

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
NOVEMBER 04, 2002

The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in the Agricultural Building Auditorium, 45 South Street, located in Pittsboro, North Carolina, at 10:00 AM on November 04, 2002.

Present: Chairman Gary Phillips; Vice Chair Margaret Pollard; Commissioners Bob Atwater, Rick Givens, and Carl Outz; County Manager, Charlie Horne; County Attorney, Bob 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 10:03 AM.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Chairman invited everyone present to stand and recite the Pledge of Allegiance after which Commissioner Givens gave the invocation.

AGENDA

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

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

CONSENT AGENDA

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

The County Manager asked that Item #8, Consideration of a Resolution of Intent to Close Certain Portions of Public Streets and Alleyways in the Village of Bennett, Chatham County, North Carolina and consideration of a request to hold a public hearing on December 9, 2002 be deferred to the County Attorney for explanation.

The County Attorney explained that a resolution was adopted regarding the closing of certain portions of public streets and alleyways in the Village of Bennett, Chatham County on October 21, 2002 calling for the public hearing to be held on the matter at the Board's November 4, 2002 meeting; that to meet legal requirements, the public hearing had to be advertised three times; that the Board was one day short from the required number of advertisements; and that the issue was returning to the Board to set the public hearing for December 9, 2002 Board of Commissioners' meeting.

Commissioner Givens asked that Items #3, Consideration of a request to approve a Resolution for a Moratorium on Executions and that Item #6, Consideration of a request to reclassify the Communications

Director position, the Chief Water Plant Operator position, and the E-911 Specialist position be removed from the Consent Agenda and placed on the Regular Agenda as Items #9A and 9B.

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

1. **Minutes:** Consideration of a request for approval of Board Minutes for meeting held October 21, 2002 and Work Session held October 21, 2002

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

2. **Resolution Honoring the Service of Dr. John Shillito:** Consideration of a request to adopt **Resolution #2002-43 Honoring the Service of Dr. John Shillito on the Occasion of His Tremendous Efforts for Chatham County Travel & Tourism**, attached hereto and by reference made a part hereof.

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

- ~~3. **Resolution for a Moratorium on Executions:** Consideration of a request to adopt **Resolution #2002-44 for a Moratorium on Executions**~~

~~This item was removed from the Consent Agenda and placed on the Regular Agenda as Item #9A.~~

4. **Fiscal Year 2002-2003 Budget Amendments:** Consideration of a request to approve Fiscal Year 2002-2003 Budget Amendments, attached hereto and by reference made a part hereof.

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

5. **Amendment to the Chatham County Personnel Policy:** Consideration of a request to amend the Chatham County Personnel Policy to accommodate changes in Family Medical Leave requirements, deleting unnecessary provisions, and change the disciplinary structure for failures in performance of duties and adopt **Resolution #2002-44A Amending the Chatham County Personnel Policy**, attached hereto and by reference made a part hereof.

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

- ~~6. **Reclassification of Communications Director, Chief Water Plant Operator, and E-911 Positions:** Consideration of a request to reclassify the Communications Director position, the Chief Water Plant Operator position, and the E-911 Specialist position~~

~~This item was removed from the Consent Agenda and placed on the Regular Agenda as Item #9B.~~

7. **Appointment of Alternate ETJ Member to the Town of Siler City Planning Board/Board of Adjustment:** Consideration of a request to appoint Mr. Harold Hart to serve as an alternate ETJ member of the Town of Siler City Planning Board/Board of Adjustment

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

8. **Resolution of Intent to Close Certain Portions of Public Streets and Alleyways in**

Bennett: Consideration of a **Resolution #2002-45 of Intent to Close Certain Portions of Public Streets and Alleyways in the Village of Bennett, Chatham County, North Carolina** as follows and consideration of a request to hold a public hearing on December 9, 2002 on the request:

1. That portion of Washington Street (80 foot right-of-way) which extends eastwardly from Chatham Street approximately 1432 feet to James Welch's line
2. All that portion of Gaston Street (80 foot right-of-way) extending eastwardly from Chatham Street approximately 1432 feet to James Welch's line
3. All that portion of Lee Street located between Washington Street and Gaston Street
4. All that portion of Vance Street which lies between Washington Street and Gaston Street
5. All that portion of Maple Street which lies between Washington Street and Gaston Street
6. All those alleyways which, on information and belief, are 10 feet wide and were originally laid out on the "Map of Bennett" in 1915 according to a plat entitled, "Map of Bennett, North Carolina" which alleyways are located between Chatham Street and Maple Street and between Washington Street and Gaston Street

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

9. **Time Warner Tolling and Accounting Order:** Consideration of a request to approve Tolling and Accounting Order to Extend the Review Period for Time Warner Cable's 2003 FCC-1240, 1205, 1235 Rate Filing Through January 2003

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

END OF CONSENT AGENDA

The Chairman read the Resolution Honoring the Service of Dr. John Shillito on the Occasion of His Tremendous Efforts for Chatham County Travel & Tourism.

PUBLIC INPUT SESSION

Teresa Hutchison, PO Box 116, Goldston, NC, stated that the owner of the NC Sports Arena continued to slander and make false accusations against her family; that the noise from the arena continues to get louder as the leaves fall from the trees; that the Sheriff's Department neither can nor will enforce the Noise Ordinance; that they don't have either enough man power or enough meters to check the noise level; that there have been many nights that the business could have been ticketed if they could have gotten there in time; that some nights they are warned but the music is never turned down; that they pay taxes to have this service provided; and that there has been a lot of gun fire in the last three weeks.

Robert Lytton, 510 Lydia Perry Road, Sanford, NC, voiced concern with regard to Mr. Ward, his patrons, and about the small children living in the area of the Sports Arena. He stated that the situation had

escalated to violence; that there had been property damage and window breakage; and that it was time to get something done about this issue.

Jeff Hutchison, PO Box 116, Goldston, NC, asked why it was going to take someone getting seriously injured before something was done about the Sports Arena.

Cindy Lytton, PO Box 37, Goldston, NC, asked when the Board of Commissioners was going to do something about the problem.

Terry Ward, PO Box 607, Liberty, NC, stated that after being closed for several years, the North Carolina Sports Arena reopened with Hispanic food and entertainment in September, 2000; that since that time, close to 80,000 customers have been served in the arena and its restaurant; that some of the families living nearby have harassed the owners, staff and customers since it began offering Hispanic food and entertainment; that in the beginning, the harassment consisted of making numerous false reports to the Sheriff's Department, Health Department, ABC Commission, Division of Natural Resources, and Department of Transportation; that he had received a death threat in his home mail box and been fired upon in the parking lot; that bombs had exploded in the parking lot; and that the sound level is monitored to 90 decibels when the music is playing, but that there is a serious problem with the violent, drunk neighbors.

Carol Ward, PO Box 607, Liberty, NC, presented the Board with a video stating that it clearly demonstrates that the music can barely be heard outside of the arena.

Tracy Koch, 214 Julius Davis Road, Goldston, NC, stated that she had been before the Board several times asking for something to be done; that she was not ready to accept how the community had become; that she was afraid for her family and her children; and that the doctor had put her on medication for her nerves because of the bad situation. She asked if the Board could not see what was going on.

Norbert Koch, 214 Julius Davis Road, Goldston, NC, stated that a major issue was the noise, even though the Commissioners had changed the Noise Ordinance; that Mr. Ward needed to hire off duty police officers to take care of the problem; that he had sold his motor home because he did not feel that it was safe to leave his home unattended.

Commissioner Phillips stated that the Board of Commissioners did not have the authority to close this business. He asked if the parties were willing to go to Dispute Settlement.

Commissioner Outz asked if bathroom facilities were working.

Commissioner Givens stated that he had been out to the property; that people were speaking before they think; that he understands the problem; that the Board makes the regulations, it does not enforce them; that the Board lowered the decibels but that the Sheriff's Department has to enforce it; and that he thinks all parties need to talk it out so that everyone will know where everyone else stands.

Mr. Ward stated that he would host any Commissioner any night at the Sports Arena.

Commissioner Phillips stated that he was trying to put something on the table for them to resolve. He stated that the Commissioners were in charge of policy.

Commissioner Atwater encouraged participation in Dispute Settlement and asked if the business could cover the extra security measures.

After considerable discussion, Commissioner Phillips recommended that the Board of Commissioners apportion the resources to the Sheriff's Department to have an on-duty deputy present at the Sports Arena, for a specific number of hours, on Friday and Saturday nights for the next three months.

Commissioner Pollard expressed concern with regard to setting a precedence that the Board would be reluctant to set stating that the business owner should provide security.

Terry Ward stated that he had asked the Sheriff if he could hire off-duty officers and was told that he could not do so.

The County Manager stated that the County will advertise to hold a public hearing on the proposed amendments to the existing Noise Ordinance on November 18, 2002.

Reclassification of Communications Director, Chief Water Plant Operator, and E-911 Positions: Consideration of a request to reclassify the Communications Director position, the Chief Water Plant Operator position, and the E-911 Specialist position

Carolyn Miller, Human Resource Manager, explained that on January 1, 2002, the Communications Division was transferred from the Sheriff's Department to the Emergency Operations Department. She stated that since that time, the Communications Director has assumed the supervisory duties of four communications supervisors and six telecommunicators; that in addition, she has instituted a number of changes, including all communicators being Emergency Medical Dispatch (EMD) trained and a new set of standard operating procedures; that the proposed change in the E-911 Specialist classification comes with an increase in duties and technical skills required to perform the functions of the position; that the E-911 function will begin doing addressing with the GPS and GIS equipment and will direct feed into the GIS system; that in addition, the position will be responsible for a live feed to the Communications Division to insure accurate addressing for emergency purposes.

She stated that the proposed change in the Water Utility Division is actually a decrease in the classification of Chief Water Treatment Plant Operator; that the duties that constituted the grade 16 classification have been distributed to other positions within the division; that the Lead Water Treatment Plant Operator will serve as the operator of record and coordinate the day-to-day activities at the Water Treatment Plant.

She concluded by stating that the Communications Director position is recommended to move from a grade 17 to a grade 21, consistent with other supervisory positions within the County; that the E-911 Specialist position is recommended at a grade 15, up from a grade 11, consistent with the level of responsibility of property appraisers in the Tax Department; that the recommended reclassification from Chief Water Treatment Plant Operator to Lead Water Treatment Plant Operator would move from a grade 16 (Chief) to a grade 14 (Lead).

After considerable discussion, Commissioner Givens moved, seconded by Commissioner Pollard, to approve the reclassification of the Chief Water Plant Operator position, grade 16 to a Lead Water Plant Operator, grade 14 and to postpone a decision on the Communications Director and the E-911 Specialist position until a later date.

Resolution for a Moratorium on Executions: Consideration of a request to adopt **Resolution #2002-44 for a Moratorium on Executions**

Commissioner Atwater read the Resolution for a Moratorium on Executions.

After considerable discussion, Commissioner Atwater moved, seconded by Commissioner Pollard, to approve **Resolution #2002-44 for a Moratorium on Executions**, attached hereto and by reference made a part hereof. The motion carried four (4) to one (1) with Commissioner Outz opposing.

BOARDS AND COMMITTEES

Agriculture Advisory Board Appointment: Consideration of a request to appoint a member to the Agriculture Advisory Board by Chairman Phillips appointed Abdul Chaudhry

Chairman Phillips moved, seconded by Commissioner Atwater to appoint Abdul Chaudhry, PO Box 1019, Siler City, NC, to the Agriculture Advisory Board. The motion carried five (5) to zero (0).

BOARD OF COMMISSIONERS' MATTERS

USDA Contract for Engineering Services: Consideration of a request to approve a USDA Contract for engineering services with Hobbs, Upchurch & Associates, P.A. to begin process for water districts

Commissioner Atwater moved, seconded by Commissioner Givens, to approve the USDA Contract for engineering services with Hobbs, Upchurch & Associates, P.A., attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Engineering Contract for Group "B" Hydraulic System Improvements: Consideration of a request to approve engineering services contract for Group "B" Hydraulic System Improvements with Hobbs, Upchurch & Associates, P.A.

Commissioner Atwater moved, seconded by Commissioner Givens, to approve the contract for Group B Hydraulic System Improvements with Hobbs, Upchurch & Associates, P.A, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Clean Water Management Trust Fund Grant Agreement: Consideration of a request to approve the Clean Water Management Trust Fund Grant Agreement

Commissioner Atwater, seconded by Commissioner Givens, to approve the Clean Water Management Trust Fund Grant Agreement, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

The County Manager had no reports.

COMMISSIONERS' REPORTS

Pesticide Board Regulations:

Commissioner Pollard expressed concern with regard to the aerial spraying of pesticides and about the importance of notifying property owners. She asked for the Board's support in retaining the current regulations adopted by the Pesticide Board in the mid 1980's.

Commissioner Pollard moved, seconded by Commissioner Atwater, to send a letter to the Pesticide Board prior to their meeting on November 12, 2002, stating that Chatham County supports continuing the basic current aerial spraying regulations. The motion carried three (3) to two (2) with Commissioners Outz and Givens opposing.

Public Works Department:

Commissioner Atwater expressed appreciation to the Public Works Department for their efforts in repairing the water main break in front of North Chatham School on Lystra Road this past weekend.

Chatham County Board of Education Meeting:

Commissioner Atwater asked for a meeting with the Chatham County Board of Education to discuss school bonds, etc.

Commissioner Pollard suggested that the newly elected Commissioners be invited to attend the meeting.

After review of their calendars and by consensus, the Board decided to hold the meeting on the afternoon of November 18, 2002 prior to their regularly scheduled Board of Commissioners' meeting.

Siler City Industrial Park:

Commissioner Atwater stated that the County's property in the Siler City Industrial Park is listed under Economic Development on the North Carolina Commerce Data Base; that a lot of people search the data bases for business opportunities, etc.; that the County needs to affix a price per acre, or allow the Economic Development Board to do so, in order to be listed for sale; and that this will require some type of Board action.

Chairman Phillips stated that he thought there was another piece of infrastructure to perform before they can logistically market the land because they have not chosen an entrance for it. He asked for recommendations for options from the staff to come before the Board at the November 18, 2002 meeting.

Commissioner Outz asked that the Siler City Town Board be involved in the decision.

Third One-Half Cent Sales Tax:

Commissioner Phillips stated that he had received official notice from the North Carolina Department of Revenue that they had received the Board's letter and certified copy of the resolution adopted by the Board levying the Third One-Half Cent Local Government Sales and Use Tax; that the additional one-half percent local sales and use tax was authorized under Section 34.14 of Chapter 424 of the 2001 Session Laws as amended by Chapter 123 of the 2002 Session Laws; that the tax will be effective December 1, 2002; and that the Revenue

Department is undertaking steps to implement the collection of the tax and subsequent distribution to the County and municipalities therein.

Resolutions of Appreciation:

Chairman Phillips stated that there would be resolutions forthcoming to honor several people, including some important young people who have earned State titles, at the next Board of Commissioners' meeting.

Dispute Settlement/Deep River Mediation:

Commissioner Atwater asked that Dispute Settlement be asked to prepare and send a letter to each person who spoke at the day's Public Input Session, informing them of the dispute resolution process and that the letter begin with "At the request of the Chatham County Board of Commissioners....".

The County Manager informed the Board that Dispute Settlement had changed their name to Deep River Mediation.

RECESS

Chairman Phillips moved, seconded by Commissioner Givens, to recess the Regular meeting for the scheduled work session. The motion carried five (5) to zero (0), and the meeting recessed at 11:41 AM.

Gary Phillips, Chairman

ATTEST:

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