

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
AUGUST 18, 2003

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Henry H. Dunlap, Jr. Building Classroom, located in Pittsboro, North Carolina, at 3:30 PM on August 18, 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; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

Commissioner Atwater entered the meeting at 3:58 PM.

The meeting was called to order by the Chairman at 3:30 PM.

Work Session

1. Chatham MarketPlace Resolution
2. Efficiency Study Presentation
3. Affordable Housing Resolution of Support
4. Noise Ordinance Discussion
5. Follow-up Items:
 - a. Fire Inspections and Fire District Tax Questions
 - b. Privilege Tax
 - c. Closed Session Question Regarding Personnel (former employee)
 - d. Woodall Status

CHATHAM MARKETPLACE

- Melissa Frey introduced and read the resolution requesting public support of the Chatham MarketPlace, Inc.

- Commissioner Pollard seconded by Commissioner Morgan, to adopt **Resolution #2003-28 Requesting Public Support of the Existence and Mission of Chatham MarketPlace, Inc.**, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

EFFICIENCY STUDY PRESENTATION

- Steve Allan, with Solutions 4 local government, presented an efficiency study plan to determine the

efficiency, productivity, and cost effectiveness of the various services provided and/or delivered by its major operating departments. He stated that he was asked to develop a study scope that would include the following major components: 1) Assess the efficiency of County personnel and departmental operations through: a. Identification of production/service outcomes (results); b) Evaluation of the processes used to accomplish the outcomes; c) Determination of unit/production costs of the services/results delivered; 2) Determine how Chatham County Compares with other counties of similar population, as regards to number of personnel (pay performance, and services provided); 3) Determine whether the pay grade and performance incentive procedures, previously adopted by the County are working and are cost effective.

Mr. Allan stated that it will be the consultant's responsibility to provide a disciplined process and an organized approach to objectively assess individual and organizational performance; that this effort will require and include the questioning of current business and performance practices as well as unfettered access to numerous records, reports production activities, work sites, and financial and budget data; that it will be the consultant's responsibility to provide an objective, unbiased written and verbal presentation of the study's findings and offer recommendations , where necessary, for improvement; that a number of methods and techniques will be utilized to accomplish this effort, numerous individual interviews, observation of processes and work activities, extensive data collection and analysis, facilitated group discussion, administration of customized data collection tools (questionnaires); that as a matter of reference, some of the specific methods expected to be utilized during this effort will include Process Mapping, Time-Ratio Analyses, and the Nominal Group Technique (NGT) that will further enable accurate as well as interactive collection of information; that county government is unlike any form of private sector business; that primary among the differences is that its operations are totally open to public view and scrutiny; that it includes and is responsible for providing a very diverse and distinctively different array of services to its citizens; that services such as public health programs, water utilities, law enforcement, public parks, and various environmental and development regulatory activities, as well as the management, taxing, collection, and budgetary responsibilities that accompany each discipline and are necessary to oversee and fund the activities and services provided; that the manner in which an assessment of specific functions, individual agencies and departments, and county government overall is conducted will vary from department to department due to the significant difference in each departments "charge" and assigned responsibilities.

Mr. Allan reviewed the Scope of Services Task Outline, attached hereto and by reference made a part hereof. He further stated that to accomplish all tasks for the identified departments will require 16-18 weeks which assumes ready access to all departments, relevant department records, department personnel, and all work site locations in the County; that the consultant will, at all times during the course of the study, remain attentive to customer, citizen, and client service delivery protocols with regard to privacy; that it is difficult to establish a specific sequence of events or activities ahead of time with a project of this type and complexity; and that based on the Scope of Services Task Outline, their proposed fee, including all project related expenses for travel, per diem, document printing and expenses will not exceed \$53,265.

Chairman Emerson stated that this should be a study that has a broader scope, including examining personnel administration in addition to the Pay-for-Performance program; that it should include a study of policies, procedures, documentation, grievances, and the whole process of personnel management; that it could also be expanded to include contract administration and the process used to award contracts.

Commissioner Outz asked for references from Mr. Allan.

Mr. Allan reiterated that the study would include personnel management, personnel process, and all of the activities that come with it in addition to the pay plan, and the procurement of services.

Chairman Emerson questioned whether the study would include the Register of Deeds' Office and the Sheriff's Office given that both departments are supervised by elected officials.

WATER LINES UPDATE

Group "B" Projects":

Tim Carpenter, Hobbs Upchurch & Associates, reviewed with the Board the following with regard to the Group B Projects:

Ø Pea Ridge Road Water Main: The design of these mains are basically complete and ready to submit for permitting. There are a few remaining issues to be resolved with regard to easements and land acquisition.

Ø Upgrade of the Jordan Lake Water Treatment Plant High Service Pump Station: The plans are underway for the upgrade of the High Service Pump Station. These upgrades will include the installation of one additional Filter Backwash Pump and one High Service Pump. The two larger pumps will include the addition of variable speed drives which will enable the pumps to operate under varying demand scenarios. The High Service Pump Station building will be expanded 15-20 feet to accommodate the installation of the new pumps.

Ø St. Lukes Water Main Replacement: The plans for this water main replacement will be completed by the end of August for these mains and will be submitted with the Pea Ridge Road Transmission Mains in September.

Chatham County Western Transmission Mains:

Mr. Carpenter stated that these transmission lines are currently in the design state; that the surveying is nearing completion and the design is ongoing; that there will be a 50% submittal of these plans made to Chatham County at the end of August; that negotiations with Goldston-Gulf Sanitary District are continuing as to the possibility if supplying water to the District either as a back-up water supply or supplemental water supply; that the 12" water main design along Pittsboro-Goldston Road has been delayed until such time that it is determined what Goldston-Gulf Sanitary District's level of participation will be; that there will be the need for the purchase of two small tracts of land for the construction of a water storage tank and a booster pump station; that recommendations of these locations will be made to the County Manager in the coming weeks.

Chatham County Water Districts:

He stated that Hobbs, Upchurch & Associates had previously presented to the Board of Commissioners the outline for the County Water Districts; that in that presentation, there were two districts presented (North District and a South District) with multiple phases in each; that based on the Board of Commissioners insights on the level of interest in the community and the Board's actions to proceed with the Western Transmission Mains they have revisited the District formations; that given Chatham County is proceeding with the Group B Projects and the Western Transmission Mains, these projects will build the infrastructure necessary to expand County Water Districts in most any location in Chatham County that is grant eligible; that the following will outline the proposed structure of the Chatham County Water Districts with the estimated total project cost of each and the potential customers for each District/Phase:

Southwest District (or Phase I of South District)

Ø Bear Creek Township

- Ø Gulf Township
- Ø Estimated Miles of Water Main – 83
- Ø Estimated Project Cost - \$6.6 million
- Ø Potential Customer Base – 1,031

Southeast District (or Phase 2 of the South District)

- Ø Oakland Township
- Ø Haw River Township
- Ø Cape Fear Township
- Ø Estimated Miles of Water Main – 23
- Ø Estimated Project Cost - \$2.0 million
- Ø Potential Customer Base – 364

North District – Phase I

- Ø Hickory Mountain Township
- Ø Hadley Township
- Ø Estimated Miles of Water Main – 54
- Ø Estimated Project Cost - \$4.9 million
- Ø Potential Customer Base – 820

North District – Phase 2

- Ø Albright Township
- Ø Estimated Miles of Water Main – 47
- Ø Estimated Project Cost - \$4.0 million
- Ø Potential Customer Base – 540

He stated that based on earlier meetings with the Board, it appeared that based on the level of interest from the public, the Bear Creek area would be a feasible area to start the Water District formation and construction; that at this time, the initial decision that must be made is the formation of the Districts; that based on Hobbs, Upchurch & Associates previous experience, it is their recommendation that Chatham County proceed with the formation of at least two districts (North and South) but no more than three; that the possible combination of the Districts is as listed above; that the formation of the District is a relatively simple process that involves the County's intent in a resolution to form the Districts and subsequent to that, hold public hearings as outlined in GS 162A-86; that once the public hearings have been held, there be a subsequent resolution by the Board of Commissioners ; that once the Districts have been formed and the Board of Commissioners has decided upon the order of implementation of the Districts then we can proceed with the public information meetings and customer sign-up drives; that the USDA-Rural Development requires that the District(s) obtain customer sign-ups prior to funding of projects; that this can sometimes be a lengthy process that should be started as early as possible; that the sign-up drives will demonstrate to USDA-Rural Development that the commitment of the potential users to be customers of the District(s); that the sign-up drives will ultimately determine the size of the project(s) based on the number users; that Hobbs, Upchurch & Associates will evaluate the information from the sign-up drives and provide final recommendations and a Revised Preliminary Engineering Report(s); and that once this information is complete, then the Report and Funding Applications are submitted to the funding agency.

He further stated that the Preliminary Engineering Reports and Cost Estimates for each of the potential phases are basically complete; that to finalize the reports, the District(s) organizational structure

must be determined; and that once this is complete, Hobbs, Upchurch & Associates, PA will be prepared to submit the Preliminary Engineering Reports to Chatham County.

Mr. Carpenter reviewed the Chatham County Water Districts Formation Procedures as follows:

District Formation: - In accordance with GS 162A-86

162A-3 Procedure for creation; certification of incorporation; certification of principal office and officers.

1) Resolution to signify the Board of Commissioners

2) Public Hearing to form the District – Notification of the public hearing shall be given by advertising the public hearing at least once and not less than 10 days prior to the date of the hearing in a newspaper having general circulation in the political subdivision. The notice shall contain a brief statement of the substance of the resolution, the proposed articles of the incorporation of the District and shall state the time and place of the public hearing.

3) Resolution shall be adopted after the public hearing is held.

District Development –

1) Forms committees to promote the District – These committees should consist of residents that reside in the District and that are community leaders.

2) Educate the public or those that will be affected by the District. This should be done by means of several public information meetings throughout the proposed Districts. These meetings should be attended by the County Commissioners, County Manager, and the Engineer (to answer technical questions).

3) Conduct the Bond Referendum – This referendum is a vote of the people residing in the District. These voters will vote for or against the project based on the cost of the water system construction. The Bond Referendum takes approximately 90 days to hold. **It is very important that the voters are educated prior to the referendum. The voters need to understand that the development of County Water Districts does not necessarily mean that it will be a tax burden but that the users will pay the cost of the projects through the monthly water bills.**

4) Proceed with the development of the Districts by submitting Preliminary Engineering Reports to USDA-RD for Loan/Grant Funding.

Commissioner Outz asked if it would be advantageous for the Board to appoint committees to serve each district. Mr. Carpenter enthusiastically agreed.

Mr. Carpenter stated that most people form the districts all at one time; that he recommended forming the Southeast District, Southwest District, and the North District (Hickory Mountain, Hadley, and Albright) stating that the North District should probably be formed with multiple phases of construction as they are roughly fifty miles each which the USDA would probably not want to form at one time; that they prefer to fund projects in the \$5-7 million range at one time; that until an application for federal assistance can be submitted and the Board is ready to proceed with a bond referendum, it becomes inactive until something else can be done; that it will be a County water district; that a sanitary district is not being proposed; that it can be

a County water and sewer district; and the quicker it can be moved upon, the better.

By consensus, the Board asked that the County Attorney prepare a "Resolution of Intent to Form Service Districts for the Provision of Water" for adoption at the next Board of Commissioners' meeting.

NOISE ORDINANCE DISCUSSION

Chairman Emerson stated that Commissioner Outz, the County Attorney, Sheriff, Major, the County Manager, and he had met on two occasions to discuss potential changes to the Noise Ordinance. He stated that one thing that needs immediate attention is replacement of the Sheriff's two noise decibel meters as both are inoperable; that the estimated cost is \$3,500.00 per meter; and that he recommends funding the purchase.

Commissioner Pollard moved, seconded by Commissioner Outz, to authorize funds up to \$7,000.00 to purchase two new decibel meters for the Sheriff's Office which measure bass. The motion carried five (5) to zero (0).

Chairman Emerson stated that there is another potential source of information available that has not been tapped on noise ordinances; that staff will follow-up on it so that the technical information can be considered in order to base a decision; that it involves the legal feasibility of the level of noise that is defensible in a court of law.

AFFORDABLE HOUSING SUPPORT

Commissioner Pollard moved, seconded by Commissioner Atwater, to authorize the Chairman to send a letter of support for the Downtown Housing Improvement Corporation's application to the Low-Income Housing Tax Credit Program for Cardinal Chase in Siler City, NC. The motion carried five (5) to zero (0). A copy of the letter is attached hereto and by reference made a part hereof.

FIRE INSPECTIONS AND FIRE DISTRICT TAX

The County Attorney stated that he did not yet have a definitive answer on the issue; that the General Statute states that when the taxes are passed in a district that they may not use the tax except for administrative fees for fire protection within the district; that he has been struggling with the proposed use of a small amount of it would fall within that definition; that he has looked at the contracts with the various fire districts; that it may well be without an amendment to the contract (even if the law allows it) that the Board does not have the authority to do that; that if it is done, the Board would have to come up with a formula to prorate the cost among the districts so that part of the money would be spent in the district; that he has talked with the School of Government who works in the finance area who wanted to conference it with two other professors and will try to have an answer for him in a few days. He further stated that if it turns out that it can be done, the next step would be to ask the volunteer fire departments to agree to amend their contracts.

Chairman Emerson asked that the matter be turned to the Board at a subsequent meeting for further review.

PRIVILEGE LICENSE TAX

The County Attorney stated that the County does have limited authority to levy privilege license tax. He reviewed various rates charged different entities.

Commissioner Morgan stated that he feels that there would be more accountability and would have to

qualify for a privilege license.

After further discussion, Chairman Emerson asked that the matter be further discussed at the next Board of Commissioners' work session.

COUNTY MANAGER ABSENCE

The County Manager explained that he would like to attend a school on farm animal artificial insemination techniques which falls on the second Board of Commissioners' meeting on September 15, 2003.

By consensus, the Board excused the County Manger from attending the Board of Commissioners' September 15, 2003 meeting to attend an artificial insemination.

WOODALL STATUS

The County Attorney explained that the judge approved the Consent Judgment a week ago; that Woodall had already paid a \$5,000 penalty and paid an additional \$5,000 on the approximate \$40,000 fine; that the County got a restraining order; that after looking at all of the requirements, the County had not met all of them; that there had been turnover in the staff handling the matter; that as soon as the present person was hired, everything was done as precisely as it could have been; that technical language was needed in the notices which was not done; that the most important thing was that it provided that the defendant could not at any time heat or otherwise process cooking oil or grease trap waste on the land described by a deed recorded in Book 627, Page 1050 in the Chatham County Register of Deeds without complying with all applicable State, federal, and County ordinances; that the defendant is required to allow the Chatham County Code Enforcement Personnel and Law Enforcement Officers access to subject property for purposes of determining compliance with the judgment at any time upon notice given by contacting Woodall or representative; that if contact is not successful, Code or Law Enforcement Officers shall have the right of access to the property to determine compliance with the judgment.

CLOSED SESSION QUESTION REGARDING PERSONNEL

Chairman Emerson stated that he had communicated by e-mail with the former public works director and told him that he is welcome to come to the Board to address them at any time.

The County Attorney stated that it is hard to answer the question without knowing what subject is to be discussed; that if it is strictly talking about Mr. Singleton's performance, then he is no longer an employee; that if the Board talks about something else, then there might be a different answer.

Chairman Emerson stated that the issues to be discussed would be the contractual, professional agreements that Mr. Singleton addressed in his letter, most especially where he questioned policies, procedures, and performance issues.

The County Attorney explained that the above would require an "Open Meeting".

The County Manager explained that the focus of the Closed Session meeting was on an allegation of corruption and potential litigation.

RECESS

- Commissioner Atwater moved, seconded by Commissioner Pollard, that the meeting be recessed for the regularly scheduled Board of Commissioners' meeting in the District Courtroom. The motion carried five (5) to zero (0), and the meeting was recessed at 6:53 PM.

Thomas J. Emerson, Chairman

ATTEST:

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