

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**JANUARY 07, 2002**

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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 January 07, 2002.

Present: Chairman Gary Phillips; Vice Chair Margaret Pollard; Commissioners Bob Atwater, Rick Givens, 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. Sublett

The meeting was called to order by the Chairman at 10:07 AM.

**AGENDA**

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

Charlie Horne, County Manager, asked that the issue of taxation with regard to the property of Brooke Johnson be added to the Agenda prior to the Public Input Session and that Mr. Johnson be given an opportunity to address the Board.

Commissioner Atwater introduced Matthew Russell stating that he had known Matthew all his life and was very proud of him and his accomplishments. He asked that Matthew be allowed to speak to the Board, after Mr. Johnson, regarding his Boy Scouts merit badge. He also introduced Mr. Larry Russell and Cameron, Matthew’s father and sister respectively, also in attendance.

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

**Taxation of Brooke Ronald Johnson:**

Brooke Johnson, 1922 Clearwater Lake Drive, Chapel Hill, NC, stated that he acquired his property in March, 1992; that the total size of the property is 2.16 acres; that at the time of his purchase, the house was in Orange County and a small strip of land at the bottom of the property was in Chatham County; that soon thereafter, the county line was redrawn so that the entire property is now in Chatham County; that a resolution from the Orange and Chatham County Commissioners grandfathered their property into Orange County for tax purposes; that the resolution was mailed to them from the Central Land Records Office of Orange County on April 7, 1993; that per the instruction of their attorney, they recorded the resolution regarding the situs for ad valorem property taxes in both Orange and Chatham Counties on June 2, 1993 and June 21, 1993, respectively; that the resolution does not state that when sold, a “grandfathered” property reverts to the county of geographic location for tax purposes; that they expect to sell their property at some future date and expect that the new property owners will be protected by the resolution; that their property was sold to them as a property in Chapel Hill School District and was valued accordingly; that without the resolution they would

lose access to Chapel Hill Schools and their property would be devalued substantially by as much as \$72,000 according to the Chatham County Tax Assessor's evaluation; that they believe the intent of the county commissioners' resolution was to protect property owners from this very situation; that the right of transfer must be in perpetuity unless a future property owner petitions the tax assessors of both counties to change the situs for ad valorem tax purposes which is clearly stated in the resolution; that every year they received a tax bill from Chatham County for the small strip of land that was originally in Chatham County; that the strip of land was always valued at \$1,000 which invoked a tax bill of approximately \$9.00 per year; that they realize now that they should not have been paying the Chatham County taxes as they were effectively paying tax twice on the small strip of land; that they want the matter cleared up between Orange and Chatham County; and that he reaffirms his desire to continue to list and pay ad valorem taxes and receive government services from Orange County.

Commissioner Atwater moved, seconded by Commissioner Givens, to waive the tax penalty on the Johnson property until the matter can be resolved. The motion carried five (5) to zero (0).

### **Boy Scout – Matthew Russell:**

Matthew Russell, 8559 US Highway #15-501, Pittsboro, NC, addressed those present stating that he was attending the Board of Commissioners' meeting because he was required to attend a meeting of public officials in order to receive his Boy Scout Citizenship Merit Badge.

### **CONSENT AGENDA**

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

Commissioner Givens asked that Item #2, Consideration of a request for approval to increase a Public Health Nurse (PHN) I 40% position to 75% utilizing \$17,000 in grant funds from the *Vaccinations for Everyone* initiative, be removed from the Consent Agenda and placed on the Regular Agenda as Item #7A

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

1. **Minutes:** Consideration of a request for approval of Board Minutes for Regular Meeting held December 10, 2001 and Board Retreat held December 5 & 6, 2001

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

2. ~~**Increase in Public Health Nurse (PHN) I Position from 40% to 75%:** Consideration of a request for approval to increase a Public Health Nurse (PHN) I 40% position to 75% utilizing \$17,000 in grant funds from the *Vaccinations for Everyone* initiative~~

This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion.

3. **Private Road Name:** Consideration of a request to approve a request from citizens for the naming of a private road in Chatham County as follows:

### **Carolina Ridge Road**

**END OF CONSENT AGENDA**

## **PUBLIC INPUT SESSION**

There was no one present who wished to make public comments.

## **APPOINTMENT OF CLERK TO THE BOARD**

The Board welcomed the Clerk back from her recent wedding and time away from the office.

Commissioner Givens moved, seconded by Commissioner Pollard, to reappoint Sandra B. Sublett as Clerk to the Chatham County Board of Commissioners. The motion carried five (5) to zero (0).

## **APPOINTMENT OF COUNTY ATTORNEY**

Commissioner Atwater moved, seconded by Commissioner Pollard, to reappoint Robert L. Gunn, County Attorney to the Chatham County Board of Commissioners. The motion carried five (5) to zero (0).

## **FINANCE DEPARTMENT**

**FY 2001 Audit Report:** Presentation of the FY 2001 Audit Report

**Vicki McConnell**, Chatham County Finance Officer, reviewed the specifics of the FY 2001 Audit Report.

Bob Nelson, Auditor with Dixon Odom, PLLC, answered questions from the Board with regard to the audit and how it was performed.

Commissioner Atwater expressed appreciation to the Finance Officer for a job well done.

Chairman Phillips expressed interest in holding a work session item on the history, current status, and the future of the Utility Fund.

The County Manager stated that a meeting had already been planned for the first meeting in February, 2002 regarding the Utility Fund, at which time Health Department fees will also be reviewed.

## **EMERGENCY OPERATIONS**

**Type III Ambulance Remount for Chatham Rescue:** Consideration of a request for approval of Type III ambulance remount for Chatham Rescue

Commissioner Givens moved to approve \$34,218.75 toward the remount of Rescue #52. Commissioner Atwater seconded the motion with the stipulation that the Board receive a copy of the Chatham County Volunteer Emergency Replacement Resolution. The motion carried five (5) to zero (0).

## **HUMAN RESOURCES**

**Reclassification of Assistant Emergency Operations Director Position:** Consideration of a request to reclassify the Assistant Emergency Operations Director position to an Administrative Support Specialist II

Commissioner Atwater moved, seconded by Commissioner Pollard, to approve the reclassification of

the Assistant Emergency Operations Director (Grade 16) to an Administrative Support Specialist II (Grade13). The motion carried five (5) to zero (0).

## **PUBLIC WORKS**

**Bid Award for New Roll-Off Vehicle for Waste Management:** Consideration of a request for approval of bid award for new roll-off vehicle for Waste Management Division

Commissioner Givens moved seconded by Commissioner Pollard, to award the bid for a new roll-off vehicle to Cavalier Equipment in the amount of \$87,620.30 for the Waste Management Division of Public Works. The motion carried five (5) to zero (0).

## **HEALTH DEPARTMENT**

**Increase in Public Health Nurse (PHN) I Position from 40% to 75%:** Consideration of a request for approval to increase a Public Health Nurse (PHN) I 40% position to 75% utilizing \$17,000 in grant funds from the *Vaccinations for Everyone* initiative

Commissioner Pollard moved, seconded by Commissioner Givens, to approve an increase of a PHN I 40% position to 75% utilizing \$17,000 in grant funds from the *Vaccinations for Everyone* initiative for the Health Department to support the First Lady's Initiative. The motion carried five (5) to zero (0).

### **Land Use Plan Copies:**

Chairman Phillips asked that printed copies of the Land Use Plan be made available and placed in the Chatham County Public Libraries and have extra available copies, at cost, through the Planning Department.

## **BOARDS AND COMMITTEES**

**Solid Waste Advisory Committee Appointments:** Consideration of a request to appoint two volunteers to the Solid Waste Advisory Committee

Commissioner Pollard moved, seconded by Commissioner Outz, to appoint Steve Cockman, 217 Hillsboro Street, Pittsboro, NC, to the Solid Waste Advisory Committee. The motion carried five (5) to zero (0).

Commissioner Atwater moved, seconded by Commissioner Givens, to appoint to appoint John R. Craig, 7068 Pittsboro-Goldston Road, Bear Creek, NC, to the Solid Waste Advisory Committee, subject to a courtesy review by the new mayor of Goldston. The motion carried five (5) to zero (0).

**Mid-Carolina Workforce Development Board:** Consideration of a request to appoint a member to the Mid-Carolina Workforce Development Board

Chairman Phillips asked that a letter of appreciation be sent to Howard Stier for his service on the Mid-Carolina Workforce Development Board.

The Board asked that the Chatham County Economic Development Director be contacted to make a recommendation for appointment to this board.

## **BOARD OF COMMISSIONERS' MATTERS**

**Cable Service Agreement:** Consideration of a request to approve the Cable Service Agreement for the Cable Television Regulatory Consortium

Commissioner Atwater moved, seconded by Commissioner Givens, to approve the Cable Service Agreement for the Cable Television Regulatory Consortium, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

## **MANAGER' S REPORTS**

The County Manager reviewed the items to be discussed during the afternoon work session.

## **COMMISSIONERS' REPORTS**

The Chairman expressed condolences to Commissioner Atwater upon the death of his mother-in-law who passed away on Sunday.

### **Sufficient Staffing of Convenience Centers:**

Commissioner Atwater expressed concern that the Cole Park Plaza and Martha's Chapel Convenience Centers are not being adequately staffed during heavy traffic times including the holiday period. He asked the County Manager to check with the appropriate people regarding this matter.

### **Extended Area Telephone Service/Utilities Commission:**

Commissioner Pollard asked for an update with regard to the Utilities Commission on extended area telephone service from Siler City to the Raleigh/Research Triangle Park area.

### **Noise Ordinance:**

Commissioner Pollard stated that she had received more telephone calls regarding the North Carolina Sports Arena; that it was her understanding that the Board was going to take another look at the Chatham County Noise Ordinance; that it would be compared to other noise ordinances; and that she would like for it to be presented to the Board as soon as possible.

Chairman Phillips stated that he was scheduled to meet with Terry Ward regarding the noise in January, 2002, and that he felt that all nuisance ordinances should be reviewed and compared with like ordinances.

### **Special Use Moratorium:**

Commissioner Givens stated that he was concerned with the special use moratorium, the impact that it would have on Russell Underwood, and that he wanted to assure Mr. Underwood that the Board would work with him concerning this matter.

### **Sports Arena:**

Commissioner Givens stated that he had received a very interesting call with regard to a number of accusations including pay-offs, fraud, and health issues concerning dirt on the floor of the Sports Arena, and that he had turned it over to the proper authorities with the State.

### **Underwood Expansion:**

Commissioner Outz expressed concerned with regard to Charles and Russell Underwood being allowed to go ahead with their plans to expand their business stating that it was a viable business and one that was not causing any problems. He stated that he wanted to see them be able to expand.

After some discussion, the Board asked to review the issue at the next meeting.

### **County Inclement Weather Policy:**

Commissioner Outz expressed concern with regard to the County's inclement weather policy stating that he had been contacted several times regarding closing the County offices for snow days.

The County Manager explained that it was the County's policy to always be open; that employees' best judgment should be used with regard to their ability to get to work safely; that they may take vacation days, comp time, or make up the missed work day at a later time.

### **Sewage System for School Close to Governors Club:**

Commissioner Outz asked why the Governors Club had refused to let the schools use their sewage system.

Chairman Phillips stated that Governors Club was actually four different entities; that it includes the developer, the public utility that runs the sewage system, the homeowners association responsible for the maintenance of the actual community, and the actual club itself which is responsible for the golf course and all of the amenities; that the three entities that represent people are "squabbling" among themselves; that the developer of the Governors Club made a commitment to the Chatham County School System that they would provide sewage for the school; that it was a contract, but the homeowners association is saying that the developer did not have a right to do so; that that is where the issue is holding at this point.

Mr. Bruce Ladd, a Governors Club property owner stated that the four entities were characterized very accurately; that it includes the developer, the limited partnership, the POA, and the club which chiefly owns the amenities; that whatever the outcome, neither of the last two entities gained anything; that he lives directly across the street from the sewage processing unit and stated that there are problems. He stated that the homeowners association is taking a look to see if adding on something else would impact the area; that he feels the problem needs to have people talking and working together; that there are two new leaders; that one of the reasons the developer says that they have trouble with the system is that it is placing an additional strain on the system although it has additional capacity to take on even more; that, therefore, they believe it is in the operations of the sewage facility where the trouble lies. He stated that he hoped the Board would maintain their interest in the facility as he had worked diligently with the Superintendent of Schools to get the sewage facility operational.

**LUNCH RECESS**

- Commissioner Givens moved, to recess the meeting for lunch. Commissioner Pollard seconded the motion, and the meeting was recessed for lunch at 12:10 PM.

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Gary Phillips, Chairman

ATTEST:

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