

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING, JULY 18, 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 6:00 p.m., on July 18, 1994.

ATTENDANCE

Present: Chairman Henry H. Dunlap, Jr.; Vice Chair Uva Holland; Commissioner Margaret Bryant Pollard; Commissioner E. T. Hanner; County Manager Ben Shivar; County Attorney Robert L. Gunn; and Clerk to the Board Sandra B. Lee

The meeting was called to order by the Chairman at 6:00 p.m.

AGENDA

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

Commissioner Holmes asked that she be excused from Item #8, "Secondary Road Funds" Issue and from voting on same.

Commissioner Hanner moved to approve the agenda as presented with the above noted request. Commissioner Pollard 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 to approve the items listed on the Consent Agenda as read by the Clerk. Commissioner Pollard seconded the motion. The Consent Agenda, with the vote on each item is as follows, and was read verbatim by the Clerk to the Board:

1. **Minutes:** Approval of the minutes of the Regular Meeting, July 5, 1994

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

2. **Public Works/Recycling -Household Hazardous Waste Collection Facility:** Consideration of interlocal agreement between Wake, Durham, Orange and Chatham County for development and operation of a residential household hazardous waste collection facility

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

3. **Public Works/Recycling -Household Hazardous Waste Operations:** Consideration of agreement with Triangle J Council of Governments to perform contract administration for household hazardous waste operations as well as preparation of educational brochures and other related materials

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

4. **Health Department - March of Dimes Birth Defects:** Consideration to accept \$2,000 in grant funds from the Eastern Carolina Chapter of the March of Dimes Birth Defects Foundation

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

5. **Domiciliary Home Community Advisory Committee:** Consideration of a request to appoint Robert Jacques, MD to the Domiciliary Home Community Advisory Committee with term to expire January 31, 1997

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

6. **Transportation Advisory Committee:** Consideration of approval of disbursement of funds from Elderly and Disabled Transportation Program and Medicaid Transportation Program

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

- 6a. **Meeting Date Change:** Consideration of a request by the Manager to change the Board of Commissioners August meeting date from the first and third Monday of the month to the second Monday, (August 8, 1994) and fourth Monday, (August 22, 1994) due to two Board members attending the NCACC Conference

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

EMERGENCY OPERATIONS

Naming of Private Roads: Consideration of a request from citizens for the naming of private roads in Chatham County:

- (A) Petition to name Webster Road
- (B) Petition to name Pokeberry Lane
- (C) Petition to name Auburn Lane

Commissioner Holmes moved to approve these petitions. Commissioner Hanner seconded the motion.

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

ECONOMIC DEVELOPMENT

Secondary Road Funds: Consideration of a request to adopt a Resolution requesting NC DOT to use Secondary Road Funds and Economic Development Funds for an industrial road

Commissioner Holmes left the meeting.

Commissioner Holland moved to adopt the Resolution. A copy of the Resolution #94-25 is attached hereto and by reference made a part hereof. Commissioner Hanner seconded the motion.

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

Commissioner Holmes reentered the meeting.

BOARD OF COMMISSIONERS MATTERS

Bloodborne Pathogens Training Contract: Consideration of a request by the Assistant to the County Manager to approve a contract for training services

Commissioner Pollard moved to adopt the "Contract for Consulting Services between Donna Smith Johnson and Chatham County". A copy of the contract is attached hereto and by reference made a part hereof. Commissioner Holland seconded the motion.

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

North Chatham Fire Department: Consideration of a contract by and between Chatham County and North Chatham Fire Department

County Manager, Ben Shivar, suggested an extension of the contract until August 8, 1994.

Bill Lowery, of North Chatham Fire Department, Route 7, Box 815, Pittsboro, NC, suggested an extension of the contract. He also suggested a separate contract for the STAR Team.

Commissioner Holmes moved to extend the contract by and between Chatham County and North Chatham Fire Department until August 8, 1994 at which time the Board will review the new contract. Commissioner Pollard seconded the motion.

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

STAR Team: The Manager advised of his meeting during the week, dealing with the issue of the STAR Team with which the Board dealt in their last meeting.

Commissioner Pollard read a letter dated July 11, 1994, and sent to the Manager from Wayne Stroud, Vice-President of North Chatham Board of Directors regarding the STAR Team, equipment and vehicles.

Commissioner Holmes moved to add Chatham Rescue Squad to the contract. Commissioner Hanner seconded the motion.

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

Open Meetings: Commissioner Pollard expressed a desire to have an open period in Board meetings for Chatham County citizens who wish to share ideas with the Board. She stated that it would be an opportunity for individuals to speak for a maximum of two-three minutes in an open period of fifteen minutes. She asked that the Board discuss details at the August meeting.

Smart Start Legislation: Commissioner Holland expressed delight upon hearing that the Legislature had passed the Smart Start additions.

Siler City Airport: Commissioner Holmes read excerpts from a letter from Secretary of Transportation, Sam Hunt, that the State is giving matching monies of \$26,000 to the hanger access, \$96,000 to parallel taxi way, and \$76,000 to expand the aircraft parking.

STAR Team: Commissioner Holland moved to authorize the Manager to negotiate the contract with the STAR Team. Commissioner Holmes seconded the motion.

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

Domiciliary Committee: Chairman Dunlap advised that the Domiciliary Committee has accepted Dr. Robert Jacques as a member of this advisory committee.

Economic Development Regions: Commissioner Holmes advised that the Economic Development Commission will meet on July 19, 1994. She stressed the importance of Melanie O'Connell Underwood attending the meeting. The meeting to be held at J. S. Waters' Library, will deal with long range planning for the County.

Commissioners Dunlap, Pollard, and Holland stated that they would attend the meeting.

RECESS

The Chair recessed the meeting until 6:55 p.m.

The Chair reconvened the meeting at 7:00 p.m.

BOARDS AND COMMITTEES

Private Industry Council Chatham County Committee: Consideration of an appointment to serve balance of term of resigning member of the PIC, Melanie O'Connell Underwood

Commissioner Pollard expressed a desire for the Board to advertise for this position so that the public would have an opportunity to apply for the community based organization position.

Gerald Totten, 108 Petty Road, Siler City, NC, requested that the resignation of the current PIC membership, not be accepted until the PIC is recertified.

Commissioner Pollard moved to not accept the resignation of Melanie O'Connell Underwood and that the County advertise for this position. Commissioner Holland seconded the motion.

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

Private Industry Council Chatham County Committee: Consideration of extension of the appointment of Gerald Totten through December 31, 1994

Chairman Dunlap stated that the PIC Committee, through Mr. Roger Sheets, had commented that Mr. Totten was the best chairman that the committee had ever had.

Commissioner Hanner moved to extend the term of Gerald Totten on the PIC Committee through December 31, 1994. Commissioner Holland seconded the motion.

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

TAX ASSESSOR

Public Hearing

1995 Revaluation: Public Hearing to receive public comment on the proposed schedules of values, standards, and rules to be used for the 1995 revaluation

Kim Oldham, Property Appraiser introduced Mr. Ernest Roberts, Project Manager of the Revaluation, who spoke regarding manual preparation which was based on buildings, land, and land use.

Commissioner Pollard suggested that a manual be kept in the public library for easy accessibility for the public.

There was no one who wished to make public comment.

PLANNING AND ZONING

Public Hearing

University Lake Zoning: Public Hearing to receive public comment on a proposal by the Chatham County Board of Commissioners to change the zoning of land draining to University Lake from RA-90 to RA-40

Judy Cox, with the OWASA Board, spoke against rezoning.

Joe Capowski, Chapel Hill Town Council member, asked the Board to not act on the zoning proposal until the September or October meeting.

Lori Franklin, 130 Tall Oaks Road, Pittsboro, NC, spoke against rezoning.

Tom Scheitlin, Route One, Box 639, Mann's Chapel Road, Pittsboro, NC, spoke against rezoning.

Randy Voller, PO Box 14225, spoke for rezoning.

James Womble, Route 5, Box 345, Chapel Hill, NC, spoke, against rezoning.

George Bryan, Route 15, Box 342, Chapel Hill, NC, spoke against rezoning.

David Hackney, Route 3, Box 310, Chapel Hill, NC, spoke for rezoning.

Mike Tysor, Route 6, Pittsboro, NC, spoke against rezoning.

Gerald Featherstone, #3 Winterberry Way, Pittsboro, NC, spoke against rezoning.

Susie Nargi, 104 Valley Place, Chapel Hill, NC, asked whom had initiated the rezoning proceedings.

Patrick Miller, 108 Turtle Creek Road, Apex, NC, asked if the rezoning is passed, would land still have to pass tests such as perk tests.

Public Hearing

Conditional Use Permit: Public Hearing to receive public comment on a request by Mary Hardin for a revision to a Conditional Use Permit for four residential units in Cole Place Planned Unit Development to be used for after school program

There was no one who wished to make a public comment.

Public Hearing

Goldston Solid Waste/Recycling Collection Center: Public Hearing to receive public comment for subdivision sketch, preliminary, and final approval for Goldston Solid Waste/Recycling Collection Center

There was no one who wished to make a public comment.

Commissioner Holmes moved for approval of sketch, preliminary, and final approval with a storm water management plan that includes the management of the first 1/2 inch of storm water on-site. Commissioner Pollard seconded the motion.

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

RECESS

The Chair called for a ten minute recess.

PERSONNEL MATTER

The Chair announced that the Board would hear Rebecca Henley's appeal from being dismissed. Mrs. Henley was personally present and represented by attorney David Rooks of Chapel Hill, NC.

Prior to the beginning of the personnel hearing for Rebecca Henley, a waiver of confidentiality was filed with the Clerk to the Board. Counsel for Mrs. Henley stated in open session that Mrs. Henley desired the hearing to be public. A summary of the witness' testimony at the personnel hearing is as follows:

Mrs. Barbara Garcia, Director of Library Services for Chatham County was the first witness called on behalf of the County.

She testified that on May 20, 1994 she went to the Pittsboro Library for the purpose of having a meeting with Rebecca Henley to discuss complaints she had had primarily concerning Mrs. Henley's treatment of fellow employees, particularly an employee under her supervision. Mrs. Garcia had called Mrs. Henley the previous afternoon and notified her of the meeting. Mrs. Henley had agreed to meet at 9:00 AM. on May 28, 1994. Shortly after the telephone conference in which the meeting was arranged, Mrs. Henley called Mrs. Garcia and communicated her refusal to meet unless Mrs. Garcia would provide her with a written agenda prior to the meeting. Mrs. Garcia indicated to Mrs. Henley at that time there would be no written agenda but they would have the meeting.

Mrs. Garcia arrived at the library shortly before or about the time scheduled for the meeting and advised Mrs. Henley that it was time to begin the meeting. At that time, there were no persons present, except for Mrs. Henley and Mrs. Garcia. Mrs. Henley stated in a loud voice to Mrs. Garcia that she refused to meet unless she had a written agenda and a witness present and continued to go about her work at the library. Mrs. Garcia repeatedly told Mrs. Henley that they needed to have the meeting. Each time Mrs. Henley replied, her voice got louder and she kept repeating that she refused to meet without a written agenda and without a witness present. Mrs. Henley walked away from Mrs. Garcia to a different area of the library and Mrs. Garcia walked over to her and continued to plead with her to have the meeting. At that time, Mrs. Henley yelled at Mrs. Garcia, "If you don't get off my back, I'm going to slap the hell out of you." At this same time, Mrs. Henley shook a pen in Mrs. Garcia's face in a very threatening manner, placing Mrs. Garcia in fear of an immediate assault. Mrs. Garcia then took a few minutes to compose herself and called the County Manager and asked him to come to the Pittsboro library. Mr. Shivar did go to the library and discuss this matter with Mrs. Garcia. Mrs. Henley had by this time left the library without permission and remained away from the library although she was scheduled to work on this date. Mrs. Garcia reiterated to the County Manager what had happened that morning and advised the Manager.

Mrs. Garcia also testified that Mrs. Henley had been scheduled to attend a workshop in Burlington on April 26, 1994 but that she did not show and did not contact Mrs. Garcia to let her know that she would not attend and did not contact Mrs. Garcia until the workshop was over.

In accordance with the County personnel ordinance, Mrs. Garcia wrote Mrs. Henley a letter advising her that she was recommending dismissal and scheduling a pre-dismissal conference with the County Manager.

The second witness called on behalf of the County was the County Manager, **Mr. Ben Shivar**.

Mr. Shivar testified that on the morning of May 20, 1994, he received a telephone call in his office from Mrs. Barbara Garcia, Director of Library Services for Chatham County, that Mrs. Garcia was very upset and requested that he come to the library to discuss a matter with her. Mr. Shivar went to the library and did discuss the matter with Mrs. Garcia and later, on May 27, 1994, held a pre-dismissal conference with Mrs. Henley and Mrs. Garcia being present. He testified that Mrs. Henley admitted she had yelled at Mrs. Garcia, that she had shaken the pen in Mrs. Garcia's face, and that she had said, "If you don't get off my back, I'm going to slap the hell out of you." She further admitted that she had refused to meet with Mrs. Garcia without a written agenda and without a witness being present. Mr. Shivar gave Mrs. Henley an opportunity to tell her version of the incident and asked for names of any witnesses. Following the pre-dismissal conference with Mrs. Henley, the County Manager talked with other persons who had been suggested by either Mrs. Henley or Mrs. Garcia and determined that the misconduct of Mrs. Henley on the occasion in question was definitely substantiated. He also considered Mrs. Henley's personnel file which indicated previous incidents of insubordination and wrote her a letter of dismissal which appears in the personnel file.

Mrs. Rebecca Henley, testified in her own behalf that she had refused to meet with her supervisor, Mrs. Garcia, on May 20, 1994 without a written agenda and a witness present. She also admitted that she had shaken the pen in Mrs. Garcia's face and stated that, "If you don't get off my back, I'm going to slap the hell out of you." Further, she said that she told Mrs. Garcia that she would yell at her at the top of her lungs anytime she desired. Mrs. Henley went on to contend that Mrs. Garcia had provoked her on the occasion in question but offered no other explanation for her conduct. She further stated that she had worked for the library some fourteen years and had directed the Pittsboro Memorial Library through a period of development and growth.

Mrs. Henley testified that she had suffered from tension headaches for several years and that she was suffering from one of them the day on which she was supposed to go to the workshop in Burlington. Mrs. Henley stated that she called the Burlington Library and left a message with Mrs. Julie Walker to the effect that she would not be attending the workshop. Mrs. Henley did not ask to speak to Mrs. Garcia, her supervisor, or any other employee of the County library system. She merely left a message with Mrs. Julie Walker, of the regional office, that she would not attend the meeting, and did not request that the message be relayed to Mrs. Garcia.

Mrs. Henley also offered as a witness in her behalf, **Mrs. Patricia Rounds**, who testified that she is and was a part-time employee of the library and that she had a good working relationship with Mrs. Henley and that she felt that Mrs. Henley had a good working relationship with the employees. Another witness, **Connie McAdams Smith**, testified that she is now employed by Child Care Networks, but that she was previously a part-time employee at the Pittsboro Library and that she felt that Mrs. Henley had a good working relationship with the employees. Both of these witnesses testified that they had not witnessed Mrs. Henley being rude or disrespectful toward Mrs. Gladys Thomas. They further testified that in their opinion Mrs. Henley was a good librarian and a good supervisor.

Following the testimony by Mrs. Henley's witnesses, the County offered in rebuttal several witnesses. **Mrs. Margaret Blanchard** testified that she is the Director of the Regional Library System and at one time had personnel responsibility for the personnel who worked in the Chatham County Library System but that since about 1988, she has not had personnel responsibility but has had other over-sight responsibilities for the library system in Chatham County and she had numerous and frequent contacts with the Chatham County library system and with Mrs. Rebecca Henley in particular. She testified that Mrs. Henley had a great amount of difficulty in "getting along with" the other personnel in the regional library system and that there were only three persons in the entire system of approximately thirty people that Mrs. Henley did "get along with". She testified also that she had been at the Wren Library in Siler City on an occasion when Mrs. Ann Arrowood, who was at that time Mrs. Henley's supervisor, to attend and witness a meeting that Mrs. Arrowood had scheduled to discuss problems with Mrs. Henley. She stated that when Mrs. Henley arrived for the meeting, she demanded of Mrs. Arrowood why Mrs. Blanchard was there and refused to meet with Mrs. Arrowood who was then her supervisor and left without permission prior to the beginning of the meeting. She also testified that there were problems with the Pittsboro branch of the library that had primarily to do with Mrs. Henley, the head librarian at the Pittsboro Library.

Mrs. Ann Arrowood, was called by the County and testified as follows:

Mrs. Ann Arrowood testified that she was the Chatham County Director of Library Services from July 1, 1988 to June 11, 1993 and during that time, Mrs. Rebecca Henley was the head librarian for the Pittsboro Library. She further testified that Mrs. Henley would not accept supervision and that she always felt that the County had one set of rules for all of the employees except Mrs. Henley and that there had to be a separate set of rules just for Mrs. Henley because she would not follow the rules of the County that applied to everyone. She testified that Mrs. Henley had been very insubordinate to her, had yelled at her and "blown up" at her; that at the time she, Mrs. Arrowood, did not respond to Mrs. Henley but that after thinking about it, realized that such insubordinate conduct could not go unnoticed. Thereupon she scheduled a meeting with Mrs. Henley and feeling that she should have a witness present, asked her supervisor, Mrs. Margaret Blanchard, Director of the Regional Library Service, to attend the meeting. The meeting was scheduled for a date and time at Wren Memorial Library in Siler City. Mrs. Blanchard and Mrs. Arrowood were at the Wren Library for the meeting when Mrs. Henley appeared. Upon learning that Mrs. Blanchard would also be at the meeting, Mrs. Henley refused to meet and left without permission of her supervisor.

Mrs. Arrowood further testified that there were numerous other times when she could not get Mrs. Henley to accept supervision and that she left her position as Director of Library Services for Chatham County significantly because of difficulties caused by Mrs. Henley's refusal to accept supervision and her refusal to follow rules in this operation of the library.

The County next offered **Mrs. Gladys Thomas**, who was previously an employee of the County library system with duties at the Pittsboro Library on a part-time basis. She testified that Mrs. Henley was her immediate supervisor and that she (Mrs. Henley) gave Mrs. Thomas a good evaluation but later told her that she was worthless and that the other library employees had to go behind her and clean up her work. Mrs. Thomas further testified that she could not understand why Mrs. Henley would give her a good rating and later tell her that she was a worthless employee. This had a significant adverse effect upon Mrs. Thomas and she subsequently resigned her job at the library.

EXECUTIVE SESSION

Commissioner Hanner moved that the Board recess from Regular Session and go into Executive Session for the purpose of discussing the personnel issue. Commissioner Pollard seconded the motion.

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

Commissioner Holmes moved that the Board adjourn from Executive Session and reconvene as the Board of Commissioners. Commissioner Pollard seconded the motion.

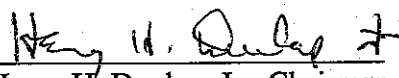
The motion carried five (5) to zero (0).

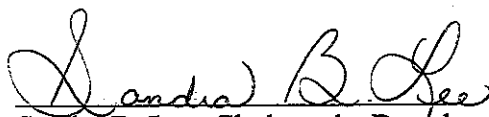
The Chairman announced that the decision on Rebecca Henley's appeal was being deferred until August 8, 1994 to give the attorneys an opportunity to reach a settlement in the matter.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Holmes moved to adjourn the meeting. Commissioner Pollard seconded the motion.

The motion carried five (5) to zero (0) and the meeting was adjourned at 12:30 a.m.


Henry H. Dunlap, Jr., Chairman


Sandra B. Lee, Clerk to the Board