Commissioner Pollard seconded the motion

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

Commissioner Pollard moved to adopt Budget Amendment #10, a copy attached hereto and by reference made a part hereof. Commissioner Hanner seconded the motion

The motion carried three (3) to zero (0).

Voter Registration Grant Application: Consideration of approval of voter registration grant application

Commissioner Pollard moved to approve the voter registration grant application, a copy attached hereto and by reference made a part hereof. Commissioner Hanner seconded the motion.

The motion carried three (3) to zero (0).

MANAGER'S REPORTS

The Manager had no reports at this time.

COMMISSIONERS' REPORTS

Commissioner Pollard stated that she had asked Robert Hall, Director of the Department of Social Services, to compile data on Medicaid costs and what it is costing the County. She stated that she felt it was something about which we need to be aware and of which we may need to ask for more relief from the State.

CLOSED SESSION

Commissioner Hanner moved to go out of Regular Session and into Closed Session for the purpose of discussing a personnel matter. Commissioner Pollard seconded the motion.

The motion carried three (3) to zero (0).

Commissioner Holmes reentered the meeting.

Commissioner Holmes moved to go out of Closed Session and into Regular Session. Commissioner Pollard seconded the motion.

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

LUNCH RECESS

The Chairman asked for a motion to recess for lunch. Commissioner Holmes moved to recess for lunch. Commissioner Pollard seconded the motion.

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

Commissioner Holmes moved to reconvene the meeting. Commissioner Hanner seconded the motion.

The motion carried four (4) to zero (0) and the meeting reconvened the meeting at 1:58 p.m.

BOARD OF COMMISSIONERS MATTERS

Solid Waste/Recycling Centers:

Matt Young, Recycling Coordinator, stated that at the last meeting, the Board approved a motion to proceed with locating collection centers at the Jessie Bridges Road/

Snow Camp Road intersection on the James Boling property and the Highway #64/Rives Chapel Road intersection on the Tam de St. Aubin property and to hold public meetings on the site. He requested that the Board authorize the County Attorney to negotiate up to \$1,500.00 per acre for the Jessie Bridges Road/Snow Camp Road property.

Commissioner Holmes moved to authorize the County Attorney to negotiate up to \$1,000.00 per acre for the Jessie Bridges Road/Snow Camp Road property. Commissioner Pollard seconded the motion.

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

Matt Young stated that if a center is located to serve Jessie Bridges Road/Snow Camp Road, it would be close to a center located at the intersection at Highway #64 and Silk Hope Road.

After further discussion, Commissioner Holmes moved to rescind the motion made to authorize the County Attorney to offer \$1,000.00 per acre for the Jessie Bridges Road/Snow Camp Road property. Commissioner Pollard seconded the motion.

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

Commissioner Holmes moved to accept the initial August 8, 1994 staff recommendation and authorize the County Attorney to acquire land through condemnation proceedings, if necessary, at the intersection of Silk Hope Road and Highway #64, east of Siler City on lands owned by James Boling and the Crutchfield Crossroads property owned by Pat Phillips. Commissioner Hanner seconded the motion.

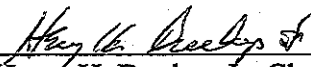
The motion carried three (3) to one (1) with Commissioners Holmes, Pollard and Hanner voting in favor of and Commissioner Dunlap voting against the motion.

ADJOURNMENT

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


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

The meeting was adjourned at 2:33 p.m.



Henry H. Dunlap, Jr. Chairman
Board of Commissioners

ATTEST:



Sandra B. Lee
Clerk to the Board