

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**SEPTEMBER 03, 2002**

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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 September 03, 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 10:04 AM.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

The Chairman invited everyone present to stand and recite the Pledge of Allegiance after which Commissioner Pollard asked for a moment of meditation remembering those who were lost in the events of September 11, 2001 and their families.

**AGENDA**

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

Commissioner Givens moved, seconded by Commissioner Pollard, 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.

Commissioner Atwater asked that the Board Minutes for Regular Meeting held August 19, 2002 and Item #9 Contract for Juvenile Shelter Services at Hillcrest in Lee County, be removed from the Consent Agenda and placed on the Regular Agenda for discussion after the Public Input Session.

Commissioner Givens asked that Item #6, Emergency Management Ordinance for the County of Chatham, be removed from the Consent Agenda and placed on the Regular Agenda for discussion after the Public Input Session.

Commissioner Givens moved, seconded by Commissioner Outz, 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 Regular Meeting held August 19, 2002~~ and Work Session held August 19, 2002

The Board Minutes for the Regular Meeting held August 19, 2002 were removed from the Consent Agenda for discussion.

The Board Minutes for the Work Session held August 19, 2002 were unanimously approved.

2. **Private Roads:** Consideration of a request from citizens for the naming of private roads in Chatham County as follows:

- |    |                                 |    |                        |
|----|---------------------------------|----|------------------------|
| A. | <b>Evie Burnette Plantation</b> | C. | <b>East Elm Circle</b> |
| B. | <b>West Elm Circle</b>          | D. | <b>Sandstone Drive</b> |

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

3. **Request for Monopole Communication Tower Approval:** Consideration of a request for approval by US Cellular for a 199 foot monopole communication tower on property owned by Robert J. Knapp and Brian Maginnis in Hickory Mountain Township according to Superior Court Judge's order dated August 5, 2002

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

4. **Budget Amendments:** Consideration of a request to approve Fiscal Year 2002-2003 Budget Amendments

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

5. **Increase/Decrease in Health Department Positions:** Consideration of a request to approve increasing .65 full time employee Physician Extender II to .75 full time employee, decreasing 1.0 full time employee Practical Nurse II position to .80 full time employee and making the budgetary adjustments necessary to support the full time employee changes

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

6. ~~**Emergency Management Ordinance:** Consideration of a request to approve an Emergency Management Ordinance for the County of Chatham~~

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

7. **Request to Set Date for Local Law Enforcement Grants Program Public Hearing:** Consideration of a request to set September 16, 2002 as the date on which to hold a public hearing for the Local Law Enforcement Block Grants Program

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

7. **Refunds on 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).

9. ~~**Contract for Juvenile Shelter Services at Hillcrest in Lee County:** Consideration of a~~

~~request to approve a contract between Chatham and Lee Counties in the amount of \$13,000 for one bed space in Lee County at Hillcrest Youth Shelter to benefit at risk juveniles~~

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

## **END OF CONSENT AGENDA**

### **PUBLIC INPUT SESSION**

**Brook Johnson**, 1922 Clearwater Lake road, Chapel Hill, NC, stated that after receiving two property tax bills in August 2001, he came before the Board in January 2002 to ask that the Board abide by the joint Orange-Chatham County Commissioner resolution adopted on June 28, 1989 allowing properties affected by a planned county line survey to continue to be taxed and receive services in the original county or property owners could petition the board to have their tax status changed; that having purposely purchased a home in Orange County and the Chapel Hill School District and having paid a Chapel Hill School district price for their home, they chose and continue to choose to be taxed by Orange County; that the Chatham County Tax Administrator was either unaware of the joint resolution or chose to ignore it; that last year they received two property tax bills; that they immediately sent notice to the Administrator stating their desire and reasons for wanting to stay in Orange County for tax purposes; that their home has an assessed tax value of \$212,000 in Orange County and \$140,000 in Chatham County; that they have paid Orange County taxes for the past ten years; that they have had two title searches conducted on their property, both producing a guarantee that they have a clean, transferable Orange County title; that if the Board refuses to abide by the resolution, that they ask that it be officially dissolved and notice of Board action and intent to tax the property be sent to them as well as Orange County; that a decision that would allow them to continue to pay Orange County taxes but not be able to transfer that right with the property should they sell is unfair, probably not legal, and totally unacceptable.

The County Attorney stated that State law says that if the property is located in Chatham County, it is taxed in Chatham County.

The County Manager stated that he had spoken with the Tax Administrator with regard to this issue several weeks ago. He is to check into the matter.

**Sam White**, 45 Maverick Ranch Road, Pittsboro, NC, stated that one of the country's great patriotic leaders in the American Revolution once said, "These are the times that try men's souls." He stated that he thinks the phrase is particularly applicable today in Chatham County when there is to be one of the biggest and most highly contested primaries in fifty years. He began asking inappropriate questions at which time he was asked to leave.

### **MINUTES OF AUGUST BOARD OF COMMISSIONERS' MEETING**

#### **Duke University's Fuqua School of Business:**

Commissioner Atwater stated that the minutes of the August 19, 2002 meeting were recorded exactly as he had stated; however, he had made a mistake. He stated that he would like the minutes to reflect that the \$200 application fee would be paid if the project is approved.

Commissioner Atwater moved, seconded by Commissioner Givens, to approve the Board Minutes for the Regular Meeting held August 19, 2002 as amended. The motion carried five (5) to zero (0).

## **EMERGENCY MANAGEMENT ORDINANCE**

**Emergency Management Ordinance:** Consideration of a request to approve an Emergency Management Ordinance for the County of Chatham

After considerable discussion and questions directed to the County Attorney, Commissioner Atwater moved, seconded by Commissioner Givens, to approve the Emergency Management Ordinance for the County of Chatham upon further assessment by the County Attorney. The motion carried five (5) to zero (0). The ordinance is attached hereto and by reference made a part hereof.

## **JUVENILE SHELTER SERVICES CONTRACT**

**Contract for Juvenile Shelter Services at Hillcrest in Lee County:** Consideration of a request to approve a contract between Chatham and Lee Counties in the amount of \$13,000 for one bed space in Lee County at Hillcrest Youth Shelter to benefit at-risk juveniles

After discussion of contract specifics, Commissioner Atwater moved, seconded by Commissioner Givens, to approve the contract between Chatham and Lee Counties in the amount of \$13,000 for one bed space in Lee County at Hillcrest Youth Shelter to benefit at-risk juveniles, subject to the County Attorney's review. The motion carried five (5) to zero (0). The contract is attached hereto and by reference made a part hereof.

The Chairman excused himself for a short press conference and reentered the meeting in approximately fifteen minutes.

## **PUBLIC WORKS**

**Water System Improvements:** Consideration of a request to proceed with water system projects for Chatham County per staff recommendations

After an extended discussion, Commissioner Givens moved, seconded by Commissioner Pollard to empower Hobbs, Upchurch & Associates, Inc. to make an application for the total project cost and do potentially multi-year allocations of \$3,000,000 per year from the EPA and State Clean Water Revolving Loan Fund to meet the September 30, 2002 deadline. The motion carried five (5) to zero (0). A copy of the water projects proposed action plan is attached hereto and by reference made a part hereof.

Commissioner Atwater moved, seconded by Commissioner Givens, to adopt a project budget in the amount of \$160,000 and direct staff to proceed with engineering design and bidding for the relocation of the Governors Club booster pump station and the abandonment of the 12" PVC pipe on Morehead Drive at the dam. The motion carried five (5) to zero (0).

Commissioner Givens moved, seconded by Commissioner Pollard, to set aside the engineering and associated work on the Group B projects for Hobbs, Upchurch & Associates, Inc. contingent upon the firm successfully securing the revolving loan fund financing with a September 30 application and to concurrently proceed with the RFP process to select a consultant for application to the USDA program. The motion carried five (5) to zero (0).

Commissioner Givens moved, seconded by Commissioner Pollard, to adopt **Resolution #2002-33 to Exempt the Professional Services Work Associated with the "Western Trunk Line Installation"**

**Projects from the Provisions of GS 143-64.31.** The motion carried five (5) to zero (0). The resolution is attached hereto and by reference made a part hereof.

The Public Works Director reported that Jordan Lake, due to the recent rains, was elevated from 209.9 to 213.3.

The Assistant Public Works Director distributed a list of current water sales at Harpers Crossroads stating that there had been 13 people who had bought water and that there had been 83 fill-ups for a total distribution of 83,000 gallons.

## **BOARDS AND COMMITTEES**

**Agriculture Advisory Committee Appointment:** Consideration of a request to appoint a member to the Agriculture Advisory Committee by Chairman Phillips

Chairman Phillips' appointment was deferred until a later date.

**Planning Board Appointment:** Consideration of a request to appoint a member to the Chatham County Planning Board by Commissioner Atwater

Commissioner Atwater's appointment was deferred until a later date.

### **Water Advisory Committee Appointment:**

Commissioner Outz moved, seconded by Commissioner Pollard, to appoint James Watson, 3713 Pea Ridge Road, New Hill, NC, to the Chatham County Water Advisory Committee. The motion carried five (5) to zero (0)

Commissioner Pollard moved, seconded by Commissioner Givens, to appoint John Grimes, 513 West Glendale Street, Siler City, NC, to the Chatham County Water Advisory Committee. The motion carried five (5) to zero (0).

## **MANAGER' S REPORTS**

The County Manager reported on the following:

### **Mental Health Reform:**

There will be a Mental Health Reform Meeting on Monday, September 9, 2002 to receive public input on mental health reform at Central Carolina Community College, Multipurpose Room, at 7:00 PM. Mr. Tom Maynard will give a formal overview of mental health law.

### **September 11, 2001 Observance:**

There will be an observance of the September 11, 2001 terrorist attacks on September 11, 2002 at the Superior Courthouse. Further details will be forthcoming.

### **OJCP Funds:**

The Assistant County Manager explained that, as discussed during the budget process, the adult side is

the one most likely in jeopardy; that the County does not have to provide match money for those funds; that in a normal year, the funds would come to the County from the State; that then, jointly with Orange County and the Partnership, they would decide how to spend those funds for the best types of pre-trial services and alternative sentencing services that the judiciary thinks helps them the most; that it has been done this year, as in any other year, but it was done anticipating a 30% reduction in those funds; that it was done in order to protect the County in case the State reduces any of the money that the County will not be left "holding the bag"; that in a scenario where the State eliminated that program, then the County would be left "holding the bag" for some of those funds; that then a decision would have to be made whether or not to continue funding the pre-trial services programs ourselves or to simply eliminate the programs altogether; that the partnership between Orange and Chatham Counties, took a vote in an advisory capacity, to ask the respective Boards of Commissioners to front the funds at a 30% reduction until the State adopts a budget; that if the State adopts their budget and includes money for the programs, no harm is done and things will go on as they do every other year; that there would be no match obligations and the County would not be hit with any surprises because it has assumed the 30% reduction; that if the State happens to adopt the budget that eliminates that funding, then the two counties have to decide together whether they will continue these programs; that staff is asking permission from the Board to allow continuance on a 50/50 share to continue funding these programs month by month at a 30% reduction until the State adopts a budget and staff knows what they are going to do; that Orange County has already taken action in support of this and the advisory board is asking Chatham County to take action in support of it as well; that staff hoped that they would not have to bring the matter before the Board, because they thought that the State would have adopted a budget by now; that they haven't so, as a result, the programming has been provided in July and August without any kind of State appropriations for the first time in twelve or thirteen years; that Staff is asking that the Board fund the monies on a 50/50 split equaling \$2,500 per month with Orange until the State adopts a budget.

Due to State budgetary problems, Commissioner Givens moved, seconded by Commissioner Pollard, to approve funds in the amount of up to \$2,500 per month through December 2002 for the Orange Justice Criminal Partnership. The motion carried five (5) to zero (0).

## **COMMISSIONERS' REPORTS**

### **Mental Health Meeting Notification:**

Commissioner Pollard asked that Joyce Kachergis is notified of the OPC Mental Health meeting on September 9, 2002.

### **Chatham County Agricultural and Industrial Fair:**

Commissioner Pollard reminded everyone present of the opening of the annual Chatham County Agricultural and Industrial Fair.

### **Exchange Student:**

Commissioner Givens introduced his guest, an exchange student from Sweden.

### **Harnett County Economic Assessment and Action Plan:**

Commissioner Outz stated that it looked as though Harnett County had done a good job on their Economic Assessment and Action Plan. He stated that Chatham needs more industry and that he wondered if Chatham might pattern their plan after Harnett County's plan.

**Certification Board of the NC Association of Registers of Deeds:**

Chairman Phillips stated that he had received notification of the certification of Treva B. Seagroves as Assistant II Register of Deeds and Verna J. Ellis as Assistant Register of Deeds of Chatham County. He asked that congratulatory letters be sent to the individuals on their accomplishments.

**ADJOURNMENT**

Commissioner Givens moved, seconded by Commissioner Atwater, that there being no further business to come before the Board, the meeting be adjourned. The motion carried five (5) to zero (0), and the meeting was adjourned at 11:40 AM.

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Gary Phillips, Chairman

ATTEST:

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