

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
NOVEMBER 06, 2000

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Agricultural Auditorium Building, 45 South Street, located in Pittsboro, North Carolina, at 10:00 AM on November 06, 2000.

Present: Chairman Rick Givens; Vice Chair Uva Holland; Commissioners Margaret Pollard, Gary Phillips, and Carl Outz; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Assistant County Manager, Paul Spruill; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Lee

The meeting was called to order by the Chairman at 10:12 AM.

AGENDA

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

The County Manager asked that consideration to adopt the Chatham County Well Ordinance be added to the Agenda as Item #16A and that consideration to recognize an Emergency Operations Employee be added to the Agenda after the Public Input Session.

Commissioner Holland asked that her appointments to the Ag Advisory Committee be added to the Agenda under Boards and Committees.

Chairman Givens asked that the Public Input Session be extended to twenty minutes.

Commissioner Phillips moved, seconded by Commissioner Holland, to approve the Agenda with the noted requests. The motion carried five (5) to zero (0).

CONSENT AGENDA

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

Commissioner Pollard moved, seconded by Commissioner Outz, to approve the Consent Agenda. The motion carried five (5) to zero (0).

1. **Minutes:** Consideration of approval of Board minutes for meeting held October 16, 2000 and work session minutes for meeting held October 16, 2000

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

2. **Refunds on Regular Tax Bills:** Consideration of a request for approval of refunds on regular tax bills paid in error, attached hereto and by reference made a part hereof.

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

3. **Tax Releases:** Consideration of a request for approval of tax releases, attached hereto and by reference made a part hereof.

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

4. **Private Roads:** Consideration of a request for approval from citizens for the naming of private roads in Chatham County:

- A. **Mary Charles Lane**

- B. **Shotts Farm Road**

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

5. **Local Law Enforcement Block Grants Program Public Hearing:** Consideration of a request to set a date on which to hold a public hearing for the Local Law Enforcement Block Grants Program

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Ricky Spoon, 2475 Redbud, Pittsboro, NC, asked that the Board note the people in the audience were there in support of Jimmy Collins. He stated that he is unsure of the reason Mr. Collins was fired, but feels that it was because he went over the Health Director and County Manager's heads to try and get raises for his employees that really needed it; that he can't find a single person that can say anything bad about Mr. Collins; that the reason for his firing should be made public; that he is afraid that it is going to cause the County a lot of embarrassment; that notice of termination sent by a deputy sheriff to the employee was not a good idea; that when something like that is done, it needs to be made public; that the public and other County employees are getting the message that the Board doesn't care about them nor Mr. Collins. He stated that he expected the Board, as leaders of the County, to take "the bull by the horns" and do something.

Ralph Foushee, 3922 Moncure-Pittsboro Road, Pittsboro, NC, stated that he is ashamed to admit that he is a life-long resident of Chatham County after hearing what is going on; that he thought it was County policy for high officials, such as the Health Director, to live within the County; that the Health Director lives in Chapel Hill and has never been a resident of Chatham County; that he does not understand how one man can cost the County as much money as he has in lawsuits; that Jimmy Collins has never had anything brought against him; that he would like to know how Commissioner Pollard stands on the issue before he votes at the polls the next day; that citizens are fed up and are not going to put up with it anymore.

Jeanne West, 4115 Henley Road, Sanford, NC, stated that as a former employee of Mr. Collins, she has known him for over ten years and worked for him for five years; that she has never had a better supervisor; that he's a mentor and most of all a friend to all of his employees; that he has the support from his former employees and peers throughout the State; that some of Mr. Collins' accomplishments include Sanitarian of the Year and is the third person to be inducted into the Sewage Hall of Fame; that during his time in Chatham County, he has never had a lawsuit; that under less than perfect conditions and with half staff, they went through a program review from the State Quality Assurance Team at which time results

determined that “Only minor changes were needed. Their dedicated and professional staff exercise good professional judgement and take pride in their work.”; that she doesn’t understand how a person who is leading this professional staff is negligent in his job or incompetent in his job; that if the County loses Jimmy, it loses experience in the field with the difficult soils in Chatham County and also with dealing with the folks in Chatham County; that the staff is concerned about how this comes out. She asked what would happen if the County ends up with no environmental health staff. She stated that development would come to a screeching halt; that one can’t just hire somebody off the street to do the environmental health job; that there is a bad message being sent across the state; that the office is also shorthanded; that Jimmy has been wronged and the Board has the power to set the wheels in motion to correct this situation; that if this doesn’t happen, she hopes the voters will make sure that it happens.

She presented letters of support from some members of the North Carolina Supervisor’s Association, attached hereto and by reference made a part hereof.

Richard Bradley, PO Box 1172, Pittsboro, NC, voiced support of Jimmy Collins and stated that he has been bothered by the special review that was released by Ralph Campbell on JOCCA; that there are a lot of unanswered questions from this report; that \$419,000 is a lot of money; that the Board can’t come up with money to pay the County employees but the JOCCA matter was not handled right; that there should be an investigation to follow this money and see if it was just misappropriated wrongly and if so, those people should be held accountable and the money should be returned; that if fraud is exposed then somebody should be prosecuted to the fullest extent of the law; that it is absolutely ridiculous that this has gone on for a year and a half; that recently Governor Jim Hunt ordered the SBI in Wake County to investigate the same thing that happened with the same type of non-profit in Wake County. He asked, “Why not Chatham County?”

Charles Broyles, 329 Hanks Loop Road, Pittsboro, NC, stated that he has been neighbors with the Collins Family for forty years; that he thanks the Board for hearing comments on the Collins Family this morning; that not only has injustice been done to Jimmy Collins, it has also been done to his family whose public service has been unparalleled and without blemish in the County; that his wife is a teacher, Jimmy the environmental department head, and his son a policeman; that he would like to congratulate the Director of the Chatham County Health Department for his acute sense of theatre; and that everyone knows that Jimmy Collins has not made off with any money from the Chatham County Health Department. He asked the Board to consider carefully what they are doing to a faithful servant and to the morale of faithful servants throughout this County.

Lonnie Parcell, 1380 Whites Mobile Home Park, Pittsboro, NC, a septic tank contractor, stated that he deals with Jimmy Collins every day; that he thinks he has had problems ever since the Health Director arrived; that the responsibility for hiring the environmental specialists in this County should be in Jimmy’s hands not Mr. Sherman’s hands; that the reason a lot of the inspectors have left is not because of Jimmy; and that Lee County is about a third the size of Chatham County and they have more inspectors. He stated that he didn’t think that the Sheriff’s Department delivered personal messages.

Rusty Roberson, 6655 Hwy 64 West, Pittsboro, NC, stated that as a septic tank contractor, he installs new systems and repairs old ones. He stated that he has seen people come and go in the Health Department due, more or less, because of pay; that he hears talk that other counties are paying more money; that Chatham County’s employees are over worked and that there are not enough people to do the job; and that he feels that the problem has come to be Jimmys because of the non-staff situation.

Charles Wolfe, PO Box 1223, Pittsboro, NC, stated that instead of “throwing bricks at anyone, he would like to use his bricks to build a step”. He stated that he has known Jimmy personally since he was a little kid when Jimmy was the only one in the County that ran around and did everything; that he used to

come out to his dad's farm for problems that would arise out there; that he has known him professionally in the construction and real estate businesses and has found him to be a man of integrity; that he can think of many adjectives that he has heard people use to explain or describe Jimmy and dishonesty and incompetence have never been one of them; that he can speak of integrity as being the main one that he has heard; that he is asking that a step in the right direction be taken to correct a wrong; that it takes a lot of courage to admit that a mistake has been made. He asked that Mr. Collins be reinstated and allowed to retire as the distinguished citizen and professional that he has been for the County.

Rev. Ira Kelly Shiflett, 190 Hanks Loop Road, Pittsboro, NC, stated that he is new to the community, but that he stands in awe hearing people who have lived in the County their entire lives speak about how saddened and ashamed they are of this situation; that he is proud of everyone and the one question that prevails is that of justice; that it is a question of doing what is right for one who has served the community, its families and children well.

Jack Roberson, 89 Roberson Road, Pittsboro, NC, stated that he has lived in Chatham County all his 69 years and has been associated with Jimmy Collins since he has been inspecting septic tanks; that he has worked with him for over thirty years and never had any problems with him; that he is the kind of guy who would go out of his way to help anyone; that he doesn't believe he would approve anything that wasn't legal; that he has been that way all of his life; that he is just as good a friend as you would ever find and he doesn't believe there is enough money in Chatham County to buy him; that he believes that he has done his job but that he feels the problem lies with the Health Director; and that he is concerned with regard to whom is paying the legal fees for the Health Department. He asked how Commissioner Pollard was going to vote on the issue.

Robert Flynn, 2000 Fearrington, Pittsboro, NC, stated that he has known Jimmy Collins for 28 years; that he has inspected septic tanks and restaurants for him; that they have not always had everything perfect, but that if it wasn't right, Jimmy did not have a problem saying that it wasn't right and asking that it be corrected; that he has never known him to bend the rules; that he believes that the County has some good people working here; that he saw the water system come, grow, and develop within the County and that it is doing a good job; that he witnessed the Building Inspections Department start in Chatham County and that it has grown and is doing well; and that he thinks Jimmy Collins is a great guy and would like to see him reinstated in his job.

Commissioner Comments:

Commissioner Phillips stated that he had had disagreements with Jimmy Collins but said that those disagreements had been direct and had been talked out. He stated that he had never questioned Jimmy's integrity; that he knew his church work, his public work, and knew members of his family and said he considered him a great citizen of Chatham County. He stated that he thought the best thing to do in this circumstance is to release all information there is about this and try to make sense of it. He said he hadn't supported that before because he said he hoped Jimmy Collins would be allowed to retire with full benefits, be celebrated, and have a retirement dinner; that the five Board members agreed that this was the best recourse the first time it was brought up; that that is what they still support in any way possible; that twenty years ago in county government, the County Commissioners made every decision about every employee and about almost everything that happened; that that is not the kind of government we have today; that there is an administration that makes decisions and those decisions are really hard decisions; that sometimes they give them all kinds of grief about it and sometimes they support them, but that they have the right to make those decisions; that they don't have the right to remake certain decisions that are made, but that they have supported retirement for Jimmy with all benefits as a distinguished citizen and employee of Chatham County through the entire process.

Commissioner Holland stated that she has always supported Jimmy; that she has known him a long time before becoming a Commissioner; that she doesn't think that he would take or do anything wrong; that she has never seen him bend the rules for her or anyone else; that she wanted Jimmy to retire, not be fired; that she hates to see anyone have that many years of employment and not be able to hold his head up because of what has transpired.

Commissioner Pollard stated that she and her family have been friends with the Collins Family for as long as she could remember; that she will work for justice; that they were given the impression that Jimmy would have the opportunity to retire; that Commissioners are policy people; that when one gets over to management, the form of government is changed; that however the voting situation goes, she has to keep her integrity intact; that she is a policy person; that that is all the authority that the people who voted for her gave her; that they gave her policy making authority; that is where she stands with four other Board members; that she has the capacity to vote on policies; and that when it comes to managing personnel, that it is a very complex situation.

Commissioner Outz stated that the entire environmental thing was handled wrong; that he would never have sent a deputy to Jimmy's home to deliver a letter saying that he was fired; that he doesn't think that was right; that they did not make a decision to fire Jimmy; and that he would like to see him retire with dignity.

Chairman Givens stated that there have been a lot of rocks thrown and a lot of telephone calls made; that they all mimic what Commissioner Phillips has said; that he speaks most eloquently when he says that they would like Jimmy to retire; that they can not answer any questions right now; that that is the sentiment of the Board; that they will release what they can release.

Terry White, 45 Maverick Ranch Road, Pittsboro, NC, stated that they have all heard the Commissioners express that they wanted Jimmy to retire and that they do not have anything to do with it except policy making; that she wonders who hired the Health Director, the County Manager, and other hireable positions in the County; that it is her understanding that the Commissioners are responsible for hiring the County Manager and that there are avenues of response available.

Chairman Givens stated that he understands what the people are saying; that it will be discussed later regarding what avenues of response can be taken. He expressed his appreciation to the crowd for their coming out to the meeting.

Sam White, 45 Maverick Ranch, Pittsboro, NC, stated that he has heard all of the Commissioners state that they are in favor of Jimmy Collins retirement. He asked under whose terms should Jimmy Collins be allowed to retire? He stated that he thinks retirement is a privilege and a right that is earned through years of service and Jimmy Collins has earned it.

Johnathan Manning, PO Box 1206, Pittsboro, NC, stated that everyone present has spoken on Mr. Collins behalf; that he wants to know where the Health Director and County Manager's supporters are; that voters and their opinions matter; that they want them to listen to them and take that into account; that they do not want the Health Director in his office anymore.

John Sowder, realtor with Fonville Morrissey, 1304 Hwy 54 West, Durham, NC, stated that he doesn't know Mr. Sherman, but that he knows Mr. Collins well; that he came out as a responsible public servant would the day after Thanksgiving to take care of a problem; that since he has been in the real estate business, he has done business in eight counties; that the Board should be proud to have him; that in the

absence of any disclosure as to why Mr. Collins is being ditched, he asked what they are up against when they do business in Chatham County; that he has had excellent experience in Chatham County; that it is disturbing to citizens to think they are up against a situation where government is carried out in an arbitrary and capricious manner; that he realizes that they are in the policy making field, but that policy making should include protecting the uncertainties of working for the government and that he thinks there are three hundred plus people who might find themselves in the same situation; that Jimmy kept him out of trouble on several occasions; that he believes that Jimmy knew so much about what had been done over forty years in the County that he has become a legend to the map; that if the County is not going to reinstate him, they had better get him on retainer or they are going to spend a lot of money trying to find out what is in Jimmy's head and what's been done in this County during the last forty years.

Jan Waugh, Pittsboro, NC, stated that she was representing a group of people who have been fired by Wayne Sherman including Lee Hearne, Sharon Allen, Mr. Collins, and herself; that she would like to propose a challenge to the County Commissioners to release the specific amount of Chatham County dollars that Wayne Sherman specifically has cost the County in all the lawsuits; that Mr. Hearne's is still pending; that she won hers because she was illegally fired; that she feels that the Commissioners owe, policy or not, the Chatham County people this information and that she is going to look for it in the newspaper next week.

RECESS

- Chairman Givens called for a five-minute recess.

CLOSED SESSION

Commissioner Outz moved, seconded by Commissioner Holland, to go out of Regular Session and into Closed Session for the purpose of discussing land acquisition and personnel. The motion carried five (5) to zero (0).

REGULAR SESSION

Commissioner Pollard moved, seconded by Commissioner Phillips, to go out of Closed Session and reconvene in Regular Session. The motion carried five (5) to zero (0).

RESOLUTION CONCERNING THE RELEASE OF INFORMATION

- Chairman Givens moved, seconded by Commissioner Pollard, to approve **Resolution #2000-40 Concerning the Release of Information**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

RESOLUTION TO PURCHASE REAL PROPERTY

- Commissioner Pollard moved, seconded by Commissioner Holland, to approve **Resolution #2000-41 to Purchase Certain Real Property**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

CHATHAM EDUCATION FOUNDATION

- **Chatham Education Foundation:** Presentation by the Chatham Education Foundation

Phillip Cates, Executive Director, asked that the Board consider a request for a one-time funding of a

demonstration program designed to improve at-risk and minority student academic performance at Moncure, Pittsboro Elementary, and J. S. Waters Schools, while increasing minority participation and the County's average SAT scores. He stated that the effort, which is to be funded by several corporate sponsors as well, would cost a total of \$155,150.

The Board is to consider funding the request at their next regularly scheduled Board of Commissioners' meeting on November 20, 2000.

CHATHAM COUNTY HEALTH DEPARTMENT

Grant Funds Acceptance by the Chatham County Health Department: Consideration of a request for approval to accept Smart Start grant funds in the amount of \$41,470 for the Chatham County Health Department and to create a limited term Social Worker II position for the Focus on Father's Program

Commissioner Holland moved, seconded by Commissioner Pollard, to approve acceptance of additional funding in the amount of \$41,470 awarded to the Chatham County Health Department and approve the creation of a limited term Social Worker II Focus on Father's position. The motion carried five (5) to zero (0).

Grant Funds Acceptance by the Chatham County Health Department: Consideration of a request for approval to accept Smart Start grant funds in the amount of \$21,988 for the Chatham County Health Department and to create a limited term Processing Assistant III Immunization Assurance position

Commissioner Phillips moved, seconded by Commissioner Holland, to approve acceptance of additional funding in the amount of \$21,988.00 awarded to the Chatham County Health Department and approve the creation of a limited term Processing Assistant III Immunization Assurance position. The motion carried five (5) to zero (0).

DEPARTMENT OF SOCIAL SERVICES

Electing/Standard Work First Status: Consideration of a request to reconsider County's declaration to the State to change from Electing to Standard County

Commissioner Phillips moved, seconded by Commissioner Holland, to approve the change of the County's declaration to the State from "Electing" to "Standard" County. The motion carried five (5) to zero (0).

BOARDS AND COMMITTEES

Adult Care Home Committee Appointment: Consideration of a request to appoint a member to the Adult Care Home Committee

This item was deferred until a later date.

Chatham Trades Board Appointment: Consideration of a request to appoint/reappoint a member to the Chatham Trades Board of Directors

This item was deferred until a later date.

Town of Siler City ETJ Appointment: Consideration of a request to appoint an ETJ member to the

Siler City Town Planning Board/Board of Adjustment

Commissioner Pollard moved, seconded by Commissioner Phillips, to approve the appointment of Jeff Brewer to serve as an active ETJ member of the Town of Siler City Planning Board/Board of Adjustment. The motion carried five (5) to zero (0).

Agriculture Advisory Committee Appointment: Consideration of a request to appoint a members to the Ag Advisory Committee by Commissioner Holland

Commissioner Holland appointed Clarence L. Durham, 470 Andrews Store Road, Pittsboro, NC to the Agriculture Advisory Committee.

Commissioner Holland appointed Charles Glosson, 9435 Hwy. #87 North, Pittsboro, NC to the Agriculture Advisory Committee.

Strategic Plan Committee Appointment: Consideration of a request to appoint a member to the Strategic Plan Committee by Commissioner Pollard

Commissioner Pollard appointed Sharon LaPalme, 55 Roy Hatley Road, Pittsboro, NC, to the Strategic Plan Committee.

BOARD OF COMMISSIONERS' MATTERS

Newcomer's Program: Consideration of a request to fund Chatham County Schools' Newcomer's Program

Charlie Horne, County Manager, explained that the Newcomer's Program is to provide intense language, academic, and culture training for students that have recently entered Chatham County Schools and their first public education in the United States; that a program will be designed to help students with intensive English so that the students and regular classroom teachers can communicate and make their education successful; that classes will include opportunities for academics and cultural learning and experiences; that the program will include three teachers, three teacher assistants, and funds for supplies and materials at a half-year cost of \$129,000.

After considerable discussion, the Board postponed action on the request until their November 20, 2000 meeting.

Carolina Meadows Settlement Agreement: Consideration of a request for approval of settlement agreement with Carolina Meadows

Chairman Givens moved, seconded by Commissioner Outz, to approve Carolina Meadows, Inc. untimely application (**Resolution #2000-42**) for property tax exemption to the extent provided in the contract between the County and Carolina Meadows dated October 27, 2000 and to authorize the Chairman of the Board to execute on behalf of the County. The motion carried five (5) to zero (0). The resolution is attached hereto and by reference made a part hereof.

MANAGER' S REPORTS

Well Ordinance:

The County Manager explained that the Chatham County Board of Health has approved the Ordinance Governing the Construction and Abandonment of Wells in Chatham County and that it is now ready for formalization as an ordinance by the Board of Commissioners.

Commissioner Pollard moved, seconded by Commissioner Outz, to approve the **Ordinance Governing the Construction and Abandonment of Wells in Chatham County**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Board of Commissioners' Retreat:

By consensus, the Board decided to hold their annual retreat on December 6 and 7, 2000.

Employee Computer Purchase:

Commissioner Phillips moved, seconded by Commissioner Pollard, to award the bid for the Chatham County Employee Computer Purchase to Dell Marketing L.P., attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Carnivore Preservation Trust:

By consensus, the Board decided to visit the Carnivore Preservation Trust on an individual basis.

COMMISSIONERS' REPORTS

Chairman Givens thanked everyone for their support during the meeting.

Commissioner Outz questioned the misappropriation of JOCCA funds.

JOCCA:

Commissioner Outz voiced concern with regard to the missing JOCCA funds, and moved to ask the State Bureau of Investigation (SBI) to investigate. Chairman Givens seconded the motion.

The County Manager explained that the Board had withheld funds from JOCCA for a time until it was satisfied that JOCCA had responded to their inquiry; that those funds were then released; that funds can always be withheld in the future if the Board is not satisfied with what JOCCA is doing; that the matter is not a jurisdictional item for Commissioners; and that all the Board can suggest is that the State look into the matter, that it is a State decision.

After considerable discussion, Chairman Givens withdrew his second to the motion and the matter died for lack of a second.

Addendum Authorizing Release of Information:

Chairman Rick Givens moved, seconded by Commissioner Pollard, to add a further section to the resolution as follows;

“This resolution shall be null and void if this controversy is resolved by 5:00 PM, November 7, 2000, by withdrawal of the termination letter and by Mr. Collins' retirement.”

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

ADJOURNMENT

- Commissioner Outz moved, that there being no further business to come before the Board, the meeting be adjourned. Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0), and the meeting was adjourned at 1:09 PM.

Rick Givens, Chairman

ATTEST:

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