

**MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING FEBRUARY 21, 1994**

The Board of Commissioners (the "Board") of the County of Chatham, North Carolina, met in regular session in the District Courtroom, located in the Courthouse Annex, Pittsboro, North Carolina, the regular place of meeting, at 7:00 p.m., on February 21, 1994.

ATTENDANCE

Present: Chairman Dunlap; Commissioners Holland, Holmes, Hanner and Murchison; County Manager Ben Shivar; County Attorney Robert L. Gunn; and Clerk to the Board Sandra B. Cape.

Absent: None

The meeting was called to order at 7:00 p.m.

AGENDA

The County Manager stated that the staff had added several items to the original Agenda and a copy of the revised Agenda was distributed to the Commissioners. The Manager reviewed the changes as follows: Item 6a concerning North Carolina Wildlife Critical Habitat proposed regulations; Item 21 - Resolution for Earl Thompson; Item 22 - Rules of Procedure for Board of Commissioners; Item 23 - Work Sessions for Board Meetings; Item 24 - Manager's Reports; Item 25 - Commissioners' Reports; and an Executive Session to discuss property acquisition and personnel matters.

Commissioner Murchison moved to approve additions of the agenda as outlined by the Manager. Commissioner Hanner seconded the motion.

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

Commissioner Holmes moved that the matter of the John A. Mason House on Corp of Engineers' property be added to the agenda as a separate item, Item 25a. Commissioner Murchison seconded the motion.

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

Commissioner Holland moved that discussion regarding an Ordinance prohibiting parking and fishing off of County bridges be added as Item 25b, and Partnership Acts for Criminal Justice be added as Item 25c. Commissioner Hanner seconded the motion.

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

Commissioner Holmes moved that the Board approve the Agenda, as amended. Commissioner Murchison seconded the motion.

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

CONSENT AGENDA

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

Commissioner Holmes moved that the Board approve the items listed on the Consent Agenda as presented. Commissioner Holland seconded the motion. The Consent Agenda, with the vote of each

item, is as follows, and was read verbatim by the Clerk to the Board:

1. **Minutes:** Approval of the following minutes:
A. February 7, 1994

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

2. **Tax Assessor - Tax Releases and Tax Refunds:** Request for Approval.

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

3. **Tax Assessor - Solid Waste Disposal Releases:** Consideration of a request for approval.

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

4. **Tax Assessor - Solid Waste Disposal Fees Paid in Error:** Consideration of a request for approval.

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

5. **Health Department - State Funds:** Consideration of acceptance of additional state funds allocated to the Family Planning and Environmental Health Programs of the Health Department (Budget Amendment #38).

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

6. **Health Department - Out-of-State Travel:** Consideration of a request for out-of-state travel for educational purposes.

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

BOARD MATTER

North Carolina Wildlife Resources Commissioner, Division of Wildlife Management - Critical Habitat - Proposed Changes in Definition.

The County Manager stated that this item was brought to the Board's attention by citizens who are concerned about the North Carolina Wildlife proposed changes in the critical habitat regulations. He noted the following: (a) There was a public hearing concerning this issue scheduled and held on Thursday, February 17, 1994, in Raleigh; however, due to the inclement weather that evening, the public hearing has been rescheduled for Wednesday evening, February 23, 1994; (b) The staff has met with officials of the Wildlife Commission to ascertain the nature of the proposed rule changes; and (c) Information and a proposed draft letter setting out the staff's concerns was forwarded to the Commissioners prior to the meeting. The Manager requested direction from the Board on the proposed letter drafted by the staff, including whether or not to send a letter, changes and/or additions to the draft letter, etc.

The Chairman asked that Mr. Tam de'St. Aubin, a member of the Wildlife Resources Commission, make his presentation to the Board.

Mr. de'St. Aubin stated that he was accompanied by Mr. Randy Wilson, Division Chief of the Non-Game Division of the North Carolina Wildlife Resources Commission, and requested that Mr. Wilson explain this issue to the Board.

Randy C. Wilson explained the proposed changes in the definition of Critical Habitat, as proposed by the North Carolina

Wildlife Resources Commission. Members of the Board asked Mr. Wilson questions regarding the consequences this change in the rules might have on Chatham County. After some discussion, the Chairman thanked Mr. Wilson and Mr. de'St. Aubin for coming to the meeting on short notice and for the information they had provided.

The Public Works Director stated that his main concern was the regulations being put on the entire watershed area for the County which seem to be as strict for minor creeks as it was for major rivers. The Economic Development Director stated her concerns as to how this rule change could affect industrial development for the County.

Michael Shore, a Chatham County resident, commented on the proposed rule change, and requested that the Board not send the letter as drafted. He asked that, if the Board wished to send a letter to the Wildlife Commission, that the letter be more in support of the proposed changes.

Connie Allred, a Siler City resident, stated that she did not believe that the need for a waste water treatment plant in Goldston was a valid concern in this matter since a water treatment plant in Goldston would only improve the water quality for that area.

Liz Cullington, a Chatham County resident, stated that this proposed rules change pertains to the definition of "critical habitat" relative to Wildlife Resource Commission designation. She stated that a "definition" portion of a proposed law is not the place to consider economic impact.

John Kent, a Chatham County resident, stated that this proposed change was only for definition purposes and requested that the Commissioners support the proposal of the Wildlife Commission.

The Board directed that the Manager, the Public Works Director, the Director of Economic Development and the Planning Director work together and re-write the letter to the Wildlife Resources Commission setting forth the Board's concerns on this issue.

PUBLIC WORKS

Solid Waste/Recycling Issue:

Bennett Collection Center: The Manager stated that residents of the Bennett Community have requested that a solid waste/recycling collection center be built in their community, which request was considered at the Board of Commissioners meeting held February 7, 1994. However, no action was taken by the Board at that time. He noted that the Solid Waste Task Force had considered this matter and recommended that the Board give favorable consideration to this request.

Commissioner Holmes moved that the Board not approve the construction of a solid waste/recycling collection center in the Bennett Community.

The motion died for lack of a second.

Commissioner Murchison moved that the Board approve construction of a collection center to be located in the Bennett Community as recommended by the Solid Waste Task Force. Commissioner Hanner seconded the motion.

After discussion, the motion carried four (4) (Chairman Dunlap; Commissioners Murchison, Hanner, and Holland) to one (1) (Commissioner Holmes).

Hadley Collection Center: The Manager stated: that a Petition had been received from property owners and residents on the East Perry Road, near the site of a collection center scheduled for construction at the corner of NC 87 and East Perry Road; and the basis of the petition was that the Petitioners felt the intersection was dangerous and that their neighborhood would be threatened by an increased level of traffic. The Manager introduced Judith Andrews, spokesperson for the East Perry Road residents.

Judith Andrews, East Perry Road, Pittsboro, North Carolina, stated that she represented the residents of East Perry Road who opposed the collection center site for the following reasons: (a) the County failed to notify property owners properly of its intent to site the facility at this location; (b) the land on East Perry Road is protected by restrictive covenants, which do not allow this type of facility; (c) the facility is to be located on property owned by an out-of-County church; (d) fear that church members, who are not residents of Chatham County, would use this collection site for their own purposes; and (e) unsafe access to the collection center due to difficult intersection. Ms. Andrews requested that the Board reconsider its decision to place a collection center at this location.

The Public Works Director stated the collection center site property is completely surrounded by Mt. Olive Baptist Church property; that the closest piece of property to the collection center boundary (other than the Church) is 800 feet to the north; a public meeting was held in the area prior to the decision; this center is not within site distance of any of the residences in this area; numerous meetings have been held with Church members, 50% of whom are Chatham County residents; the Church asked for recycling privileges to be given to its Alamance County members but was denied; and a DOT representative has looked at this intersection, which currently has a site distance of 590 feet which exceeds site distance criteria; however, it is recommended that the berm on the northeast corner be cut back to further enhance site distance and that a few pines at that intersection be trimmed back approximately 30 feet to improve site distance from the northwest corner.

Commissioner Holmes moved that the Board endorse its decision to construct the solid waste/recycling center on property leased from Mt. Olive Baptist Church on East Perry Road, and that the staff be directed to keep a screen of trees on the road, cut back the berm on the northeast corner, and cut back some of the trees on the right-of-way on the northwest corner. Commissioner Holland seconded the motion.

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

Water Issue:

Snow Camp Road (S.R. 1004) - Water Line Extension: The Public Works Director stated that this issue was before the Board at its last meeting and was deferred to the Water Committee for consideration. He noted that this issue was considered by the Water Committee in the past; however, it was discussed again. He noted that it was the County's policy not to extend water lines in the town's planning jurisdiction, and, based upon that precedent, the Water Committee did not take action but recommended that sampling of the ground water be taken to find out the extent of the problem at this time.

Commissioner Holmes moved that the Health Department check the water quality at various wells in the Snow Cape Road area and report to the Board at the March meeting; if there is a health hazard, then the County will meet with the Town of Siler City and pursue some answer to the problem. Commissioner Hanner seconded the motion.

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

The Chairman recognized Eleanor H. Paige, a resident of Windsor Arms Apartments, 3-H, Siler City, North Carolina, who stated that she had presented Commissioner Hanner and the Health Department Director with a petition from residents of the Snow Camp Road area requesting relief from the health problems existing in the water in her community (a copy of said Petition is attached hereto and by reference made a part hereof).

Dr. M. Phillip McCleave, 1954 Snow Camp Road, Siler City, North Carolina, ask for assistance from the County in eliminating this well water problem and requested that the County consider offering financial assistance. He stated that his water had been tested in the past, and he had been informed that the water was contaminated. He requested that the County take action on this problem as soon as possible and consider extending financial assistance to solve the problem.

Albert McClain, 715 East Hill, Siler City, North Carolina, requested action by the County to help with the problem of contaminated water. He questioned the possibility of the County waiving tap fees for non-profit organizations in this area.

A discussion ensued regarding grant funds, such as the Kellogg Grant, which might be available for this issue. The Health Director explained the Kellogg Grant coalition, availability of funds, and matching funds requirement.

Water Supply Plan for Chatham County: The Public Works Director gave a presentation on the Water Supply Plans for the East Chatham Water System, the Southwest Chatham Water System, and the North Chatham Water System. He explained that: (a) these Water Supply Plans have been prepared in response to General Statute 143-355(1); (b) the consulting engineering firm of Finkbeiner, Pettis & Strout updated the County's water system feasibility study; (c) based on the feasibility study, the County staff and Water Committee prepared a Water System Development and Fiscal Plan; (d) the Plans have been submitted to the Public Water Supply Section Chief who has commented that the plans were satisfactory; (e) the purpose of the draft plans is to format these documents to conform with the State model plan; and (f) once these documents are officially approved by the Water Supply Section, the Board will be required to formally approve the Water Supply Plans. The Public Works Director asked that the Board pay particular attention to the point at which the water supply meets demand projections for the North Chatham Water Supply area, which is expected to occur in 1996.

Solid Waste\Recycling

Resolution Declaring Property Surplus and Authorizing the Public Works Director to Proceed with Negotiations to Dispose of Said Property by Exchange of Property: The Public Works Director requested the Board approve the Resolution (attached hereto, marked Resolution No. 94-6).

Resolution 94-6: Commissioner Holmes moved that the Board approve Resolution Declaring Property Surplus and Authorizing the Public Works Director to Proceed with Negotiations to Dispose of Said Property by Exchange of Property (Resolution Number 94-6, a copy of which is attached hereto and by reference made a part hereof). Commissioner Holland seconded the motion.

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

EMERGENCY OPERATIONS

Road Names

Naming Private Roads: Anna Belle Drive, Big Oak Drive, Grayson Jenkins Road, Herring Path, Shad Lane, Johnson Farm Road, and Woollyworm Drive: The Manager stated that petitions had been files requesting several private roads be named as set forth in the petitions.

Commissioner Holmes moved that the petitions be approved for the following private road names: Anna Bell Drive, Big Oak Drive, Grayson Jenkins Road, Herring Path, Shad Lane, Johnson Farm Road, and Woollyworm Drive. Commissioner Holland seconded the motion.

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

HEALTH DEPARTMENT

General Health Services

\$15,000 Maternal Care Coordination (MCC) Grant/New MCC Social Worker II Position: The Manager stated that the preliminary budget requests that the MCC Social Worker II position be a continued position through the up-coming fiscal year. This \$15,000 would apply toward this position from the hire date through June 30, 1994. The Health Director explained this grant and the position as it impacts the County's health program in the area of maternal care.

The Manager stated that there will be indirect costs, such as space, equipment, personnel administration, etc., associated with this additional personnel position.

Commissioner Holmes moved to accept Medicaid grant monies of \$15,000 from the Maternal Care Coordination (MCC) Grant, approve a new MCC Social Work II position in the Health Department, and approve **Budget Amendment #39** (a copy of which is attached hereto and by reference made a part hereof). Commissioner Murchison seconded the motion.

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

ECONOMIC DEVELOPMENT

Industrial Client Incentive

Budget Amendments 35 and 36: The Manager requested that the Board approve Budget Amendments 35 and 36 appropriating funds in the amount of \$50,000 necessary to pay for roof repairs to the Selig Building in Siler City. He stated that the Board approved this Industrial Client Incentive at its February 7, 1994 meeting.

Commissioner Holmes moved that the Board approve **Budget Amendments #35 and #36** to transfer funds necessary for the roof repairs to the Selig Building as an Industrial Client Incentive. Commissioner Murchison seconded the motion.

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

BOARDS AND COMMITTEES

Chatham County Board of Health: Commissioner Holmes moved that the Board approve the re-appointments of Marva Price, Elva Butler and Vaughn Upshaw to the Chatham County Board of Health,

each for a three-year term effective July 1, 1993, through June 30, 1996. Commissioner Holland seconded the motion.

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

Orange-Person-Chatham Mental Health, Developmental Disabilities and Substance Abuse Authority Board: Commissioner Holland moved to re-appoint Dr. Byron Hoffman and Alice J. Noell to the Orange-Person-Chatham Mental Health, Developmental Disabilities and Substance Abuse Authority Board, each for a four-year term effective January 1, 1994, through December 31, 1997. Commissioner Holmes seconded the motion.

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

Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Transportation Advisory Committee (TAC)

and

Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Technical Coordinating Committee (TCC):

Commissioner Holmes moved that the Board appoint Commissioner Holland as the representative to the TAC; appoint the Planning Director as the representative to the TCC; appoint the Land Use Administrator as the alternate representative to the TCC; and one of the other Board members as the alternate to the TAC. Chairman Dunlap, Commissioner Murchison and Commissioner Hanner each stated that they would not be able to serve as the alternate representative to the TCC and requested that Commissioner Holmes serve in that capacity. Commissioner Holmes agreed. Commissioner Murchison seconded the motion.

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

Domiciliary Home Community Advisory Committee for Chatham County: Renee Dickson, Assistant to the County Manager, stated that Mae T. Marsh, who was appointed to the Domiciliary Home Community Advisory Committee at the last Board meeting, declined the appointment. She advised that Carole Donner has been interviewed by the Chair of this Committee and has indicated that she is willing to serve. The Assistant to the County Manager requested that the Board appoint Carole Donner, which would leave one vacancy on this Committee yet to be filled.

Commissioner Holmes moved that the Board appoint Carole Donner to the Domiciliary Home Community Advisory Committee for Chatham County for a three year term to expire January 31, 1997. Commissioner Holland seconded the motion.

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

BOARD MATTERS

Renovation to Administrative Section of Courthouse Annex Building - Budget Amendment #37: The Manager stated that plans had been drawn for renovations to the Administrative Section of the building utilizing the space which was formerly the Commissioners Meeting Room as a reception area and administrative office, and providing for three offices and a conference room in the current office area. He advised that renovations are expected to cost \$25,000.00 and requested that the Board approve Budget Amendment #37 authorizing the transfer of funds from Account 10-684-601 (Transfer to Building Projects) to Account 10-500-741 (Courthouse Annex Renovations).

Commissioner Holmes moved that the Board approve **Budget Amendment #37**, a copy of which is attached hereto and by reference made a part hereof. Commissioner Holland seconded the motion.

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

Grant Applications - Chatham County Dispute Settlement Program and Chatham County District Attorney's Office: The Manager stated that he had been requested to sign two (2) grant applications, one each by the Dispute Settlement Program and the District Attorney's Office. He requested that the Board authorize the Finance Officer to accept and disburse funds on these two grant programs if awarded.

Commissioner Holmes moved that the Board authorize the Finance Officer to accept and disburse grant funds, if awarded, through the North Carolina Department of Crime Control and Public Safety, Governor's Crime Commissioner for Chatham County Dispute Settlement Program under the "Resolve Project" and for Chatham County District Attorney's Office under the "Trust Project." Commissioner Holland seconded the motion.

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

Earl Thompson Resolution from the North Carolina Association of County Commissioners: The Manager stated a "Resolution in Memoriam" honoring Earl Thompson had been received from the North Carolina Association of County Commissioners, a copy of which is attached hereto and by reference made a part hereof. The Manager read the Resolution.

The Board directed the Clerk to verify that Mr. Thompson's passing would be recognized at the next State Conference of the North Carolina Association of County Commissioners.

Rules of Procedure for the Board of Commissioners: The Manager stated that there were several items in the proposed Rules of Procedure which the Board had requested be reviewed at this meeting.

Commissioner Holmes moved that the Board approve all the Rules of Procedure, Subsections 1 through 13, except number 7. Commissioner Murchison seconded the motion.

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

Commissioner Holmes moved to delete proposed Rule 15, Renewal of a Motion, out of the Rules of Procedure. Commissioner Murchison seconded the motion.

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

The Chairman asked that the Board consider Rule 7: "Powers of the Chair" with respect to points of parliamentary procedure. He requested that the Clerk be given the authority to advise the Chair on points of parliamentary procedure, and that the Chair be empowered to rule on such points.

After discussion, Commissioner Murchison moved that the Clerk to the Board rule on points of parliamentary procedure. Commissioner Hanner seconded the motion.

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

Resolution 94-7: Commissioner Holmes moved that the Board approve the proposed Rules of Procedure for the Chatham County Board of Commissioners as presented with revisions as set out by above stated motions, and, further, that the revisions be made and

a final copy be furnished to each member of the Board (a copy of said Rules of Procedure for the Chatham County Board of Commissioners is attached hereto as **Resolution 94-7**, and by reference made a part hereof). Commissioner Holland seconded the motion.

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

Work Sessions for Board Meetings: The Manager asked if the Board wished to discuss this matter or delay until a future meeting.

It was the general consensus of the Board that, due to the lateness of the hour, discussion of possible work sessions for Board meetings would be delayed until a future meeting.

Manager's Report

NACCo Legislative Conference: The Manager noted that for those attending the National Association of County Commissioners Legislative Conference next week, pre-registration for the meeting with Congressmen on Tuesday morning had been confirmed. He stated that a package of information on the conference would be sent to the Commissioners who are attending.

Bonlee Collection Center: The Manager stated that the entrance to the Bonlee is being redesigned. He informed the Board that there was a problem with site distance for ingress and egress to this center; therefore, the center has been temporarily closed, notification flyers have been distributed in the area announcing the closing, and green box sites opened until this problem can be solved.

Commissioner Reports

TAC: Commissioner Holland reported that the Jack Bennett Road and Laurel Hill Road had been taken off the connector; alternative routes are being considered; and Jack Bennett Road will be widened for safety.

Smart Start: Commissioner Holland stated that she would report on the status of Chatham County's bid for Smart Start at the next meeting due to the lateness of the hour.

Criminal Justice Partnership Act: Commissioner Holland stated that she and the Assistant to the County Manager had attended the workshop on Criminal Justice, which dealt with each county having a Criminal Justice Partnership Board. She stated that Chatham County was to receive \$66,000 if the County makes proper application.

Commissioner Holland moved that the staff proceed with establishing a Criminal Justice Partnership Advisory Committee and investigate the possibility of making this Committee a multi-county committee with Lee County, Orange County and/or other counties in an effort to save money; and, further, to bring the findings of this investigation before the Board at a later date. Commissioner Murchison seconded the motion.

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

Bridge Dangers - Parking and Fishing: Commissioner Holland stated that automobile parking and pedestrian fishing from bridges in the County, particularly on the bridges on NC 751 and SR 1008. She noted that there are crowds, particularly at night, standing on these bridges. Commissioner Holland advised that she had discussed this matter with Marty Tillman, DOT County Maintenance Engineer, who stated that the State cannot put up signs prohibiting fishing

from bridges that are not located on access roads unless the County passes an ordinance.

Commissioner Holland moved that the County Attorney develop an ordinance regulating parking and fishing on Chatham County bridges, particularly those on NC 751 and SR 1008, if not already covered by State Statute. Commissioner Holmes seconded the motion.

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

John Mason House: Commissioner Holmes stated that the John Mason house is probably one of the finest historical houses in Chatham County, surrounded on three sides by the lake.

Commissioner Holmes moved that the Board authorize the staff to send a letter to the Corp of Engineers asking them to get a sublease from the Triangle Land Conservancy, which has requested use of this house for their office facility, and that the letter express the Board's concern that this house, on the National Register of Historic Sites, has been allowed to deteriorate; and that the letter be sent to Senators Faircloth and Helms, Representatives Price and Valentine, Chatham Record, Durham Herald, Chapel Hill News, News and Observer, Orange, Durham, and Wake Boards of Commissioners, and those persons listed on the letter from the State Historic Preservation Officer, Department of Cultural Resources, to the Corps of Engineers, a copy of which was received by the Board. Commissioner Holland seconded the motion.

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

EXECUTIVE SESSION

Commissioner Murchison moved that the Board go out of regular session and into executive session to discuss a possible property acquisition and a personnel matter. Commissioner Hanner seconded the motion.

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

REGULAR SESSION


Commissioner Holmes moved that the Board go out of executive session and into regular session. Commissioner Holland seconded the motion.

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

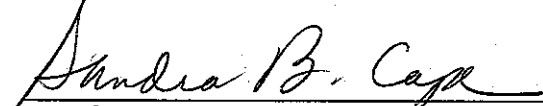
ADJOURNMENT.

Commissioner Murchison moved that the meeting adjourn. Commissioner Hanner seconded the motion.

The motion carried five (5) to zero (0) and the meeting was adjourned at 11:15 p.m.


Henry H. Dunlap, Jr., Chairman

ATTEST:


Sandra B. Cape, Clerk to the Board