

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
DECEMBER 08, 2003

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the District Courtroom, located in Pittsboro, North Carolina, at 6:00 PM on December 08, 2003.

Present: Chairman Tommy Emerson; Vice Chair Carl Outz; Commissioners Margaret Pollard, Bob Atwater, and Bunkey Morgan; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Assistant County Manager, Renee Dickson; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

The meeting was called to order by the Chairman at 6:02 PM.

PLEDGE OF ALLEGIANCE AND INVOCATION

Chairman Emerson invited everyone present to stand and recite the Pledge of Allegiance after which he delivered the invocation.

ORGANIZATION OF THE BOARD

Chairman:

County Attorney, Robert Gunn, presided over the organization of the Board. He opened the floor for nominations for Chairman of the Chatham County Board of Commissioners.

Commissioner Morgan nominated Commissioner Emerson for Chairman of the Chatham County Board of Commissioners. Commissioner Outz seconded the motion.

Commissioner Pollard moved that the nominations for Chairman of the Chatham County Board of Commissioners be closed. Commissioner Atwater seconded the motion. The motion carried five (5) to zero (0).

Hearing no other nominations, the presiding officer called for a vote for Commissioner Emerson as Chairman of the Chatham County Board of Commissioners. The motion carried five (5) to zero (0).

Vice Chairman:

The Chairman opened the floor for nominations for the Vice Chairman of the Chatham County Board of Commissioners.

Chairman Emerson nominated Commissioner Outz for the office of Vice Chair. Commissioner Pollard seconded the motion.

Commissioner Morgan moved that the nominations for Vice Chairman of the Chatham County Board

of Commissioners be closed. Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0).

Hearing no other nominations, the Chairman called for a vote for Commissioner Outz as Vice Chair of the Chatham County Board of Commissioners. The motion carried five (5) to zero (0).

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APPOINTMENT OF CLERK TO THE BOARD

Commissioner Pollard moved, seconded by Commissioner Morgan, 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 Morgan moved, seconded by Commissioner Outz, to reappoint Robert L. Gunn as the County Attorney. The motion carried five (5) to zero (0).

SOCIAL SERVICES DIRECTOR

Mr. John Tanner was administered the oath of office as the Chatham County Social Services Director.

Mr. Tanner stated that he looked forward to working with the Board of Commissioners as he was with the Social Services Board stating that they were doing a very good job of serving the citizens of Chatham County.

AGENDA

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

Commissioner Pollard 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.

Commissioner Morgan moved, seconded by Commissioner Outz, to approve the Consent Agenda.

1. **Minutes:** Consideration of a request to approve Board Minutes for Regular Meeting held November 17, 2003, Work Session held November 17, 2003, and Compact Communities Work Session held November 13, 2003

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

2. **Tax Releases:** Consideration of a request for approval of tax releases, attached hereto and by reference made a part hereof.

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

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

- A. **Neil Carter**
- B. **Vintage Way**
- C. **FCB Lane**
- D. **Abbyian Lane**

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

4. **Funds Acceptance to Implement "Men As Navigators" Health Initiative:** Consideration of a request to accept funds in the amount of \$59,623 from UNC School of Public Health for the Health Department to be utilized to create a .5 FTE Project Coordinator position, and to increase an Office Assistant III position from .5 FTE to .75 FTE to implement the "**Men As Navigators**" health initiative

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

5. **Solid Waste Advisory Committee Reappointment:** Consideration of a request to reappoint John McSween, 617 East Raleigh Street, Siler City, NC, to the Solid Waste Advisory Committee as the Town of Siler City representative

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

6. **Final Plat Approval of "Bobcat Point Phase IV, Lots 89, 90, 102, and 103":** Consideration of a request by Ricky Spoon for final plat approval of "**Bobcat Point Phase IV, Lots 89, 90, 102, and 103**", consisting of four (4) lots on approximately twenty (20) acres, off SR #1559 (Emerson Cook Road) and SR #1558 (Henderson Tanyard), Hadley Township

As per the Planning Department and Planning Board recommendation, final plat approval of the plat was granted as submitted with the following condition:

- 1. The plat not be recorded until the County Attorney has approved the financial guarantee.

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

7. **Final Plat Approval of "Heartland Grove Subdivision":** Consideration of a request by Timberlyne Holdings, LLC for final plat approval of "**Heartland Grove Subdivision**", consisting of thirty-four (34) lots on approximately 53 acres, off SR #1532 (Manns Chapel Road), Baldwin Township

As per the Planning Department and Planning Board recommendation, final plat approval and approval of the road names **Heartland Drive, Grove Park Circle, and Amity Court** was granted with the following condition:

- 1. The plat not be recorded until the County Attorney has approved the financial guarantee.

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

8. **Proposed Amendment to Chatham County Subdivision Regulations:** Consideration of a proposed amendment to the Chatham County Subdivision Regulations to delete the specified two-year time limit on financial guarantees from Section 3.1 (B) (2)

As per the Planning Department and Planning Board recommendation, approval was granted to delete the following language from the Chatham County Subdivision Regulations Section 3.1, Improvement and Adequate Security, (B), Adequate Security, (2)...**"shall not in any event exceed two (2) years from date of final approval. The County may, upon proof of difficulty, grant an extension, if completion date set forth in such security, for a maximum period of one (1) additional year"**.

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

9. **Sketch Design Approval of "Survey for Glenn H. Powers and wife Ruth S. Powers":** Consideration of a request by Glenn Powers and Ruth Powers for subdivision sketch design approval of **"Survey for Glenn H. Powers and wife Ruth S. Powers"**, consisting of three (3) subdivision lots and one (1) exempt lot, on approximately seventeen (17) acres, located off SR #2877 (out of Randolph County), Bear Creek Township

As per the Planning Department and Planning Board recommendation, sketch design approval of the request was granted with the following conditions:

- 1) The final plat may be reviewed and approved through the minor subdivision procedure.
- 2) A road maintenance agreement to cover the entire length of Dusty Trail running from SR #2877 to tract #5 shall be prepared according to Section 6.2D (2) B. of the Chatham County Subdivision Regulations and recorded prior to recordation of the final plat.
- 3) The final plat shall show a 50 foot wide water hazard buffer along the creek to the south of Tracts 4 and 5 with a statement on the plat as to the restrictions in a water hazard area.
- 4) No other subdivision lots may be created on this property for a thirty-six month period.

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

10. **Preliminary Approval of "Park Pointe East":** Consideration of a request by Landco Realty for subdivision preliminary approval of **"Park Pointe East"** consisting of five (5) lots on approximately 29 acres, located off SR #1700 (North Pea Ridge Road), New Hope Township

As per the Planning Department and Planning Board recommendation, preliminary plat approval and approval of the road name **Park Pointe Drive** was granted as submitted.

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

11. **Lease With State for Probation Offices:** Consideration of approval of lease with State of North Carolina for Probation Offices, attached hereto and by reference made a part hereof.

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

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

BOARD OF COMMISSIONERS' MATTERS

"Good Citizens" Resolutions: Presentation of "Good Citizens" Resolutions

Chairman Emerson read **Resolution #2003-45 Recognizing Adam Carr and Cody Felts For Their Act of Good Citizenship.**

Chairman Emerson moved, seconded by Commissioner Morgan, that the resolution be adopted. The motion carried five (5) to zero (0). The resolution is attached hereto and by reference made a part hereof.

The Board congratulated the young men on their honesty and integrity.

Chatham County Human Relations Commission Annual Report Presentation of the Chatham County Human Relations Commission Annual Report

Jody Minor, stated that he appreciated the efforts of Carolyn Miller, Chatham County Human Relations Director and Charlie Horne, County Manager, for their participation and leadership in helping to raise funds for the United Way. He stated that their participation in these efforts was a testimony to every elected official and public servant in the community as to the meaning of true leadership.

He stated that the mission of the Chatham County Human Relations Commission (HRC) is to actively promote amicable relations and mutual respect among all groups within Chatham County and to discourage all manner and manifestation of discriminatory practices toward such groups, thus promoting the general welfare of this community. He stated that the first meeting of the newly formed HRC was convened September 24, 2002 by the County Manager, Charlie Horne; that Gene Troy from the North Carolina Human Relations Commission co-facilitated the meeting and continue to provide guidance at subsequent meetings throughout the year; that monthly meetings were held with exception of two months wherein quorum could not be reached; that meeting achievements and activities included: election of officers, approval and adoption of bylaws, training by Gene Troy, discussions addressing historical and current issues facing Chatham County, exploration of best strategies to meet the objectives of the commission, planning the development of effective venues for community forums, inventoried resources available in the County to whom the HRC can refer situations or consult with the best approaches to address particular and overall HR issues, determined to develop a survey to assess needs and community perceptions, and established necessary HRC working committees.

Mr. Minor informed the Board that the goals for 2003-2004 include: winter planning retreat, public awareness initiatives, planning and scheduling public meeting(s), expand interactions with Chatham organizations and individuals, and continue to develop the Chatham County HRC identity. He stated that the consensus of the HRC members is that many important goals were achieved in 2002-2003; that the members have a collective understanding of the HRC's potential role in the community, which is being more clearly

defined with time; that some areas of concern have been identified and the working committees are now in place; that the committees will pursue interfacing with community leaders and general public to determine how to effectively facilitate activities and conversations that will engender unity, positive relationships, and build community in the midst of diversities.

Chairman Emerson asked if Mr. Minor and his organization would coordinate efforts with the UNC Social Work group who spoke at the Work Session in their efforts to design a brochure in Spanish showcasing County government.

Mr. Minor stated that the Hispanic population in Chatham County had evolved to the point that they can no longer print everything in English alone; that there are Hispanic residents in the community that can only understand their particular dialect; that there are hundreds of Hispanic dialects; that their input will be important; and that offering everyone an opportunity at the table is important.

PLANNING AND ZONING

Request for B-1 Conditional Use Business District with Conditional Use Permit: Consideration of a request by **Lat Purser & Associates, Inc.** for a B-1 Conditional Use Business District with a Conditional Use Permit for the following uses: banks, drug stores, retail food stores, professional and business office use and retail stores and personal service shops similar to those listed in the Chatham County Zoning Ordinance dealing in direct consumer and personal service, to be known as Chatham Downs, located on approximately 28 acres on Highway #15-501 at the southeast quadrant of the intersection with Lystra Road (SR #1721) in Williams Township

George Lucier, Planning Board Chairman, stated that the Planning Board discussed the Chatham Downs proposal at their November and December meetings; that the applicant and many interested citizens were present at and participated in their meetings; that prior to each of their meetings, the Public Information Committee (George Lucier and Charles Eliason) and other Planning Board members met with the public on the Chatham Downs proposal and other planning and zoning issues of importance to Chatham Downs; that the applicant, Lat Purser, also participated in those meetings; that the Planning Board focused their deliberations on whether or not the proposal met the five findings required for conditional use approval and the identification of conditions that should be imposed if the application was approved; that there were strong arguments presented for and against the proposal and the Planning Board vote on December 3rd resulted in a four to four tie so that the Planning Board could not provide the Board of Commissioners with a majority recommendation; that three members of the Planning Board were absent from the December 3rd meeting; that although the Planning Board vote was split, their meetings were cordial and all members recognize that there are legitimate differences of opinion on the advisability of approving the Chatham Downs Shopping Center; that it is also important to note that the Planning Board agreed unanimously that, if the proposal is approved, the ten conditions approved by the Planning Board should be imposed; that these conditions address some but not all of the concerns of adjacent landowners and other interested citizens in the area; that all of the conditions were agreed to by the applicant; and that the Planning Board notes that Mr. Purser was willing to listen to the public concerns and to modify his application in response to them.

He stated that the following summarized the arguments for and against the Chatham Downs proposal; that most of the points on both sides were agreed to by all members; and that the tie vote resulted because different members weighted those points differently.

Arguments in favor of approving Chatham Downs:

Consideration was given to the citizenry that are in opposition to the project, the

petition that was presented as well as the concern expressed by those in opposition to proposed shopping center project.

The petition was felt to lack a certain degree of merit based on the fact that it contained signatures from non-county residents as well as the fact that it represented a small minority of the Chatham County area.

It was felt that the project should not be evaluated against the performances or non-performances of the existing Cole Park Shopping Center. How Cole Park is operated and managed should not be a point of comparison to proposed projects for Chatham County. Confidence is given to the Harris-Teeter Corporation that the market research performed to date has identified a need and desire for their proposed user as a part of the Chatham Downs project as submitted.

The developer satisfied all the concerns of the adjacent landowners as well as their requests. An adjacent landowner asked for specific plant materials to be used, the developer agreed. An adjacent landowner asked for some 900 feet of barrier fencing as well as opaque screening, the developer agreed.

It should be noted that need and desirability be evaluated not only in terms of immediate Chatham County residents in the Lystra Road area, but by the County proper itself. An opportunity for clean business uses to augment the County tax base as well as serving the residents of the County is a need and a desire. The amount of open space on the project in order to meet the 36% impervious surface area requirement is also a desire and a benefit afforded to the County by virtue of a strong anchor tenant within the project is also a desire.

All eight board members agreed unanimously that the design including all details were great. All agreed that the developer had worked wonderfully with all issues of the design from the immediate neighbors.

It should be noted that the Chatham Downs project is consistent with the land use plan for a corner commercial development project; particularly in the 15-501 corridor in northeast Chatham County.

Arguments against approval of Chatham Downs

Approval for a conditional use application is not a right and the PB is charged with determining whether or not the application meets the 5 findings. PB members who voted against the proposal did so because, in their opinion, it did not meet Findings 2,3 and/or 4 regarding desirability, impact on the surrounding area and consistency with the Land Use Plan.

The Chatham Downs proposal cannot be considered desirable when so many people who live in the area are against it. Most of the 1300 people who signed the petition against Chatham Downs live or work in the area and/or use the existing nearby shopping centers (Cole Park and Chatham Crossing). How can an application be considered desirable or essential if so many people are against it? An application should not be considered desirable for Chatham County just because Harris Teeter and the developer want it. Several letters, independent of the petition, requested that the Planning Board not recommend approval.

There are two (2) existing shopping centers less than one mile from the proposed Chatham

Downs. Many of these stores are empty with no tenants and the Lowe's Supermarket in Chatham Crossing is not overcrowded. These observations clearly demonstrate a lack of need or desirability for Chatham Downs.

If the proposed Chatham Downs shopping center would be approved now, it would hurt existing businesses in the area and in this way impair the integrity of the surrounding area by increasing the vacancy rate and the number of empty buildings.

Chatham Downs would reside in the area covered by the draft compact community ordinance (CCO). Conditional use applications in that area should be deferred or disapproved until the CCO is approved. Since the Chatham Downs proposal is not an urgent need and is considered not desirable by many, it makes sense to wait and evaluate this proposal after the CCO is finalized. This approach would permit the Commissioners, Planning Board and interested citizens to evaluate this proposal within the context of the CCO to see whether or not it is needed for Chatham County. If Chatham Downs was approved it would be difficult for another supermarket to be successful in the Compact Community.

Chatham Downs should not be approved until there is clearer guidance regarding the 15-501 corridor; such planning is needed for adherence to the Land Use Plan.

A question and answer period ensued.

Fred Morganthall, President of Harris Teeter, stated that he had been with Harris Teeter for seventeen years and its president for six years; that they use a company called "Wind Site" to do their models; that it measures the population in a trade area; that from that, it measures the following that that trade area would do in groceries; that it then looks at competition and draws a conclusion as to how many dollars are available for Harris Teeter in a trade area; that it is modeled out to do well within their norm for an opening weeks store; that it would then grow at a rate of approximately \$20,000 per week; that what is driving the forecast is a regional vice president who lives in Raleigh; that he has been bringing him to the area for approximately twelve years and telling him that they needed to be here; that the population of the trade area was 9,587 in 1990 and is 27, 666 today; that the trade area that they used was Highway #54 to the north, Farrington Road to the east, Highway #64 to the south, and Haw River to the west; that a comparison to the other Harris Teeter Stores in the Chapel Hill area are University Mall which draws three miles to the south and six miles to the northeast; that the Meadowmont store three miles to the south and six miles to the northwest; that the Interstate 40/86 draws four miles to the south and three miles to the north; that this trade area fits pretty much what they would define in this market; that in terms of dollars, the area is doing about one million three hundred thousand dollars per week in grocery volume; that there are currently seven stores in the market doing business, but those are doing only 79.4% of the volume available in the trade area; that 20% of the grocery dollars in this trade area leave this market and go some place else to shop; that a conservative forecast is that the population will grow 13.5% between 2002 and 2007; that the last seventeen stores that they have opened, they have had a 107% accuracy rate; that the last four stores they have opened in the Triangle Area are the Falls of the Neuse (124% of forecast), Six Forks (97% of forecast), Maiden Harrison Store in Cary (102% of forecast) and Meadowmont in Chapel Hill (102% of forecast); and that they feel very good about their accuracy and forecasting in stores.

Chris Brown stated that they are assuming a five-mile trade area; that five miles from their proposed site takes one onto south Columbia Street in Chapel Hill; that it takes one midway up Greensboro Street in Carrboro; that if one looks at the three-mile trade area ring from Cole Park Plaza the population is approximately 9,600 people; that he feels that they are using numbers that take one deeper into Chapel Hill which is where they are getting huge chunks of population; that he lives on north Greensboro Street in

Carrboro; and that if he wants to go to Harris Teeter, he will go to the one 500 yards up the road from him, not the one five-miles deep into Chatham County.

Daniel Addison stated that Mr. Morganthall described the trade areas that he projects for this particular shopping center; that they all appear to intrude on the trade areas for other grocery stores, not just Harris Teeter; that he doesn't know that he can necessarily expect to draw from those other trade areas and take customers from those areas; that he mentioned that he estimated a 79% capacity at his other stores which says to him that they are not at full capacity either; that he doesn't understand what makes him think that this will draw full capacity; that he understands why this is desirable for Harris Teeter but he doesn't believe that this is the question that the zoning ordinance calls for; that the zoning ordinance calls for whether this issue is desirable for the public welfare of the citizens of the community; and that he feels that it is clearly not.

Mr. Morganthall clarified comments made by Mr. Addison.

Commissioner Pollard moved to deny the proposal request for the B-1 Conditional Use Business District with a Conditional Use Permit based on two items: 1) It does not meet Finding #2 of the Zoning Ordinance; and 2) A curb cut in Highway #15-501 adds to congestion.

Commissioner Atwater seconded the motion stating that he is impressed with Mr. Purser's design of the shopping center and more so with his professionalism and attitude on adjusting the proposal to the concerns of the citizens; that his seconding and voting in this direction has more to do with a plea on his part to his fellow Board members that they proceed to make things more predictable in terms of the public's view of how things are going to happen, the Commissioners' and Planning Boards' view of how things are going to happen in going ahead in a fair and representative way and identify those commercial locations on Highway #15-501 as well as address within their five findings that some of the subjectivity involved there so that they do not have to revisit those types of things again as rate of growth of the County accelerates.

Commissioner Morgan stated that he didn't think that the Board should penalize this applicant because the Board has not done their work; that the Land Development Plan has been adopted for a number of years; and that since the Board has not "drawn the circles", he doesn't see how this issue can be voted down.

Chairman Emerson called the question.

The motion failed two (2) to three (3) with Commissioners Pollard and Atwater voting to support the motion to deny the request and Commissioners Morgan, Outz, and Emerson voting to oppose the motion.

As per the Planning Department recommendation, Commissioner Morgan moved, seconded by Commissioner Outz, to make the five required findings and grant approval of the change of zoning district to conditional use business district and to approve the conditional use permit for the uses requested with the following ten (10) conditions:

1. The lighting plan shall conform to the recommended Chatham County Lighting Ordinance dated 9/02-03.
2. Minimum setbacks of structures shall be as shown on the revised site plan dated December 1, 2003
3. A visual buffer shall be established along the eastern boundary between the subject property and the Kathryn Conway property to provide an opaque buffer to block the view from the Conway property of the rear of the commercial areas. The plantings

shall include, but not be limited to, the use of Magnolia grandiflora and Nelly Stevens hollies. All other landscaping shall be as shown on the revised landscape plan and as recommended by the Chatham County Appearance Commission, except as specified differently in these conditions. All plantings shall be minimum 3-gallon shrubs and 10-gallon trees and shall be of a type at a minimum to grow to a height of six (6) feet in four (4) years.

4. A security fence six (6) feet high shall be placed along the southern property line between the subject property and the Jim Griffin property to extend a minimum of 300 feet from the edge of the state road right-of-way along the common boundary line.
5. Opaque vegetative screening shall be provided along the southern property line adjacent to the Griffin property.
6. Signage shall be as specified in the Chatham County Zoning Ordinance, Section 13.7, Signs Permitted in the B-1, Business District.
7. Staff shall assure that the maximum impervious surface limits are not exceeded. This shall be accomplished by the applicant submitting timely calculations of the impervious surfaces planned and constructed, i.e. prior to the issuance of the phase II building permits as-built calculations for the impervious surface coverage for the entire project and again prior to the issuance of the certificate of occupancy for Phase II.
8. Vegetative filter strips shall be utilized for storm water management where practical.
9. The following uses shall not be permitted: Amusement enterprise such as pool, bowling, etc. Automobile repair garage, Bait and tackle shop; Boat, trailer and other utility vehicle sales, Bus passenger station (however, not to exclude a City or County bus stop); Funeral home; Heating, plumbing, electrical, cabinet and similar shop; Hotel, motel or inn; Landscaping and grading business; Mobile home sales and service; Motorcycle sales and service. No outside animal runs shall be allowed for veterinary offices.
10. All required permits shall be obtained prior to issuance of the first building permit, i.e. Chatham County Environmental Health, NCDENR, (Division of Water Quality), NCDENR, (Erosion Control), NCDOT, etc.

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

Set Public Hearing on Compact Communities Ordinance: Consideration of a request to set a public hearing on the Compact Communities Ordinance

Chairman Emerson informed the public that this issue had been discussed at the earlier Work Session. He stated that the public hearing on the Compact Communities Ordinance had tentatively been set for January 20, 2004 after satisfactory review of the Compact Communities Ordinance at the Board of Commissioners' meeting on January 5, 2004.

George Lucier stated that, assuming that the public hearing on the Compact Communities is held on January 20, 2004, the Planning Board has already agreed to schedule a special meeting on January 27, 2004 to consider comments from the public hearing and deliver their final recommendations to the Board.

FINANCE OFFICE

Fiscal Year 2003-2004 Budget Amendments: Consideration of a request to approve Fiscal Year 2003-2004 Budget Amendments as proposed by staff

Commissioner Morgan moved, seconded by Commissioner Pollard, to approve the Fiscal Year 2003-2004 Budget Amendments, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Utility Budget Amendment: Consideration of a request to approve a budget amendment for the Utility Fund, increasing the appropriation from Fund Balance in the amount of \$21,000, to cover the cost of tank maintenance in the amount of \$15,000 and the Triangle Area Water Supply Monitoring Project in the amount of \$6,000

Commissioner Pollard moved, seconded by Commissioner Atwater, to approve the budget amendment for the Utility Fund, increasing the appropriation from Fund Balance in the amount of \$21,000, to cover the cost of tank maintenance in the amount of \$15,000 and the Triangle Area Water Supply Monitoring Project in the amount of \$6,000. The motion carried four (4) to one (1) with Commissioner Morgan opposing. A copy of the budget amendment is attached hereto and by reference made a part hereof.

Declaration of Surplus Property and Authorization of Property Trade-In for Law Enforcement Equipment Purchase: Consideration of a request to declare property as surplus and authorize the trade-in of property for law enforcement equipment purchase

Commissioner Atwater moved, seconded by Commissioner Outz, to declare the attached list of property surplus and authorize the trade-in of property for law enforcement equipment purchase. The motion carried five (5) to zero (0). A copy of the surplus property list and the trade-in list are attached hereto and by reference made a part hereof.

SHERIFF'S OFFICE

Resolution Supporting Chatham County Sheriff and North Carolina Sheriff's Association in Efforts to Ban Video Poker: Consideration of a request to adopt Resolution Supporting Chatham County Sheriff and the North Carolina Sheriff's Association in Efforts to Ban Video Poker

Chairman Emerson moved, seconded by Commissioner Pollard, to adopt **Resolution #2003-46 Supporting Chatham County Sheriff and North Carolina Sheriff's Association in Efforts to Ban Video Poker**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Law Enforcement Block Grant Public Hearing: Consideration of a request to set January 20, 2004 as the date on which to hold a public hearing to receive public comments on the use of funds for the 2003 Law Enforcement Block Grant

Commissioner Pollard moved, seconded by Commissioner Morgan, to set January 20, 2004 as the date on which to hold a public hearing to receive public comments on the use of funds for the 2003 Law Enforcement Block Grant. The motion carried five (5) to zero (0).

BOARD OF COMMISSIONERS' MATTERS

Resolution Authorizing the Finance Officer to Transfer Funds: Consideration of a request to adopt Resolution Authorizing the Finance Officer to Transfer Funds from the Vehicle Replacement Reserves to the General Fund, Waste Management Fund, and Utility Fund

Commissioner Atwater moved, seconded by Commissioner Outz, to adopt **Resolution #2003-47 Authorizing the Finance Officer to Transfer Funds from the Vehicle Replacement Reserves to the General Fund**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Atwater moved, seconded by Commissioner Outz, to adopt **Resolution #2003-48 Authorizing the Finance Officer to Transfer Funds from the Vehicle Replacement Reserves to the Waste Management Fund**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Atwater moved, seconded by Commissioner Outz, to adopt **Resolution #2003-49 Authorizing the Finance Officer to Transfer Funds from the Vehicle Replacement Reserves to the Utility Fund**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

A discussion on vehicle replacement ensued. Commissioner Outz stated that in purchasing trucks for the County, extended-cab models should not be purchased; that he does not know of any department that couldn't use a smaller vehicle for the same purpose at a much cheaper cost to purchase and operate; that he doesn't feel that the County needs the finest in everything; that Chatham is not a rich County; that as the old Jew said, "It's always the finest.", which is not true; that the County does not need the finest; that the County should strive to be mediocre due to the fact that Chatham does not have rich folks like Wake and Orange Counties do; that he believes that if the telephone system is working, why change it?; and that he has heard some departments requesting that customers spell the name of whom they are trying to reach; and that he feels that this is ridiculous. We should strive to be mediocre.

APPOINTMENTS

Home and Community Care Block Grant Committee: Consideration of a request to appoint members to the Home and Community Care Block Grant Committee by Commissioner Atwater (1), Commissioner Pollard (1), Commissioner Outz (1), Commissioner Morgan (1), and Chairman Emerson (1)

Commissioner Pollard moved, seconded by Commissioner Atwater, to appoint Frank Minter, 456 Forest Lake Estates, Moncure, NC, to the Home and Community Care Block Grant Committee. The motion carried five (5) to zero (0).

Commissioner Morgan moved, seconded by Commissioner Pollard, to appoint E. T. Hanner, 436 Hanner Town Road, Bear Creek, NC, to the Home and Community Care Block Grant Committee. The motion carried five (5) to zero (0).

Commissioners Atwater and Outz deferred their appointments until a later date.

Child Fatality Prevention Team Appointment: Consideration of a request to appoint a member to the Child Fatality Prevention Team by Commissioner Outz (1)

Commissioner Outz deferred his appointment until a later date.

Agriculture Advisory Committee: Consideration of a request to appoint a member to the Agriculture Advisory Committee by Chairman Emerson (1)

Chairman Emerson moved, seconded by Commissioner Pollard, to reappoint Linda Harris, PO Box 207, Pittsboro, NC, to the Agriculture Advisory Committee. The motion carried five (5) to zero (0).

Chatham County Water Board: Consideration of a request to appoint a member to the Chatham County Water Board by Commissioner Pollard (1)

Commissioner Pollard moved, seconded by Commissioner Outz, to appoint C. Dewitt Alston, 1841 Russell Chapel Road, Pittsboro, NC, to the Chatham County Water Board to replace Gary Cox. The motion carried five (5) to zero (0).

Economic Development Board: Consideration of a request to appoint a member to the Economic Development Board by Commissioner Pollard (1)

Commissioner Pollard explained that she had resigned from the Economic Development Board and had asked Ed Holmes to fill her vacancy.

After considerable discussion with regard to Economic Development Board vacancy, Chairman Emerson moved, seconded by Commissioner Morgan, to appoint Ed Holmes, 1062 Old Graham Road, Pittsboro, NC, to the Economic Development Board subject to vacancy availability. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

The County Manager reported on the following:

Board Retreat: The Board retreat is scheduled for Monday, December 15, 2003 and Tuesday, December 16, 2003 to be held in the Agricultural Building Auditorium.

DEPUTY FINANCE OFFICER APPOINTMENT

The Finance Officer asked that the Mr. John Tanner, Chatham County Social Services Director be appointed as Deputy Finance Officer with signature authority.

Commissioner Pollard moved, seconded by Commissioner Morgan, to appoint Mr. John Tanner, Chatham County Social Services Director as the Deputy Finance Officer with signature authority for the following accounts:

Chatham County Department of Social Services	481013372
Chatham County Department of Social Services for Brandon McMorrough	813010079
Chatham County Department of Social Services for Jacob Mote	813456393

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

COMMISSIONERS' REPORTS

Water Board Update:

Commissioner Morgan asked for an update on the revision of the Chatham County Water Board.

The County Manager explained that the bylaws are being reviewed and will be brought before the Board sometime in January 2004.

New Parking Lot/Spaces:

Commissioner Outz asked about the number of spaces available in the new parking lot. He stated that he thought it would be good to leave three to four parking spaces close to the annex with fifteen minute parking for customers to have easy and quick access to the Tax Department.

PUBLIC INPUT SESSION

Tom Driscoll, 504 Redbud Road, Chapel Hill, NC, President of the Audubon Society serving Orange, Durham, and Chatham Counties, asked the Board to consider adopting a resolution to join with Governor Easley in opposing the Navy's proposed outlying landing strip in Beaufort and Washington Counties. He stated that in September, the US Navy made a decision to place a touch-and-go landing strip to simulate carrier landings for F18 Super Hawk Hornets and all other aircraft; that this is a poor decision for several reasons: 1) The plan is bad for the birds and wildlife at Pocosin Lakes National Wildlife Refuge with five miles. 2) It is bad for the seventy-four households, many of when are fourth and seventh generation landowners, who are being asked to give up prime farmland surrounding the OLF site, in both counties, by fee-simple transactions or condemnation, and will affect an estimated one hundred seventy-one persons. 3) It is bad for the Navy whose own military safety experts who judged the site as being one of the most dangerous locations in the country for Bird Aircraft Strike Hazards. 4) The planes are not inexpensive as they cost upwards of nearly forty million dollars each. 5) Human lives are at risk. 6) The planned jet field would have negative impacts and be unacceptable to the State of North Carolina.

He stated that there is an existing five-year practice landing strip in Virginia; that real estate around the strip had been sold and expensive homes built; that the people living there now want the strip to be closed; that they do not want the loud jet noise; that the landing field will cause an additional loss of jobs and the tax rate will need to be raised to accommodate the loss of revenue; that the citizens of Washington and Beaufort Counties have no choice in something that will impact the State forever; and that once the landing field is built, the Navy estimates that squadrons of five to seven planes will be flying overhead every fifteen minutes. He asked that the Board support Governor Easley who has stepped up to support the State. He stated that the steps he has taken will give a united voice, one that will help North Carolina choose its own fate. He asked that the Board review the distributed information and come together as North Carolinians to aid both the Governor and citizens of Beaufort and Washington Counties.

The Chairman thanked Mr. Driscoll for the information and stated that it would be taken under consideration at a later date.

Commissioner Morgan asked about the possibility of using military bases in North Carolina that are in jeopardy of closing for this project.

ADJOURNMENT

Commissioner Morgan moved, seconded by Commissioner Outz, that there being no further business to come before the Board, the meeting be adjourned. The motion carried five (5) to zero, and the meeting was adjourned at 7:56 PM.

Thomas J. Emerson, Chairman

ATTEST:

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