

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING, APRIL 06, 1998

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 April 06, 1998.

Present: Chairman Margaret Pollard; Vice Chair Betty Wilson;
Commissioners John Grimes, and Henry Dunlap
County Manager, Charlie Horne; County Attorney,
Robert L. Gunn; Assistant County Manager, Reneé
Dickson, and Clerk to the Board, Sandra B. Lee

Absent: Commissioner Uva Holland

The meeting was called to order by the Chairman at 10:02 A.M.

Chairman Pollard extended get well wishes from the Board to Commissioner Holland who was not feeling well and would be unable to attend the Board meeting.

AGENDA

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

The County Manager asked that consideration of the County accepting a \$36,000 grant from the North Carolina Cooperative Extension Service's Department of 4-H Youth Development to conduct a Latino 4-H Summer Youth Program be added to the Consent Agenda as Item #5.

Commissioner Pollard asked that a Resolution Recognizing the Seattle Men's Chorus be added to the Consent Agenda as Item #6.

Commissioner Wilson moved, seconded by Commissioner Grimes, to approve the Agenda with the noted requests. The motion carried four (4) to zero (0).

CONSENT AGENDA

- The Chairman directed the Clerk to the Board to read the Consent Agenda. Commissioner Dunlap moved, seconded by Commissioner Wilson, to approve the items listed on the Consent Agenda as read by the Clerk.

1. **Minutes:** Consideration of approval of Board Minutes for regular meeting held March 16, 1998 and Work Session Minutes for meeting held March 16, 1998

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

2. **Tax Releases:** Consideration of a request for approval of Tax Releases, attached hereto and

by reference made a part hereof.

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

3. **Refunds for Solid Waste Disposal Fees:** Consideration of a request for approval of refunds for Solid Waste Disposal Fees and regular tax bills paid in error, attached hereto and by reference made a part hereof.

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

4. **Private Road Names:** Consideration of a request for the naming of private roads in Chatham County:

- | | |
|-------------------------|----------------------|
| 1) Alpine Drive | 5) Haw River Trail |
| 2) Big Mama's Lane | 6) Red Hill Lane |
| 3) Bradford Rogers Lane | 7) Walnut Hill Trail |
| 4) Double Oak Drive | |

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

5. **Grant Acceptance from the NC Cooperative Extension Service Department of 4-H Youth Development:** Consideration of County accepting a \$36,000 grant from the North Carolina Cooperative Extension Service's Department of 4-H Youth Development to conduct a Latino 4-H Summer Youth Program, attached hereto and by reference made a part hereof.

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

6. **Resolution Recognizing the Seattle Men's Chorus:** Consideration of **Resolution #98-09A Recognizing the Seattle Men's Chorus For Program to Benefit the HIV/AIDS Council of Chatham County**, attached hereto and by reference made a part hereof.

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Mark McBee, Chatham County Economic Development Corporation President, PO Drawer J, Siler City, NC, spoke with regard to the extension of utility services to serve businesses and industries. He stated that the extension of utilities to serve business and industry is essential to attract and support the expansion of the business tax base and job opportunities in Chatham County; that Chatham County's best "short-term" options for business development are along our borders with adjoining counties and municipalities, because of their proximity to metropolitan areas; that the viability of these sites depends on the provision of public utilities; that the most likely ways to provide utilities is through contract provision and/or treatment with adjoining municipalities; that completing agreements and initial engineering is essential to satisfy the

development timetable for an increasing proportion of projects; that he requests the Board of Commissioners approve the involvement of at least one of their members to approach Apex, Durham, and Sanford with the intent of discussing the availability of contract treatment or purchase of utility services; that proposals will then be brought to the Board for consideration; and that County staff will support this activity.

Commissioner Pollard asked that this item be placed on the Agenda for the next meeting.

HEALTH DEPARTMENT

Resolution Recognizing Public Health Month: Consideration to approve Resolution Proclaiming April, 1998 as Public Health Month

Commissioner Wilson moved, seconded by Commissioner Grimes, to approve **Resolution #98-10 Proclaiming April, 1998 as Public Health Month**, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

Chairman Pollard read and presented the resolution to Wayne Sherman, Chatham County Health Director.

CHARTER SCHOOLS PRESENTATION

FREE/Charter Schools: Presentation on behalf of FREE, a non-profit organization in North Carolina dedicated to Charter Schools

Roger Gerber, stated that Financial Reform for Excellence in Education (FREE) is a non-profit corporation dedicated to setting up independent public schools known as charter schools; that at the present, FREE operates a school in Hillsborough and another in Chapel Hill; that approximately 260 students are enrolled in these two schools; that their schools receive the same state and county funding as other public schools; that unlike other public schools, charter schools have to provide their own buildings; that to date, FREE has rented existing buildings and this has consumed up to 15% of their income; that the good news is that for every student they accommodate, county governments enjoy a windfall of between \$10,000 and \$29,000 in school construction and start-up costs; that there are several proposals as follows:

Plan A: FREE submitted a proposal to the State Board of Education to build a charter school in North Chatham County. This proposal was approved on March 5, 1998. In anticipation of approval, FREE submitted a change of use plan to Chatham County based on a lot opposite the Governors Club on SR #1028. This lot was originally planned as a convenience store and the foundations and septic systems are in place. The charter proposal is based on the understanding that Deacon Developments will complete the 13,200 square foot building and charge \$198,003 per year in rent (\$15/ square foot/year).

Plan B: If state or county government were to provide loan guarantees, FREE could obtain a bank loan of \$1,320,000 to construct the building in Plan A. Assuming a 15 year fixed interest loan at 7.035%, the annual cost would be \$141,270. This would represent an annual saving of \$56,733 compared to Plan A.

Plan C: If Chatham County were to fund the entire construction cost of the building, as they do for other public schools, FREE would save \$198,003 per year compared to Plan A. Chatham County would provide \$1,320,000. This works out at \$6,769 per student which is only a fraction of what is

required to construct "regular" public schools.

Plan D: Plans A through C all require that a new building be constructed. While it is possible that this could be done in time to open in the fall of 1998, it is more likely that the school opening would be delayed to the fall of 1999. The best chance of ensuring that a new school will open in the fall of 1998, is to use an existing building. FREE is negotiating on 10,562 square foot building.

He stated that the cost of the lease will be \$147,868 per year. This represents a saving of \$50,135 in annual rental relative to Plan A. The problem with Plan D is that the building was not designed as a school and an upfit cost of about \$190,000 will be required; that this year, charter schools in North Carolina are expecting only \$20,000 in start-up funds per school; that they cannot afford to use this money for buildings as they have to buy furniture, buses, computers, copiers, and more; that a capital grant of approximately \$190,000 from Chatham County (about \$1,000 per student) would greatly improve the chances of a new charter school opening in North Chatham in the fall of 1998; that as a non-profit corporation, any money saved would be spent to meet the expectations of the local community; that charter schools across the country have made hiring more teachers their first priority; that as a result, class sizes are much lower than in other public schools; that FREE conforms with approach; that the Woods Charter School would average approximately twenty students per teacher compared to twenty-five or more in other district public school; and that any money saved relative to Plan A would be used to hire more teachers.

PUBLIC WORKS

- **Facility Management Study:** Presentation of the Facility Management Study

Bill Warren, energy services specialist with Energy Services, reviewed his work completed for the County in assessing County buildings and property and stated that as part of an effort to implement a more proactive preventive maintenance based program, he studied the physical components of the County's buildings, the methods in which they are maintained, and their energy efficiency; that a detailed inventory of the physical components of County buildings was prepared and improvement projects, maintenance programs, and replacement schedules were identified. A Chatham County Facility Management Study 1998 Executive Summary and survey tables are attached hereto and by reference made a part hereof.

Meter Installation Within Developments: Consideration of meter installation within developments

Commissioner Wilson moved, seconded by Commissioner Grimes, to change the meter installation policy so that the County is responsible for purchasing and installing meters in lots developed by developers and to set the meter installation fee at \$125.00. The motion carried four (4) to zero (0).

Kent View Developer's Request: Consideration of a request submitted by Kent View Developers for County reimbursement for water line installed on Morris Road

Jeff Hughes, Public Works Director, explained that Mr. Thomas and Mr. Fearington installed a water line on Morris Road in the mid 1980's and are requesting reimbursement from the County by granting a \$23,780 availability fee credit; that the line was installed to improve water quality in their development and surrounding areas of the distribution system; that in the past, approximately twenty lots developed as part of an earlier phase of Kent View on the south side of Morris Road were connected to the County system; that from County records, it appears that no availability fees were collected for these connections; that the

developers recently completed some site work for eleven lots on the north side of Morris Road; as part of this site work, the developers laid water lines throughout the development with the intention of tying on to the County system; that utility staff informed the developers that under standard County policy, water service can not be provided to a lot until the County receives the payment of \$1,750 in availability fees for each lot (total \$19,250); that after being informed of the availability payment requirement, the developers informed staff that it was their understanding that they had an agreement with the County that entitled them to an availability fee waiver; that staff researched the issue and were unable to find an agreement; that the developers brought the issue to the Water Advisory Committee; that the Committee recommended against granting a waiver and recommended that the developers be granted a credit equal to the cost of what the line would cost at today's prices; that the Finance Officer and the County Manager determined that there were insufficient grounds to grant a waiver or provide a credit; and that if their request is granted, there will be as much as a \$23,780 reduction in water capital reserve fund revenue.

David Rooks, Attorney for Jesse Fearrington and Earl Thomas, explained the County approved Phase I of Messrs. Fearrington and Thomas; Kentview Subdivision in 1986; that at the time the County water line on Morris Road (SR #1527) ended at the eastern side of the subdivision where proposed Rosemary Drive, the loop road running through the subdivision, first intersects Morris Road; that as a condition of subdivision approval, the developers were obligated to extend the water line through the subdivision along Rosemary Drive; that after the subdivision had been approved, Marvin Hoffman, County Manager, asked the developers to close the loop formed by the water line running down Rosemary Drive by extending the water line back down Morris Road from the western intersection with Rosemary Drive to the eastern intersection with Rosemary Drive; that although under no obligation to do so, Mr. Fearrington and Mr. Thomas extended the water line as requested by the Manager; that it was their understanding with the Manager that the County would compensate them for the cost of extending the water line by granting them free access to the water lines for up to forty homes including the twenty lots in Kent View Phase I and in the subsequent phases of Kent View, Mr. Fearrington and Mr. Thomas intended to develop on the opposite side of Morris Road from Phase I.

He further noted that Mr. Fearrington and Mr. Thomas now have preliminary plat approval for Kent View Phase II; that when they asked for a waiver of the Water Access fee for the lots in Phase II in accordance with their agreement with the former Manager, Mr. Fearrington learned the County has no records of their arrangement with Mr. Hoffman and that the County Staff now disavows any knowledge of the arrangement and any responsibility for the benefit Mr. Fearrington and Mr. Thomas conferred on the County; that Mr. Fearrington and Mr. Thomas' request for a waiver was referred to the Water Advisory Committee which recommended that they receive a credit against access fees equal to the current cost of installing the water line extension along Morris Road instead of waiving the access fees; and that the Public Works Department estimates the current installation cost would be \$23,780.

Commissioner Wilson moved, seconded by Commissioner Grimes, to postpone a decision on the matter until the April 20th Board meeting. The motion carried four (4) to zero (0).

ECONOMIC DEVELOPMENT CORPORATION

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Contract Between Chatham County and Economic Development Corporation: Consideration of a contract between Chatham County and Economic Development Corporation

Commissioner Wilson moved, seconded by Commissioner Grimes, to approve **Resolution #98-11 to Amend the County Personnel Policy**, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

Commissioner Grimes moved, seconded by Commissioner Wilson, to adopt the Chatham County Economic Development Corporation contract, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

BOARDS AND COMMITTEES

Economic Development Corporation Reappointment: Consideration of a request to reappoint a member to the Economic Development Corporation

Commissioner Wilson moved, seconded by Commissioner Grimes, to reappoint Andy Starling to the Economic Development Corporation Board. The motion carried four (4) to zero (0).

Animal Control Advisory Committee Appointment: Consideration of a request to appoint a volunteer to fill a vacant public member seat on the Animal Control Advisory Committee

Commissioner Dunlap moved, seconded by Commissioner Wilson, to appoint William Thomas, 1538 Van Thomas Road, Pittsboro, NC, to the Chatham County Animal Control Advisory Committee. The motion carried four (4) to zero (0).

Siler City ETJ Appointments: Consideration of a request to appoint an alternate and an active ETJ member to the Town of Siler City Planning Board/Board of Adjustment

Commissioner Grimes moved, seconded by Commissioner Wilson, to appoint Pat Lowman, 173 Pine Court Drive, Siler City, NC to serve as an active ETJ member on the Town of Siler City Planning Board/Board of Adjustment and John Brown, 417 Pine Lake Drive, Siler City, NC, to serve as an alternate ETJ member. The motion carried four (4) to zero (0).

BOARD OF COMMISSIONERS' MATTERS

Chatham County Ordinance Regulating Swine Farms: Consideration of approval of Chatham County Ordinance Regulating Swine Farms

Commissioner Wilson moved, seconded by Commissioner Dunlap, to adopt the Chatham County Ordinance Regulating Swine Farms, attached hereto and by reference made a part hereof. The motion carried three (3) to one (1) with Commissioner Grimes opposing.

Ordinance to Amend the Chatham County Zoning Ordinance: Consideration of approval of an Ordinance to Amend the Chatham County Zoning Ordinance to Provide for Regulation of Swine Farms

Commissioner Wilson moved, seconded by Commissioner Dunlap, to adopt the Ordinance to Amend the Chatham County Zoning Ordinance to Provide for Regulation of Swine Farms. The motion carried four (4) to zero (0).

Volunteer Fire Department Contracts: Consideration of approval of Volunteer Fire Department Contracts

Commissioner Wilson moved, seconded by Commissioner Pollard, to approve the contract and agreement with the Volunteer Fire Departments for the protection of the fire districts.

The County Attorney recommended that a uniform contract for all volunteer fire departments and a different contract for the towns be adopted. He stated that the contracts should be the same except for the necessary changes dictated by laws governing municipalities as opposed to non-profit corporations. As to services contracted for, he recommended that we use the wording of the statute so that services contracted for will be as broad as General Statute 69-2 5.4 allows.

Steve Phillips, Silk Hope Volunteer Fire Department Chief, addressed the Board and after further discussion, Commissioner Wilson withdrew her motion and Commissioner Pollard withdrew her second to the motion. A copy of Mr. Phillips' remarks is attached hereto and by reference made a part hereof.

Commissioner Wilson moved, seconded by Commissioner Grimes, to postpone a decision on the Volunteer Fire Department contracts until further review after a work session. The motion carried four (4) to zero (0).

Interlocal Agreement Between Board of Education and County: Consideration of approval of Interlocal Agreement between Board of Education and Chatham County for sales tax reimbursement

Commissioner Grimes moved, seconded by Commissioner Wilson, to approve the interlocal agreement between Chatham County and the Chatham County Board of Education, attached hereto and by reference made a part hereof, and to adopt the School Renovation Project Budget, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

MANAGER' S REPORTS

The County Manager informed the Board of Commissioners of the following:

- 1) **Strategic Plan Development Committee:** The Manager explained that advertising efforts are underway by the Strategic Steering Team; that there has been some response to the ad; that the first group of candidates may be ready for the Board's consideration at the next meeting; that the Team anticipates having twenty-eight members with geographic representation.
- 2) **Water Advisory Committee Recommendation:** The Manager explained that the Board had previously asked the Water Advisory Committee to return with recommendations on specific duties in terms of the water rate study; that they have met and worked several hours but are not ready with a recommendation at this time; that a recommendation is anticipated shortly.

Commissioner Wilson expressed her appreciation to the Water Advisory Board for their work efforts. She stated that there is a need to expedite their recommendation, but that she wants it done carefully; and that she would be in agreement with acquiring some professional help in reaching a good water rate.

COMMISSIONERS' REPORTS

Commissioner Pollard stated that she has had several calls from individuals from across the County requesting that the County ask the Legislators for support of returnable soft drink bottles in the interest of reducing highway litter.

Commissioner Pollard stated that she would be unable to attend the counties within the Triangle meeting to be held on Tuesday, April 7th at the Commons in Raleigh and due to another commitment, would like for another Commissioner or the Manager to attend in her place.

The Manager agreed to represent the County at the meeting.

LUNCH RECESS

Commissioner Grimes moved, seconded by Commissioner Wilson , to recess for lunch until 1:00 P.M. The motion carried four (4) to zero (0).

WORK SESSION

Commissioner Wilson moved, seconded by Commissioner Grimes, to reconvene for the afternoon Work Session. The motion carried four (4) to zero (0).

Agenda:

- 1) **Cape Fear Basin Presentation** - Chick Krautler
- 2) **Judicial Center** - Judge Buckner
- 3) **Recreation Issues** – Tracy Burnett

Commissioner Wilson moved, seconded by Commissioner Grimes, to meet with the Town Manager of Pittsboro, Walter Harris, regarding recreational concerns. The motion carried four (4) to zero (0).

- 4) **Water System Follow up** – Jeff Hughes

Commissioner Dunlap moved, seconded by Commissioner Wilson, to postpone the effective date on water rates until the water rate study is complete. The motion carried four (4) to zero (0).

- 5) **On-Call Pay** – Charlie Horne

Commissioner Wilson moved, seconded by Commissioner Grimes, to approve an increase of on-call pay from \$10.00 to \$15.00. The motion carried four (4) to zero (0).

- 6) **Board of Commissioners' Vacancies Rules** – Charlie Horne
- 7) **Zoning: Big Woods** David LeGrys

8) **Solid Waste: Pay-As-You-Throw**

Commissioner Grimes moved, seconded by Commissioner Wilson, to approve the Pay-As-You-Throw disposal fee. The motion carried four (4) to zero (0).

9) **Central Permitting Supervisor**

Commissioner Grimes moved, seconded by Commissioner Wilson, to approve the hiring of a Central Permitting Supervisor. The motion carried four (4) to zero (0).

10) **Budget Public Hearing**

Commissioner Wilson moved, seconded by Commissioner Grimes, to set May 18, 1998 as the date on which to hold a public hearing to receive comments on the budget. The motion carried four (4) to zero (0).

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ADJOURNMENT

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Commissioner Dunlap moved, seconded by Commissioner Grimes, that there being no further business to come before the Board, the meeting be adjourned. The motion carried four (4) to zero (0), and the meeting was adjourned at 4:45 PM.

Margaret Bryant Pollard, Chair

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ATTEST:

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