

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
AUGUST 06, 2007

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Agricultural Building Auditorium, 45 South Street, located in Pittsboro, North Carolina, at 9:00 AM on August 06, 2007.

Present: Chairman Carl Thompson; Vice Chair, George Lucier; Commissioners Patrick Barnes, Mike Cross, and Tom Vanderbeck, County Manager, Charlie Horne; Assistant County Manager, Renee Paschal; County Attorney, Kevin Whiteheart; and Clerk to the Board, Sandra B. Sublett

INVOCATION AND PLEDGE OF ALLEGIANCE

Chairman Thompson delivered the invocation after which he invited everyone present to stand and recite the Pledge of Allegiance.

CALL TO ORDER

The meeting was called to order by the Chairman at 9:12 AM.

AGENDA AND CONSENT AGENDA

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

Chairman Thompson stated that he had had a request that Item #5, Consideration of a request to appoint Chief Daryl Griffin to conduct a public hearing on August 28, 2007, 3:00 PM, at the Pittsboro Volunteer Fire Department, 150 Sanford Road, Pittsboro, NC, for the Pittsboro Volunteer Fire Department to consider borrowing funds in the amount of \$500,000 for the construction of a new fire department substation, be removed from the Consent Agenda and placed on the Regular Agenda for discussion.

Commissioner Lucier moved, seconded by Commissioner Cross, to approve the Agenda and Consent Agenda with the noted request as follows:

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held July 16, 2007, work sessions held July 16, 2007 and May 07, 2007 Minutes

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

2. **Road Names:** Consideration of a request from citizens for the naming of a private road in Chatham County as follows:

A. Bannockburn Way

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

3. **Resolution Declaring Real Property Surplus and Authorizing the Sale of Said Property in the Negotiated Offer, Advertisement and Upset Bid Process:** Consideration of a request to adopt **Resolution #2007-30 Declaring Real Property Surplus and Authorizing the Sale of Said Property in the Negotiated Offer, Advertisement and Upset Bid Process**, attached hereto and by reference made a part hereof.

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

4. **Kresge Foundation Green Building Initiative Planning Grant Application:** Consideration of a request to approve the Kresge Foundation Green Building

Initiative Planning Grant application, grant attached hereto and by reference made a part hereof.

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

5. ~~**Appointment of Chief Daryl Griffin to Conduct Public Hearing for Pittsboro Fire Department:** Consideration of a request to appoint Chief Daryl Griffin to conduct a public hearing on August 28, 2007, 3:00 PM, at the Pittsboro Volunteer Fire Department, 150 Sanford Road, Pittsboro, NC, for the Pittsboro Volunteer Fire Department to consider borrowing funds in the amount of \$500,000 for the construction of a new fire department substation~~

This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion.

6. **Application for Distribution of Lottery Proceeds and Budget Amendment:** Consideration of a request to approve application for distribution of lottery proceeds and budget amendment, application copy attached hereto and by reference made a part hereof.

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

7. **Goldston-Gulf Sanitary District Budget Resolution:** Consideration of a request to accept the Goldston-Gulf Sanitary District Budget Resolution, attached hereto and by reference made a part hereof.

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

8. **Interlocal Agreement and Memorandum of Understanding with the Town of Pittsboro for Joint Use of the Pittsboro Tennis Courts:** Consideration of a request to approve the Interlocal Recreation Agreement and Memorandum of Understanding with the Town of Pittsboro for joint use of the Pittsboro tennis courts, attached hereto and by reference made a part hereof.

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

9. **Chatham County Jail Medical Program Contract:** Consideration of a request to approve contract for Southern Health Partners to provide a full-service medical program at the Chatham County Jail, attached hereto and by reference made a part hereof.

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

10. **Revision to the Chatham County 2007-2009 Work First Plan:** Consideration of a request to revise the Chatham County 2007-2009 Work First Plan, attached hereto and by reference made a part hereof.

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

11. **Luceil Friedman Tax Release Issue:** Luceil Friedman, 934 Patriots Pointe Drive, Hillsborough, North Carolina, has raised a concern regarding a keying error in their mailing address that was made by the staff of the Chatham County Tax Department which resulted in interest being charged to their 2005 tax bill. The staff of the Tax Office acknowledges that an error was made in entering the address information, and sincerely apologizes and regrets the error was made. However, the error of an incorrect mailing address did not result in an error in the calculation in the amount due. Based on G.S 105-348 and the G.S. 05-381, the interest was not charged in error and was not released.

The staff of the Tax Office again apologizes for any inconvenience this has caused and has taken measures to minimize these types of mistakes.

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.

BOARD OF COMMISSIONERS' MATTERS

Appointment of Chief Daryl Griffin to Conduct Public Hearing for Pittsboro Fire Department: Consideration of a request to appoint Chief Daryl Griffin to conduct a public hearing on August 28, 2007, 3:00 PM, at the Pittsboro Volunteer Fire Department, 150 Sanford Road, Pittsboro, NC, for the Pittsboro Volunteer Fire Department to consider borrowing funds in the amount of \$500,000 for the construction of a new fire department substation

Commissioner Vanderbeck expressed concern that the public hearing was being held at 3:00 PM and that he thought that it should be held at a time that was more appropriate for citizen input.

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to give approval for the request to appoint Chief Daryl Griffin to conduct a public hearing on August 28, 2007, at 6:00 PM or later, at the Pittsboro Volunteer Fire Department, 150 Sanford Road, Pittsboro, NC, for the Pittsboro Volunteer Fire Department to consider borrowing funds in the amount of \$500,000 for the construction of a new fire department substation. The motion carried five (5) to zero (0).

TAX COLLECTOR

Tax Collector's Annual Settlement and Order of Collection: Consideration of a request to approve the Annual Settlement and 2007 Order of Collection

Frances Wilson, Chatham County Tax Collector, updated the Board on the Tax Collector's Annual Settlement and 2007 Order of collection stating that the NC general statutes require that the Tax Collector make an annual settlement of the prior year's collections before being charged with the taxes for the current fiscal year. Commissioners were provided a copy of the settlement report as a part of their agenda package for review.

Ms. Wilson presented the Board with statistics regarding the collections processes and progress for the fiscal year that ended on June 30, 2007 as follows:

Last Year's percentage:

Real & Personal Property	98.08%
Public Utilities	100.00%
Registered Motor Vehicles	90.58%
Total	97.52%

This year:

Real & Personal Property	98.00%
Public Utilities	100.00%
Registered Motor Vehicles	97.71%
Total	97.61%

How Chatham ranks:

Statewide averages

Real & personal property 97.63% RMV 87.23%

Our population group

Real & personal property 97.67% RMV 86.15%

Chatham County ranks 4th in our population group.

Obstacles:

Bankruptcies

Unpaid balance of bankruptcy claims-\$113,000, approximately \$97,000 general fund revenue. \$3300.00 RMV, \$2900 general fund revenue

Another \$12,000 of uncollected revenue not claimed in bankruptcy but unable to collect due to the bankruptcy.

Impact

Real & PP – 98.27% (.27%)

Vehicles 91.79% (.09%)

Unemployed taxpayers

Repeat offenders

Court proceedings

Enforcement Remedies-collected:

Foreclosure Actions	\$141,511.95	
Wage Garnishments	\$247,468.41	
Bank Levies	\$ 57,127.22	
Rent Attachments	\$ 52,477.07	
Debt Setoff Last year	\$10,109.77	This year \$111,547.97

Hired one additional employee for collections.

Worked more vigorously on returned mail.

RMV-created an insert sent with motor vehicle tax notices regarding the increase in the interest rate for past due taxes.

Ms. Wilson stated that the Tax Office had formed a partnership with the Public Works Department, creating a central location for paying taxes and water bills, and that they had processed \$1.2 million in water payments.

Commissioner Barnes moved, seconded by Commissioner Lucier, to approve the Annual Settlement and 2007 Order of Collection, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Vanderbeck asked the foreclosure rate in the County. Ms. Wilson responded that it was very low.

The Board expressed appreciation to Ms. Wilson and her staff for their work efforts and high collection percentages.

PLANNING AND ZONING

Zoning and Ordinance Amendments:

Consideration of a request by Chatham County to rezone 49 parcels from Heavy Industrial to Residential/Agricultural

Keith Megginson, Planning Director, explained that the rezoning request was a carry-over item to rezone 49 parcel on Pea Ridge Road from Heavy Industrial to Residential/Agricultural; that the land is located between old and new US Highways #1; that the item was tabled at the last meeting in order to consider it further and have an additional review of the area; that the land between the river and Pea Ridge Road is approximately 250 acres; that 111 of those acres are within the flood plain; that the Chatham County Zoning Ordinance, Section 17, expressly lists reasons for rezoning of a parcel or areas of land due to changing conditions; that there have been requests made by property owners or interested

property owners wishing to construct new residences, to subdivide their land for their children to construct new residences, and a request for a church parsonage; that all of these uses are not allowed under the current zoning; and that as previously stated, there has been no new industry to locate in this area since the zoning was placed in 1990.

Commissioner Cross pointed out that development has already taken place between new US Highway #1 and Jordan Dam on the Pittsboro-Moncure side of the Haw River; that the new hydroelectric plant hopefully will be coming in from the Raleigh side to be built below the dam; that below US Highway #1 where this request is occurring, there is the Haw and Deep Rivers; that the banks of both rivers in Chatham County is RA-40; that the area that is being considered for rezoning was RA-40 and was, in his opinion, illegally rezoned heavy industry to start with; that most citizen property owners on that road want it returned to what it was, RA -40, in 1990; that the Parker Family is composed of ten children and 28 grandchildren; that they want their children to be able to return to their home and use the land for residential; that he has never seen the time spent mulling it over on any other property in Chatham County; that he hopes that the Board will rezone it to RA-40 on both sides of Pea Ridge Road.

Chairman Thompson stated that he had requested at the last meeting to have the issue delayed so that he could have longer to consider the matter; that he wanted to consider Commissioner Lucier's proposal to rezone the area heavy industrial to RA-5; that he has taken time to consider it; that there was one issue about not rezoning the area from heavy industrial at all; that he thought the issue raised by Commissioner Vanderbeck was good because the County is in the middle of an economic development study; that they may propose that the area remain heavy industrial; that the EDC voted unanimously to rezone the area; that the area hasn't had any heavy industrial development since 1990; that there is a significant amount of the area located in the flood plain; that there are some lots that are long and narrow and would not meet the requirements for heavy industrial; that he realizes that, given those facts and the knowledge, the parcels can be rezoned heavy industrial or commercialized at some future date through conditional use; that they always want to look at the condition of water quality and ensure that there is sparse development along the rivers; that taken into consideration, the low area contiguous to the RA-5 zoning, a lot of the area is flood plains; that would prohibit to a good extent, heavy development in that particular area; that across US Highway #1, the area is zoned RA-40; that there are already a number of homes in the proposed area; that the area was rezoned in 1990; that in taking into consideration all of the issues and the wishes of the citizens, he still thinks growth and development can be controlled in the area; and that given all of the factors, he is ready to vote in favor of rezoning to RA-40.

Commissioner Barnes moved, seconded by Commissioner Cross, to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County** to rezone approximately 533 acres on SR #1972 (Pea Ridge Road) from Heavy Industrial (H-Ind) to Residential Agricultural (RA-40), attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Vanderbeck stated that he maintains that rezoning on a case-by-case basis is still proper given that the study is being done; and that the interests of the citizens are jobs, jobs, jobs; that there is a limited inventory of industrial land that has been set aside for the citizens of the County; that a lot of the rezoning requests do not need an attorney so he does not see that as a hardship; that he feels that the parsonage location would be fine; that this request was turned down in May, 2006; that the County is three months into a year plan to study it on an economic development basis; that there is a new Economic Development Corporation director who was not on board for the decision; that the chairman and a couple of members of the Economic Development Board left; that he will not belabor the point; that he still cannot vote for it and will go along with whatever the consultant, director, and citizens of the County at-large would plan for the area.

Commissioner Lucier stated that his preference would be to be consistent with what the Board has stated and campaigned on that any rezoning done in river corridors should be RA5; that in order to protect the waterways in Chatham County this is what they have said they must do; that it would be his preference to zone it RA-5; that there are obvious areas that are already zoned RA-5; that this would take approximately two months to accomplish in terms of a public hearing, a referral to the Planning Board, and back to the Board of

Commissioners; that it would not be an extraordinarily long time; that the Economic Development Board action on this did not address the issue of RA-40 or RA-5; that it simply voted to rezone it Residential/Agricultural; that he thinks the process was done legally, but the he recognizes that the appropriate due process was not followed in 1990 when it was rezoned industrial in terms of homeowner notifications; that he believes the landowners have a right to have it rezoned back to residential; that he will vote in favor of the motion because it is clear it is going to carry; and that it is clear that the homeowners have a right to have it done.

The Chairman called the question. The motion carried four (4) to one (1) with Commissioner Vanderbeck opposing.

Consideration of a request to zone additional areas of Chatham County, specifically along major corridors.

The Planning Director explained that the Planning Board had previously looked at zoning additional areas in the County and had recommended an area on which the Board of Commissioners did not pursue; and that it was an area along the corridor as well as the Silk Hope area; that it returned to the Planning Board for their consideration. He described the different areas in the County recommended for zoning. He stated that the Planning Board recommended rezoning to RA-40 but did not give a specific distance; that they talked about various distances from the highways (i.e. 500 feet, 1000 feet, 1,500 feet and more); that their motion was to zone to RA-40 at a distance the Board felt consistent with other actions which they are considering; that if the Board wishes to proceed, they will send notices to land owners, post the property, etc. regarding the public hearing; that the Board may wish to have a special public hearing; and that there are approximately 3,000 property owners to be notified.

Board members asked for clarification of the different colors of the map.

Sally Kost, 1101 New Hope Church Road, Apex, NC, Planning Board and Major Corridor Task Force member, stated that the Major Corridor Task Force (MCTF) was well on their way to determining the nodes; that their understanding was that the RA-40 zoning was a holding pattern, not a major corridor; that if the Board is asking the Major Corridor Task Force to include Pittsboro-Moncure Road, not only will it delay what the Board wants to do with the zoning, it will be a huge setback for the MCTF. She stated that it wasn't in the original charge to them to include that.

Commissioner Cross stated that he didn't understand some of Ms. Kost's comments; that it appears to him that the Board is talking about going to a public hearing; and that they could just add six miles of the Pittsboro-Moncure Road and have a public hearing.

Ms. Kost stated that she was hearing that the Board wanted that as part of the major corridors. Commissioner Cross stated that that was what he was saying. Ms. Kost reiterated that that work is underway for the Major Corridor Task Force and that they did not include that.

Commissioner Lucier clarified that they were talking about considering the Pittsboro-Moncure Road in the proposed zoning action and that they should charge the Major Corridor Task Force group. He stated that he recognizes the difficulties this may cause but it still would not prevent the Board from considering it in the zoning action; that it may mean at some point, the Board would need to discuss its impact and when the Corridor Task Force would have an opportunity to address it in their deliberations. He added that it is clear that they need to make progress with what they are doing because the Board has a moratorium deadline and this has to get done, but that he feels that it has to be put in the context of that; that he feels Commissioner Cross makes a good point that even if it doesn't become a formal part of the moratorium, what needs to be accomplished is something that they do, in fact, look at; and that it probably should have been included in the initial scope of work.

Ms. Kost stated that she was taking it to that next step; that that seemed obvious that was the intention; that if that is the Board's direction, then the Major Corridor Task Force will have to reevaluate.

County Attorney Whiteheart stated that it thinks it can be included, recognizing that the actual areas will have to be defined before a public hearing comes up.

Dave Klarman, 380 Hatley Road, Pittsboro, NC, asked if discussions were going to begin regarding Pittsboro-Moncure Road, should the Silk Hope-Gum Springs Road and the Siler City-Glendon Road not be included to get the response from the citizens in the County.

Chairman Thompson stated that the Board had identified most of the major corridor areas except the one mentioned.

Commissioner Lucier stated that it is obvious that zoning changes with time; that they don't think that this will be the last zoning action taken in Chatham County; that he thinks that they do not have to include everything this time around. He stated that as the County grows and grows in areas that they cannot predict, they will have to return and take another look at it.

The County Attorney stated that he thought that the Planning Director had alluded to a large number of folks who were involved in the rezoning; that given the fact that the County will need to have signs placed at regular intervals and the large number of mailings, the Board might want to take into consideration how long that process is going to take.

The Planning Director stated that the Board may wish to hold a special meeting for the public hearing considering the other scheduled public hearings; that the public hearing could not be held any sooner than three weeks from today's date; that notices have to be out to property owners no sooner than ten days before the hearing or longer than twenty-five days before the hearing; that the notice letters would have to go out before September 1st for the shortest time period; that it takes approximately two weeks to get the signs in; that the public hearing could be held on September 10th if there are no problems, but that September 24th would be a more sure date.

Commissioner Lucier stated that it would probably be inappropriate to hold a public hearing in two weeks considering the logistics and the fact that the homeowners need a chance to put their thoughts together and be prepared to speak; and that he would recommend a public hearing on the evening of September 4, 2007 or September 10, 2007.

Commissioner Lucier moved, seconded by Commissioner Cross to hold a public hearing beginning at 6:00 PM in the Superior Courtroom on the evening of September 10, 2007. If that date is not possible, the Board will revisit the matter at their Board of Commissioners' meeting on August 20, 2007. The purpose of the hearing is to receive public input on a proposal to zone land to residential/agricultural (RA-40) along major corridors (1,500 feet each side from the right-of-way) as displayed on a map and along the Pittsboro-Moncure Road south of Pittsboro's ETJ. The motion carried four (4) to (0).

MANAGER' S REPORTS

The County Manager had no reports.

COMMISSIONERS' REPORTS

North Chatham School:

Commissioner Lucier asked if the issue of mobile units at North Chatham School could be addressed in the Work Session.

The County Manager stated that staff was prepared to do so.

Health Department/Environmental Health Erosion and Sediment Control Program:

Commissioner Cross congratulated the Health Department, Environmental Health, Erosion and Sediment Control Program, regarding a letter received by the State stating that they were doing a great job under the direction of Jim Willis.

Triangle Land Conservancy/Parks and Recreation:

Commissioner Cross stated that Commissioner Lucier and he had discussed trying to combine efforts between Triangle Land Conservancy and the NC Parks and Recreation; that they had met with Tandy Jones who has met with his staff; that they in turn have met with the State Parks and Recreation; that they now have two parcels that they are looking at for a possible combined County park and school site; that the next step is looking to see if they can purchase the properties; that it might fit well with the Board's plan to bank some land for future schools or other public facilities that they might need; and that they are receiving great cooperation.

The Chairman explained that, due to work commitments, he would be unable to attend the Work Session.

ADJOURNMENT

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting adjourned at 10:03 AM.

Carl Thompson, Chairman

ATTEST:

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