

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
SEPTEMBER 07, 2010

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 11:20 AM on September 07, 2010.

Present: Chair, Sally Kost; Vice Chair, George Lucier; Commissioners Mike Cross, Carl Thompson, and Tom Vanderbeck

Staff Members Present: Charlie Horne, County Manager; Jep Rose, County Attorney; Renee Paschal, Assistant County Manager; Vicki McConnell, Finance Officer; Sandra B. Sublett, Clerk to the Board; and Elizabeth Plata, Deputy Clerk to the Board

Agenda

1. **NC Department of Transportation Litter Update in Chatham County:** NC DOT officials will present how NC DOT selects roadways to perform litter pick-up along Chatham County roadways.
2. **Job Links Center Update by Dr. Karen Allen:** Update on the development of the Job Links Center being created at CCCC Pittsboro campus.

CALL TO ORDER

The Chair called the Work Session to order at 11:22 AM. She asked that the Board add two items to the Work Session Agenda as follows: 1) Finalize the general legislative goals for the County Commissioners Association; and 2) Update on the library.

NC DEPARTMENT OF TRANSPORTATION LITTER UPDATE

Reuben Blakley, from the North Carolina Department of Transportation, said that Chatham County has 1,080 road miles that it maintains that there are only 42 employees to do the maintenance. Six permanent positions were lost this fiscal year, and the hope is that this is temporary and the positions will be given back. The highest priority for maintenance includes the roadways with the most exposure because of safety issues. They are trying to concentrate on preventive maintenance because it is much cheaper than resurfacing. Some services are being contracted out.

Chair Kost asked about the typical schedule for mowing. Mr. Blakley said that they try to do five cycles a year; that there are two cleanup cycles within these five mowing cycles.

Chair Kost said that she is concerned with the lack of mowing because of the line of sight issues and the upcoming deer rutting season. Mr. Blakley said that they might not get the fifth cycle in because the mowing stops sometime in November, usually. He said that they would try to get the fifth cycle done.

Commissioner Lucier said that he has had some complaints from citizens about 15/501 between Pittsboro and the county line and the Transportation representative for Chatham County contacted Benny Sloan, who responded very quickly. He appreciates this.

Litter:

Mr. Blakley said that Adopt-A-Highway is coordinated through their office. For Chatham County, there are currently 56 Adopt-A-Highway groups. There are 46 that recorded a pickup this year to the State. Some have not recorded pickups. Every six months, NCDOT will look to see who has not recorded a pickup and contact them and remind them to record the pickups. If there is no response, the group will be deleted from Adopt-A-Highway. Once the trash is picked up, the group records it and NCDOT will pick up the trash bags. NCDOT provides trash bags, gloves, and vests for the work. If anyone is interested in Adopt-A-Highway, they can call Wanda Willett at the main office at 336-629-1423.

Commissioner Thompson asked if the group had to be an organization of some type or if it could be a group of people. Mr. Blakley said yes, it could be anybody.

Commissioner Thompson asked if there was an emphasis in the plan on keeping the major thoroughfares clean as opposed to the secondary roads. Mr. Blakley said that they try to focus the attention on the major corridors.

Commissioner Thompson asked how Chatham County compared with Randolph County in terms of road miles. Mr. Blakley said that Randolph has 1,780 road miles.

Commissioner Thompson asked if there was an ability to respond to people on secondary roads where there has been a lot of litter on occasion. Typically, these citizens complain to the County Commissioners. Mr. Blakley said that they can handle this, but sometimes it takes some time.

In answer to the question about miles for the Adopt-A-Highway program, Mr. Blakley said that for the 46 groups, 95.8 miles of road have been cleaned.

Littersweep:

Mr. Blakley said that the litter crews from the Department of Corrections conducted the Littersweep in Randolph County, but this facility has now been turned into a geriatric prison. There are no litter crews in Chatham County right now, but hopefully that will change soon.

Mr. Blakley said that Littersweep is coming up September 18th-October 2nd. The crew will always be available to pick up trash bags from groups that decide to do a litter sweep.

Chair Kost asked about the number to call for dead animals. Mr. Blakley said that if it is on the right-of-way, it will be the Chatham County Maintenance office, which is 919-742-3431.

Missing Signs:

Chair Kost said that she attended a meeting about a month and a half ago with some DOT representatives dealing with American Tobacco Trail and the crossings, particularly the New Hope Church and O'Kelley Chapel Road crossings. There are issues there with line of sight and there are some signs missing. The right-of-way has a lot of brush at the side of the road so that the line of sight is bad for people coming off the trail. She asked who would be in charge of that and Mr. Blakley said that he would be in charge of that. He said that they are in the process of drive-staking the right-of-way and they will make sure that there is sufficient line of sight.

Chair Kost said that there are also some missing signs entering into the county. She asked who does this and Mr. Blakley said that he is working with the appropriate people for this. They are in the process of staking the county line locations for this.

Commissioner Lucier said that he received a letter from a citizen that was upset because NCDOT does not do such good landscaping in Chatham County like they do in Apex and Cary in the medians.

Mr. Blakley said that this is done by Apex and Cary. He said that he would get some more information about this. Commissioner Lucier gave the letter from the citizen to Mr. Blakley.

County Manager Charlie Horne said that he gets a lot of questions about patching. Mr. Blakley said that they try to be proactive instead of reactive, but there are still lots of reactive things to be done, such as patching.

George Kapetanakis from NCDOT spoke about the amount of travel in the state. He said that the litter problem is magnified by the amount of travel through the state. He shared the Litter Report, which is on the website. He made reference to the back page, which has all of the contacts. He said that the overall strategy is to pick up litter as well as education. He made reference to page 15, which is the education portion.

Commissioner Vanderbeck asked if NCDOT worked with Solid Waste in the County when they do educational programming in the schools. He suggested that this be done concurrently.

Mr. Kapetanakis said that they did an educational programming for people that use the landfill and called it "Tarp Day." This was to promote covering loads and they gave out tarps with literature at the landfill.

Discussion ensued about the issue of picking up trash and recycling the recyclables. There are recyclable bags available for groups, and they are blue.

Chair Kost asked if the NCDOT has considered suggesting a bottle bill in North Carolina. Mr. Kapetanakis said that this has been brought up to the Legislature a couple of times and it did not go through.

Commissioner Vanderbeck asked if there were any funds available to do another campaign for tarps and Mr. Kapetanakis said that funds from the license plate fees were used previously. He will get more information about whether Chatham County can do this. The tarps are \$2 each.

Chair Kost asked if NCDOT worked with the courts at all for having litter pickup for community service. Mr. Kapetanakis said that there is a connection, especially during Littersweep.

Mr. Blakley said that it is difficult to get community service workers during the weekdays and daytime hours. It is not helpful because staff has to be paid overtime to supervise.

Mr. Kapetanakis made reference to page 24, which has a list of citations given for littering. He said that the number of total citations and convictions has remained the same as far as a percentage over the years that he has been here.

Mr. Kapetanakis made reference to the bag of literature and went through these educational items.

Chair Kost said that the County Commissioners want to support NCDOT and the efforts because they have noticed an increase in litter in Chatham County. She asked how the County Commissioners could help NCDOT.

Mr. Kapetanakis asked the County Commissioners to go to the website and the News link, which has previous litter reports. There is a 20-minute video about what is happening across the state. He suggested contacting the Keep North Carolina Beautiful Executive Director,

Brenda Ewadinger, who has been instrumental in increasing the number of affiliates for the organization. He said that he could contact her on the County's behalf.

JOB LINKS CENTER UPDATE

Cindy Casler, Executive Director of Workforce Development and Training, said that she started in November. She works for Chatham, Lee, Harnett, and Sampson Counties. She said that Dianne Reid from Economic Development and Jeffrey Starkweather have been leading the charge for a Job Links Center in Chatham County. The hope for the library open house on September 20th is that there will be a Job Link Career Center in the former library. She brought the Memorandum of Understanding for the Job Link Career Center Circle for all of the counties. There is resource sharing and there are quite a few partners in Chatham County that are interested. The meetings have been held at the Department of Social Services office or at the college campus. The Employment Security Commission will also be there full time. Because DSS is so close to the campus, they will have information out there as well. The Chatham County Literacy Council has agreed to do tutoring. Siler City is included in this because it now has a new building for the Employment Security Commission.

Also included in the package was a list of the members of the current Workforce Development Board. There are currently two vacancies in Chatham County. She has been working with Dianne Reid about people to fill these vacancies.

Commissioner Lucier said that the four on the board now are Dianne Reid, Jeffrey Starkweather, Faythe Canson Clark, and Dan Sundburg.

Ms. Casler made reference to the packet that explains the makeup of the board. She said that she would like to come and do a presentation later on the Adult Dislocated Worker Program as well as how the money is being spent for this center. Also, the request for proposals for program operation will be going out in January, and she will be seeking input from the County Commissioners on this.

Chair Kost asked if this would be a drop-in center and Ms. Casler said yes. Chair Kost asked if there would be signage indicating this and Ms. Casler said that they have ordered Job Link Career Center signs and it will be out front as well as down by the road. There will also be some marketing.

Commissioner Lucier said that one of the reasons they changed over the administration of the Workforce Development to the community college is to do things like this and get Chatham County more involved.

Commissioner Vanderbeck asked if she was working with Karen Allen to possibly identify if there are transportation monies available to help get people to the center.

Ms. Casler said that Chatham Transit Network is part of the Job Link Career Center and it has been very involved. The support from the community has been overwhelming.

LUNCH BREAK

The Chair called for a lunch break at 12:26 p.m.

LEGISLATIVE GOALS

Chair Kost said that this is the continuation of the discussion about the Statewide Legislative Goals for the NCACC. The local legislative goals will be discussed later, leading up to the breakfast with the local delegation. She said that there were some additional items requested to be added to the list:

- 1) **Request the Study Commission to look at the issue of the shale gas mining (with risks) and continuing not allowing the fracking and horizontal drilling until the environmental issues are addressed.** Commissioner Lucier said that the Study

Commission should also examine the risks associated with this. He said that the geologists are saying that this is all proprietary information on the chemicals used in the fracking process and there is no reason why it needs to be proprietary, it should be public knowledge. *The Board agreed to add this item.*

- 2) **Signage in the right-of-way** – regarding real estate open houses, these are very frequent and this is a tricky issue. The concern is that the signage not be in the line of sight. *The Board agreed to add this item.*
- 3) **Issue of sharing of citizens who have signed up to be notified of press releases to keep information private.** This is bill H.B. 1921, and is a local bill that applies only to Wake County and its municipalities, but it has statewide interest. Currently, if a local government maintains a list of email addresses used to communicate with citizens, those lists are considered public records and can be requested by citizens. Public records laws require the government to provide the list in electronic format. This bill changes the requirement so that the government has only to make the list available for inspection and does not have to make the list available in any format. It also clarifies that the local government can only use the list for the purpose for which it was intended or in the case of public health or safety emergency. The bill passed 2nd and 3rd reading in the House. *The Board agreed to add this.*
- 4) **Annexation across county lines.** Municipal governments cannot annex across county lines without the approval of that county. *The Board agreed to add this.*

Further Discussion on the above items:

Signage in the Right-of-Way:

Chair Kost asked how this would be administered and how things would be classified as an “allowable event” for a sign. The concern is that there will be a lot of roadside clutter. She suggested that the Planning staff put out a request on the Planning listserv to see what other jurisdictions are doing. The Board agreed.

Annexation:

Commissioner Vanderbeck asked if the boards are supposed to weigh in on things that other boards have weighed in on.

Commissioner Cross said that these items will go to one of six subcommittees, which will consider it and make recommendations to the Legislative Goals Committee.

Potential Legislative Issues:

Chair Kost made reference to a document from Fred Royal about potential legislative issues. It was difficult to see and read, so she will request it to be sent again. She said that it looked like it was regarding asking the State to pay for data collection.

Commissioner Lucier said that the problem with the Jordan Lake Rules is that unless you know the starting point there will be a lot of trouble down the road if older monitoring data is being used.

Chair Kost said that her concern is that she does not want to open up the Jordan Lake rules and then someone come in and use this as an avenue for weakening the rules.

Discussion ensued about the problem of not enough staff or funding to monitor this.
The Board agreed to add this.

Commissioner Lucier said that it should be worded, “adjunct to the existing Jordan Lake Nutrient Rules with enhanced monitoring data.” He said that it needs to be portrayed as not a change to the rules, but, “in order to better implement the rules, enhanced monitoring and

modeling data would allow jurisdictions to better estimate their compliance with the rules and allow the Division of Water Quality more information in which to assess that compliance.”

After discussion, the Board agreed that this would be for all river basins in the state so that there can be statewide support.

Commissioner Cross said that with the expected growth of North Carolina, this needs to be done now.

Commissioner Vanderbeck said that there were a couple of things brought up in the Transportation Advisory Board, but it is not anything new.

Chair Kost said that one outstanding issue in the budget was the food sales tax. Right now, they are using the percentage of the total from 1997 and Chatham County has grown. The suspicion is that the County is losing revenue.

Renee Paschal, Assistant County Manager, said that the problem with raising the issue is right now Article 42 Food Sales Tax is still distributed per capita. Statewide, other sales tax is distributed based on point of distribution or point of sale. The question is which one loses more.

Chair Kost said that one of the issues is cleaning up the sales tax for the State.

The Board discussed putting on the list the issue of the Home Owner’s Association banning rain barrels, solar panels, clotheslines, etc. *The Board agreed to put this on the list.*

Ms. Paschal made reference to the sales tax and said that in her discussions with the Department of Revenue about the sales tax on building materials being delivered into the County, the bottom line is that it would take legislative action to change the way the sales tax is being sourced. The County could support the legislation that would require the use of a nine-digit zip code, which would go into the database for the County.

By consensus, the Board agreed to add this to the list.

The County Manager will draft a letter to transmit to the NCACC and it will capture the things that were added.

UPDATE ON LIBRARY

Chair Kost said that she has talked to each Commissioner individually, but this needs to be done collectively.

Renee Paschal said that about a week ago she was made aware of some offensive quotes that were included in one of the hearths from an artist. One of the quotes referred to sex and it was in the children’s area. Another quote says, “If you had been nicer, there would be no communists.” There is a quote that contains a curse word, and there are some quotes in Italian. She gave some background on this issue. At the start of the project, three artists were engaged to do a mural, a fence, and the hearths. There was a committee made up of the architect, a member of the Friends of the Library, a member of the County Manager’s Office, and a member of the community college, who reviewed the submittals and selected the artists. Each art installation was supposed to be a collaborative process between the architect and the artist to come up with the design, etc. In the contract is an approval process that requires the artist to submit sketches. When they engaged Siglinda Scarpa to do the hearth, she said that she does not do sketches up front, but each tile is made individually and is based on inspiration at the time. The concept was to do literary references and the quotes are from literature. She has only made the first three payments and there are five total payments. Ms. Scarpa has only been paid half of her commission to date. When she found out about the offensive tiles, she called Ms. Scarpa and asked her to take out the tile referring to sex in the children’s area. Ms. Scarpa was extremely upset by that and thinks that the County is censoring her work. The other tricky thing is that the Friends are paying for the art installations and this is Arts restricted money. This is a complicating factor. Each of the hearths is \$20,000 and Ms. Scarpa has been paid \$20,000.

Ms. Paschal said that she talked to the architect since it was supposed to be a collaborative work, and he does not see a problem because art is supposed to be provocative. The library will be opening to the public in a week. She said that she could ask Ms. Scarpa to remove or cover up the offensive tiles or she can have the hearths torn out and replaced. Also, shortly after the hearth on the adult side was installed, the librarians said that it was a safety hazard because some of the tiles are 3D and if children climb on them, it would be dangerous.

Chair Kost agreed with the safety hazard.

County Attorney Jep Rose said that he looked at the contract and it is a typical artist contract, where they present a concept, which is approved, and they present a model or mock, which is approved, and then payments are made along the way. Typically, once the model is approved, if the final product differs from the model, the County would be within its rights. Legally, once the model is approved and if the final product looks like the model, it is bought. In this case, the County never saw a model, but it did pay.

Commissioner Lucier asked what the Friends of the Library have said and Ms. Paschal said that she has talked to two people from the Friends, and they share the concerns.

Commissioner Cross said that he believes this is inappropriate and unsafe and it should be removed.

Loyse Hurley, a citizen, said that the Italian tiles need to be translated before moving forward.

Chair Kost said that the safety hazard is also a legitimate concern. She said that there are so many good literary quotes that could have been incorporated in this.

Discussion ensued about the inappropriateness of the tiles.

Ms. Paschal said that at this point, with the library opening next week, the only thing that can be done is to cover it up. She will let the Friends know about this.

The County Attorney will research this and see what can be done legally.

Ms. Paschal said that the County will have to reimburse the Friends and pay Ms. Scarpa what is owed to her.

Commissioner Cross suggested seeing what the Friends have to say before doing anything.

Chair Kost said that she hears two County Commissioners saying to take the whole thing out and she agrees with that, mainly because of the safety hazard.

The Board agreed to recess to the library to look at the hearths.

RECESS

The Chair recessed the meeting to the new community library at 1:50 PM.

LIBRARY

The Board discussed the safety and concerns of the tiles on the artist's hearths in the new library.

By consensus, the Board agreed to form a panel including Friends of the Library, County Staff, County Attorney, and the Chair to discuss the matter before taking any action.

ADJOURNMENT

Commissioner Lucier moved, seconded by Commissioner Cross, to adjourn the Work Session. The motion carried five (5) to zero (0), and the meeting was adjourned at 2:17 PM.

Sally Kost, Chair

ATTEST:

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