

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
SEPTEMBER 02, 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 10:30 AM on September 02, 2003.

Present: Chairman Tommy Emerson; 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

Absent: Commissioner Carl Outz

The Chairman reconvened the work session meeting at 10:35 AM.

Work Session Agenda

1. **Old Sanford/Chatham Church Roads: Pittsboro Response**
2. **Use of funds from fire districts to pay for inspector**
3. **Water Districts**
4. **Proposed revisions to the Chatham County Subdivision Regulations Section 6.2B. (3) – public street access**
5. **Budget calendar proposed**
6. **Don Lein: Chatham Land Preservation**

WATER DISTRICTS

Tim Carpenter, reviewed cost estimates of the Devils Tramping Ground, Old Sanford and Chatham Church Road, and Highland Forest Subdivision water main extensions as follows:

Old Sanford and Chatham Church Roads:

Mr. Carpenter stated that this estimate would extend from the proposed mains of the western transmission main at the intersection of Chatham Church and Pete Roberson Road and extend north along Chatham Church and Old Sanford Road back to NC Highway #87; that there are some elevations in this area that will make the pressure somewhat marginal if supplied from the 3 M tank at an elevation of 620 feet-msl.; that until the improvements are made on the Western Transmission Mains Project, there will be areas along Old Sanford Road that will have marginal pressures under normal flow conditions; that they estimate that these pressures would be in the 35-40 psi range along the higher elevations of Old Sanford Road; and that the project cost would be \$444,614.00. A preliminary cost estimate of construction contingencies, engineering,

and inspection is attached hereto and by reference made a part hereof.

Devils Tramping Ground Road:

Mr. Carpenter explained that he was unsure of the length of this project, but that in his conversations with Bill Lowery, he estimated that if they would assume a mile of water main that would give them a baseline to judge the cost; that the project cost is assuming that the County would only install one mile of pipe so there is no real economy of scale represented in this estimate; that he feels as though the cost estimate is fairly conservative; that he was not sure of the number of users that would be involved so ten customers were assumed for the purpose of the estimate; and that the project cost would be \$118,376.00. A preliminary cost estimate of construction contingencies, engineering, and inspection is attached hereto and by reference made a part hereof.

Highland Forest Subdivision Water Main Extension:

Mr. Carpenter stated that the estimate for Highland Forest would extend from the existing water main (12") along Manns Chapel Road and into Highland Forest Subdivision; that he has assumed in this estimate that every lot would be served by a water main; that due to elevations in the subdivision this area must be served from the Governors Club Tank (High Water Elevation of 737ft.-msl.); that the resultant pressures should be in the 45-55 psi range; that they will input this water main into the Hydraulic Model to provide a more accurate approximation of the pressures; that based on the Chatham County GIS information, it appears that there could be approximately 200 connections to the proposed mains; that in the cost estimates (Section 5), he has included a main along Tall Oaks Drive which will provide some additional hydraulic benefit to the proposed water main within Highland Forest Subdivision; that since he was unsure as to the level of participation from each resident in the Highland Forest Subdivision, he has broken the estimates down into several sections with descriptions of each; and that the project cost is \$758,872. A preliminary cost estimate of contingencies, engineering fees, and inspection fees is attached hereto and by reference made a part hereof.

He further stated that all of the attached estimates were done as stand-alone projects with no assumption that the County would gain any economy of scale in constructing these projects individually; and that he feel that each of these estimates are fairly conservative and are within unit cost range of projects of similar scope.

After a considerable question and answer period, Fred Hobbs with Hobbs, Upchurch and Associates explained that from a planning perspective, it makes more sense to form the water districts and let that be the first major extension policy. He stated that it will take the building of the western lines and funding of the water districts to get to all those areas; that it depends on where one starts first; that the entire build-out could take from three to five years; that the danger would be two fold as follows: 1) The question raised about getting the wrong sizes; 2) Diluting voting strength in the district due to the fact that people who have service aren't going to vote to extend service.

Governor's Club/Morehead Drive Water Main:

A lengthy discussion ensued with regard to the broken water mains at Governors Club and Morehead Drive. There were three options discussed with regard to the 12 inch water main replacement options: 1) Replace all of the 12 inch PVC main on Morehead Drive and Wilkerson Park; 2) Replace the 12 inch main at the dam on Wilkerson Drive; 3) Install new parallel main from the tank to the back entrance and relocate the Governors Club Booster Pump Station near the back entrance.

A copy of the preliminary cost estimate for the Governors Club and Morehead Drive 12 inch water

main replacement options is attached hereto and by reference made a part hereof.

It was the consensus of the Board, to have management, the County Attorney, and the advice of the engineering firm to diligently investigate the matter and return to the Board with any recourse the Board might have, and contact the engineering responsible for the faulty work and add costs for repairing the line up to this point.

Commissioner Morgan moved, seconded by Commissioner Atwater, to inform the engineering firm that the County is having problems with the Governor's Club and Morehead Drive water main and state that the County expects compensation for expenses to repair the problem. The motion carried four (4) to zero (0).

RECESS

The Chairman called for a one-hour lunch break and the meeting was recessed at 11.50 AM.

RECONVENE

The Chairman reconvened the work session at 1:03 PM.

FY 2004-2005 BUDGET CALENDAR

Renee Dickson, Director of Organizational Development, gave a presentation on the 2004-2005 Budget Process detailing budget criteria and the budget calendar. A copy of the presentation is attached hereto and by reference made a part hereof.

Commissioner Pollard moved, seconded by Commissioner Atwater, to adopt the FY 2004-2005 Budget Calendar. The motion carried four (4) to zero (0). A copy of the calendar presented to the Board is attached hereto and by reference made a part hereof.

Commissioner Morgan asked that the Board expand the period of time where the budget is discussed at the Commissioners' retreat in which to give more input on the first budget proposal so that it will not have to be greatly altered.

Efficiency Study:

The Chairman asked whether Sheriff's Department and Register of Deeds should be included in the efficiency study because they are the elected officials. He asked if the Board was serious about paying for the efficiency study and if so, how does it impact the budget calendar.

Commissioner Morgan stated that he had been pleasantly surprised with regard to the pricing of the efficiency study. He further stated that he believes that if the Board does what they think is right, that they do not need to spend the \$50,000.00 to have the efficiency study done; that he thinks that this can be done at the December Board Retreat; that even though it is a good price, he does not feel that the Board should spend the money to have the study done; and that he has been very pleased with Board discussions thus far and if they continue to communicate, they should be able to take care of it without expending the extra funds.

Commissioner Pollard stated that she was not convinced that it would give the Board much

information that they do not already know.

Commissioner Atwater stated that he feels that there have been numerous and substantial accusations made about County government; that he thinks that the citizens deserve to have an independent assessment of what the Board is doing, how, and with how many; that in that sense, the study becomes priceless.

Chairman Emerson asked if a decision on the matter could be delayed until the next meeting when all Board members were present. The Board concurred.

PROPOSED REVISIONS TO THE CHATHAM COUNTY SUBDIVISION REGULATIONS **SECTION 6.2B.(3) – PUBLIC STREET ACCESS**

The Planning Director explained that during a discussion of Heartland Grove Subdivision at the April Planning Board meeting, the minutes reflect the Planning Board's interest in expanding the situations where additional public access may be required; that said interest is to provide for an interconnected system of streets from developments to adjacent lands with development potential; that a public hearing was held on this issue on July 21, 2003 but no comments were received; that the Planning Department and Planning Board recommended that the language be adopted as a revision to the first sentence of Section 6.2B(3) of the Subdivision Regulations as follows:

"Where in the opinion of the board of Commissioners, it is reasonable to provide for public street access to adjoining landlocked property or additional public street access to large tracts with future development potential, proposed public streets shall be extended by dedication of right-of-way to the boundary of such property. Legal documents shall be recorded assuring future public accessibility."

After considerable discussion and by consensus of the Board, the issue was tabled until the next Board of Commissioners' meeting when all Board members could be present for the vote.

Scattered Site Housing:

The County Manager explained that there has been a change in the ownership of the company that the Board approved for doing front end work on the 2004 scattered site housing; and that he is concerned that the company, as it has reinvented itself, has the time to do the work.

The Planning Director explained that he had received a letter from the company administering the 2001 Community Development Block Grant (CDBG) for housing rehabilitation and approved for preparing and administering the 2004 project; that the County contracted with Benchmark Inc. to administer the grant; that part of the way through the process, he received a letter that Benchmark Inc. had changed to Benchmark LLC; that the owners were selling the company to two of their employees; that they in turn proceeded with the grant; that currently there are five houses completed and five under contract for completion by the deadline; that on August 18, 2003, he received a letter from Benchmark LLC that the company is going back to the original owners Benchmark Inc.; that he talked with the owners of Benchmark Inc. who said that they wanted to complete the grant; that they had new people coming on board; that they were trying to keep other employees from leaving; that he was told that the County's decision on the 2004 CDBG application was based on them saying who the staff was that was going to be administering the grant; that he needed to know if they were going to be there and if not, he needed information about who was going to be there; that this happened at the end of the prior week; that he told him that he had to check with the others who had put in bids on the CDBG; that they were still interested in doing the work; that he needed to know if he was still interested in performing the work because the other company that submitted a proposal is still interested and it was going to be brought before the Board at the day's meeting.

Commissioner Pollard moved, seconded by Commissioner Morgan, to approve the substitution of the new company, Benchmark Inc., for the former company, Benchmark LLC., and to permit the company to carry out the 2004 CDBG application. The motion carried four (4) to zero (0).

***NOTE: Please see minutes for Board of Commissioners' Meeting on September 15, 2003 regarding this matter.**

CHATHAM LAND PRESERVATION

Don Lein made a presentation on land preservation, protection, and recreation. He indicated that there were a number of parties from outside the County that were interested in saving and protecting the County's key environmental assets; that the challenge this creates is that each group has its own agenda which can create some tension; that these entities agenda can also potentially conflict with the master plan and/or the interests of Chatham County; and that the County could wind up with a recreational Tower of Babel if it does not manage it properly. He further stated that the other concern is that the terms and conditions of some of these sales carry the term "in perpetuity", which means our children and grandchildren will be bound by what is decided in the near future; that the County's short term goal should be to establish a written protocol that defines the rights and responsibilities of the various parties involved such that all interests are fairly served.

Mr. Lein indicated he had talked to many parties in preparing his comments, to include; the Board of Commissioners individually, County management, Triangle Land Conservancy, Triangle J Council, Greenpoint, Town of Pittsboro, Chatham Parks Foundation Board, and other interested parties; that it was a learning experience for him in that he learned that North Carolina counties are much more an extension of the State than they were in other jurisdictions with which he was more familiar where they ran their own schools, departments of transportation, etc.; that he admitted a personal bias against remote management/decision making since he was brought up in the Adirondack Mountains where there were very restrictive regulations, as well as his Irish heritage; that under any circumstance, he was looking for the most economically efficient solution, since the taxpayer's money is to be expended, be it federal, state, or local funds.

He also indicated that the only reason Chatham's environmental assets are at risk is because Chatham simply does not have the money; that not only does the lack of funds make the County vulnerable, but unless protocol is established, the children and grandchildren will be foreclosed from making any decisions regarding these properties; even if these properties can not now be purchased, decisions regarding land use, particularly severe restrictions, should be subject to normal procedures - Planning Board meetings and public hearings and Board of Commissioner meetings and public hearings; that in that way the will of the people can be served; and that right now Chatham has no seat at the table and is an outsider looking in while decisions are being made by others on the use of its key environmental assets.

He suggested that Chatham send letters to all interested parties, so that all can discuss how they can work together to accomplish their goals. He indicated that Chatham should use as its guide, the Master Plan, since that embodies the will of the Chatham citizenry regarding parks and recreation. He presented and discussed a draft letter to Duke regarding the sale of its property.

Commissioner Pollard indicated she would like to have some time to think over what step to take next; that her concern was that she did not want to jeopardize their relations with Triangle Land Conservancy, Duke, and other parties.

After considerable discussion, Mr. Lein was asked to contact Duke as a fact finder and ascertain the terms, conditions, and timing of the pending sale and report back to the Board. It was also agreed that Mr.

Lein would contact the Town of Pittsboro so that their interests could be represented as well.

Ricky Spoon, developer, stated that he had been negotiating with Duke over which they have a thirty-one acre dispute; that he has the property lines which have been marked since 1966 that show the acreage on his side which he bought and has been paying taxes on for the last seven years; that that is how he got involved with the purchase; that Duke University has met with him and showed him a deed dating 1918 which says that they own the property; that regardless of what happens with the university, he has laid claim to the land; that he does not want to create a poor relationship with Duke; that there are other people involved in this matter including the Triangle Land Conservancy; that if the land becomes a stage green, so be it; that Duke clear cut 100-150 acres that he has attempted to purchase and asked them to let the DOT place a large spoils area that is a perfect place for a ball field and recreational area; that he thinks that Duke will sell the land to the State Parks System; that if it goes to the State, he will never see a walking trail from the old Bynum Bridge to the Haw River Bridge there in his lifetime; that he encourages the Board to keep a great relationship with Duke so that he will be able to purchase the land; that he will abide by any request that the Board makes of the land including the entire 450 acres to be donated to the County if that is what they want; that the biggest thing he sees when he crosses the river is that people will park there to enjoy the bike path; that there are no walking trails; that if someone doesn't do something about it, it will be lost forever.

COMMISSIONER CONCERNS

US Highway #64:

Chairman Emerson asked how the Board felt about requesting the Department of Transportation to increase the speed limit on US Highway #64 stating that the current speed limit is not enforced; that no one obeys it; and that he feels the speed limit should be increased from 55 miles per hour to 60 miles per hour and possibly to 65 miles per hour on the limited access portion of the highway.

The County Manager explained that he had already made an inquiry to the Department of Transportation with regard to raising the speed limit on Highway #64 and for placing a signal light replacing the caution light at Bonlee and that he has not heard anything at this point.

Commissioner Pollard moved, seconded by Commissioner Morgan, to investigate raising speed limit on US Highway #64 and to look into the feasibility of placing a traffic light in Bonlee. The motion carried four (4) to zero (0).

Council on Aging:

Chairman Emerson explained that the Council on Aging is a non-profit agency; that the County contributes funds along with various other grants, etc.; that they are renting a former community building in Lincoln Heights in Siler City; that their lease is expiring next year; that they are sharing the building with another non-profit; that they do not have a kitchen to prepare meals; that they want a larger facility; that they have inquired as to the possibility of the County granting some land in the industrial park where they will not have to purchase land. He asked if the Board would be interested in giving the Council on Aging a few acres and if it should be discussed with Economic Development.

Commissioner Atwater and Commissioner Pollard are to discuss this matter with the Economic Development Board.

Commissioner Pollard asked if the Board of Commissioners could support the request if it fit into the master plan as it currently exists.

Commissioner Morgan asked when the Board was going to look into the industrial site plan.

By consensus, the Board expressed support for the Council on Aging endeavor subject to feasibility of the total plan.

Deer Population:

Chairman Emerson stated that citizens had asked him to look into the feasibility of extending the hunting season due to the overpopulation of deer and their adverse effect on crops.

After considerable discussion, Commissioner Atwater moved, seconded by Commissioner Pollard, to immediately consider extending the hunting season in order to eliminate the overpopulation of deer in Chatham County detrimental to the agricultural economy and to invite the Wildlife Commission to a Board of Commissioners' meeting to discuss the issue. The motion carried four (4) to zero (0).

Commissioner Atwater asked the State Delegation be apprised of this immediately that the Board is making this request as time is of the essence.

Water Issues:

Bill Lowry explained that the 8 inch main on US Highway #64 for Heritage Point goes in on an easement at the edge of the property, goes up into the development through the property, and returns to the highway 3100 feet down the road; that by not going straight down Highway #64, it saved the developer pipe; that no one knew anything about the gap in the line; that the Water Board did not know about or see what was being done; and that Tim Carpenter, Dusty Martin, and he went to look at a situation regarding the North Chatham Fire Department and to look at Governors Club and became aware of the line at Heritage Point.

Chairman Emerson stated that the County was going to be heavily involved with the construction of water lines within the next few years; that hopefully an engineer or some other qualified person will head up the Public Works Department; that anytime someone new comes on board, it presents a challenge; that he would like for the Board to consider, at the appropriate time, the appointment of an executive committee under the Water Board for particular projects including a Commissioner, one or two representatives from the Water Board that would be available for on-call or weekly meetings; and that they then would communicate back to the Commissioners and/or the Water Board and management so that problems would not surface at a later date.

The County Manager stated that the Board may wish to change the structure of the Water Committee which would involve having members of the committee meet during the course of the day rather than during the evening.

Mr. Lowry advised that a cure for problems regarding water would be for the Water Board to simply discuss the sketch design when it first comes to the attention of any office within the County.

Commissioner Atwater stated that he felt that one of the first tasks for the new Public Works Director should be to examine the management and approval structure of all water resources; that the Commissioners should be apprised at phased intervals to see what the draft looks like at that point; and that the bylaws should then be changed for the Water Board so that this board could better serve the Board of Commissioners.

Mr. Lowry informed the Board that he had also learned that the water line that runs from Preston Woods to Morris Road will be under the new Highway #15-501 roadway; and that the County should

consider moving it to the outside of the roadway due to the potential future costs of a leak.

He also stated that he was going to attend a meeting with Hobbs Upchurch & Associates the next day to construct a minimum size line map made of the water lines in Chatham County.

Public Works Director Interviews:

The County Manager informed the Board that final interviews for the Public Works Director will be held on Thursday, September 4, 2004.

Fire District Funds:

The County Attorney explained that the General Statutes state that the monies have to be used for fire protection and prevention; that contracts with the fire departments within the County require that the County pay the money to the fire departments; that if the County is going to use it for what has been discussed, that the contracts would have to be negotiated; and that this certainly should be looked at when the contracts are renewed.

The Chairman reiterated that it was his understanding that the money could be used to hire a traditional fire inspector if the County had the correct contracts with the fire departments. He asked if the various fire departments could be approached and informed of what the Board is considering and get their reaction; that if they are approached in the correct manner with all of the right information, they might agree to it.

The County Manager was asked to follow-up with the fire departments on this matter.

Pay Structure:

The County Manager explained that the Finance Officer was distributing the pay structure for County employees. He stated that some of the differences reflect more than a 4.3% percent increase which reflect some of the classifications that the County has had; that everything is included; that they are not noted under confidentiality requirements of the Statutes. A copy of the pay structure is attached hereto and by reference made a part hereof.

Financial Report:

The Finance Officer presented the financial report and asked for input after the Commissioners have an opportunity to review it. A copy of the report is attached hereto and by reference made a part hereof.

ADJOURNMENT

Commissioner Atwater moved, seconded by Commissioner Pollard, that there being no further business to come before the Board, the meeting be adjourned. The motion carried five (4) to zero (0), and the meeting was adjourned at 3:29 PM.

Thomas J. Emerson, Chairman

ATTEST:

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