

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
OCTOBER 06, 2003

The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in the Agricultural Auditorium Building, 45 South Street, located in Pittsboro, North Carolina, at 10:15 AM on October 06, 2003.

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

The Chairman called the Work Session to order at 10:20 AM.

Work Session Agenda

1. **Honeywell International, Inc. Request**
2. **Mental Health Reform Presentation & Update**
3. **Benchmark Follow-Up**
4. **Safe Start Follow-Up**
5. **Fire Inspections Follow-Up**
6. **Governors Club Follow-Up**
7. **Health Department Project Status Report (Time Permitting)**

HONEYWELL INTERNATIONAL, INC.

Jean Carter, attorney representing Honeywell, explained that Honeywell International, Inc. has filed a demand for a refund for \$990,000 of business personal and real property taxes paid to Chatham County for 1997 through 2002; that Honeywell does business from several locations in North Carolina, including a facility in Chatham County; that Honeywell employs approximately 550 employees and approximately 110 contract employees at its Chatham County facility where it manufactures synthetic textiles used primarily in the manufacture of seatbelts and tires; that between 2002 and 2003, Chatham County performed an audit of Honeywell and issued a Discovery (proposed assessment) against Honeywell for the years 1997 through 2002 that identifies additional value of \$81,289,842 subject to tax; that this Discovery is currently under review by the Chatham County Board of Equalization and Review; that after reviewing the Discovery, Honeywell believes not only that the Discovery is erroneous, but that it has overpaid its taxes during the audit period; that this refund claim was filed to preserve Honeywell's rights and to avoid double taxation of certain property that would occur if the Discovery was not properly adjusted; that if it is ultimately determined that Honeywell owes additional taxes as a result of the audit, the Honeywell wants to ensure that its overpayments of taxes are offset against those additional taxes.

She stated that Honeywell's demand for a refund is based on three specific issues as follows: 1) The County taxed certain intangible assets in direct violation of the holding in the Edward Valves case in that such taxation is unconstitutional and therefore illegal; 2) The County failed to address properly the obsolescence of the Honeywell property, a clerical error that creates an illegal methodology and tax and this error is exacerbated in the Discovery; 3) As an offset to the Discovery, the result will be double taxation of certain property including the years the County previously agreed were closed.

She asked that the County refund at least \$990,000 of business personal and real property taxes paid to Chatham County for the years 1997 through 2002, plus interests and costs.

Kim Horton, Chatham County Tax Administrator, explained that General Statute 105-380(a) prohibits the governing body of a taxing unit from releasing, refunding, or compromising all or any portion of the taxes levied against any property within its jurisdiction except as expressly provided by G.S. 105-381. G.S. 105-380(c) also states, "any tax that has been released, refunded, or compromised in violation may be recovered from any member or members of the governing body who voted for the release, refund, or compromise by civil action..."; that G.S. 105-381(a) allows any taxpayer asserting a valid defense to make a demand for refund of the taxes paid by submitting to the governing body of the taxing unit a written statement of his defense and a request for refund. See letter from Honeywell dated August 14, 2003 requesting such refund. A valid defense shall include: a) a tax imposed through clerical error; b) an illegal tax; c) a tax levied for an illegal purpose; that G.S. 105-381(b) requires the board to take action on requests for refund within 90 days after receipt of request.

She explained that the four paragraphs in Honeywell's letter request for four releases or refunds. The tax Administrator discussed the refund request with the Department of Revenue and recommends the following:

- 1) Pursuant to N.C.G.S. 105-381 a county may legally refund taxes only for a specific time period. That time limitation for refund is within five years after said tax first became due or within six months from the date of payment of such tax, whichever is the later date. Taxes for the 1997 tax year became due September 1, 1997, which is not within that five-year period. Therefore there is no provision for legal refund. The 1997 tax year was open for audit at the time of the 2002 discovery due to a separate legal limitation under N.C.G.S. 105-312, which allows discovery for the current year plus the previous 5 years. Any request for refund for taxes paid for year 1997 is denied.
- 2) Intangible Costs such as engineering charges or engineering costs are not exempt from taxation. N.C.G.S. 105-276 makes clear that the exemption of intangible personal property does not affect the appraisal or assessment of tangible personal property. Honeywell's request for refund reads, "Taxation of these assets is illegal according to Edward Valves v. Wake County." The Edward Valves v. Wake County case ruled that Wake County's specific process of taxing engineering drawings, as intangible personal property was illegal. This case has no bearing on the appraisal and assessment of tangible personal property in Chatham County. The request for refund for \$290,000 is denied.
- 3) Honeywell's request for a refund for \$700,000 due to "obsolescence that has not been properly indicated" is a valuation issue. Pursuant to N.C.G.S. 105-380 and 105-381 a county may refund or release a tax claim only if the tax is illegal, levied for an illegal purpose, or levied through a clerical error. None of those grounds for refund apply here. A valuation issue cannot be addressed legally through refund

under 105-381. The request for refund for \$700,000 is denied.

- 4) The request for a refund of taxes related to any assets taxed as both real and personal property for the years that can legally be refunded may be granted. The county makes every effort to avoid this situation. We do not have any evidence that the county appraised Honeywell International's property as both real and personal property. Your request makes no list of the property that you contend is double taxed, and there is no specific amount requested to be refunded. Before a request could be granted under this issue, we would need an amount and also evidence to show property has been appraised as both real and personal property. At this time, any refund request under this section is denied.

After considerable discussion, the Board, by consensus, deferred the matter until the next Board of Commissioners' meeting on October 20, 2003.

CLOSED SESSION

Commissioner Morgan moved, seconded by Commissioner Pollard, to go out of Regular Session and into Closed Session for the purpose of discussing possible litigation. The motion carried five (5) to zero (0).

REGULAR SESSION

- Commissioner Morgan moved, seconded by Commissioner Atwater, to adjourn the Closed Session and reconvene in Regular Session. The motion carried five (5) to zero (0).

BENCHMARK

Commissioner Morgan moved, seconded by Commissioner Pollard, to pay the two contractors, Wallace Creech in the amount of \$5,588 and Charles Murdaugh with C & S Quality Homes in the amount of \$24,950 and to authorize the County Attorney to take appropriate legal action and for the County to pay other remaining costs (legal document recordation and advertising of close-out public hearing, etc.). The motion carried five (5) to zero (0).

Commissioner Morgan moved, seconded by Commissioner Pollard, to hold a public hearing on October 20, 2003 on the 2004 CDBG application. The motion carried five (5) to zero (0).

Commissioner Morgan moved, seconded by Commissioner Atwater, to not participate in housing relocation in the 2004 CDBG project. The motion carried five (5) to zero (0).

SAFE START

Commissioner Morgan moved, seconded by Commissioner Atwater, to accept the corrective action plan submitted by the Chatham County Partnership for Children and that internal control measures be installed. The motion carried five (5) to zero (0).

FIRE INSPECTIONS

After discussion, the Board deferred this matter for discussion at the annual Board retreat.

STOCKYARD ROAD PROJECT

The Finance Officer explained that the total Stockyard Road budget is \$952,000; that that County's portion of that is \$102,000; that the project ordinance was adopted on March 12, 2001; and that the funds have been approved and transferred.

Commissioner Morgan moved, seconded by Commissioner Outz, to award contract to Terry's Plumbing & Utilities, Inc. Asheboro, NC, in the amount of \$665,334.40, contingent upon the approval of the NC Department of Commerce Division of Community Assistance, the re-obligation of the Stockyard CDBG Grant, and the final verification of the contractor's documented minority participation goal, that a construction contingency of \$77,358.69 be maintained in the project budget, and that the lines be inspected as they are installed. The motion carried five (5) to zero (0).

SILK HOPE SCHOOL WATER

The County Manager explained that the lack of water is once again an issue at the Silk Hope School; that he spoke with the Chatham County Schools Superintendent last week and was told that the well is producing only 15,000 gallons in the 30,000 reserve tank the entire weekend; that the well water is continuing to decrease; that it is surmised that with continued growth in the housing market, the water has been depleted; and that in the process of finalizing how this will be resolved, figures will be forthcoming.

COMMISSIONERS' MATTERS

County Auditors:

Chairman Emerson stated that he had received a telephone call regarding an article in the Chatham News stating that the Board of Commissioners had discussed changing auditors. He distributed a letter from the accountant regarding this matter and stated that it would be discussed at a later date.

Economic Summit:

Chairman Emerson suggested that the Board hold an "economic summit" with the Economic Development Board, Siler City Town Board, Goldston Town Board, Pittsboro Town Board and any other interested parties to brainstorm County issues.

RECESS

Commissioner Morgan moved, seconded by Commissioner Atwater, to recess for lunch. The motion carried five (5) to zero (0), and the meeting was recessed at noon.

RECONVENE

The Chairman reconvened the work session at 1:00 PM.

MENTAL HEALTH REFORM

Tom Maynard, OPC Area Program Director, briefed the Board on Mental Health Reform. He stated they had had steering committee working for over a year to manage their local participation and State mental health reform; that Commissioner Pollard and the County Manager have been working with the program; that they are required, as a three-county area, to submit to the State a plan as to how they will conduct mental

health services in the future; that approval has been granted; that the Local Management Entity (LME) startup officially began October 1, but not much will change right away; that OPC Area Program will be dissolved; that the new governance structure is scheduled to begin July 1, 2004; that the governing board will consist of seven members, one commissioner, and one appointee from each county plus the Chair of the Area Board; that the Area Board will remain, but will become advisory only; that until the new governance structure is in place, the Area Board will still function as the governing board; that the steering committee meets regularly in the interim, consisting of a commissioner from each county, county managers, Area Board Chair and a representative from the Consumer and Family Advisory Council; that unless something changes in State rules, OPC will be required to divest all service programs within three years; that they have begun divesting some but none are in Chatham County; that they will be admitting into their system new qualified providers as required which will give citizens more choices; that the State of North Carolina no longer provides OPC with monthly grant payments; that all services must now be billed to the State for payment; that almost all income is now variable and subject to State rules for eligibility and rates; that new service definitions are being developed by the State which will permit billing for needed services heretofore not reimbursable, such as outreach to people with severe mental illness; that the downsizing of institutions has begun; that a few developmentally disabled persons are now being placed in the community from Murdoch Center and a few elderly patients from Umstead Hospital have been placed in rest homes; that in all cases, North Carolina has provided adequate funding to increase local services to handle these cases; that they have solid commitments for funding for the current year which calls for more community placement; that the planned discharges in future years are more ambitious and funding is much less certain; that system reform presents some threats and worrisome changes, but some opportunities as well; that they may be able to direct funding to some new or improved services which might better serve local citizens; that they want to identify a clear local process by which Chatham County can, within the limits placed on them by funders, choose its priorities; that OPC has already initiated some new and improved services in Chatham County and plans some additional changes soon.

He informed the Board that the recent program initiatives impacting Chatham County are as follows:

- 1) New grants have permitted renovations at Club Insight in Pittsboro which will allow them to serve a greater number of people. This program provides daytime support for people with severe and persistent mental illness.
- 2) Their "System of Care" project has brought together schools and agencies serving children in Chatham County and has included families in planning for coordinated services for these children.
- 3) Their "Our Community Backyard" project has organized to find alternatives to incarceration or expensive residential services for children needing highly structured help.
- 4) OPC has worked with the court system to establish and support special court sessions for people with alcohol, drug, and mental health problems. Serious offenders still are treated firmly by the courts, but added services are arranged and coordinated under judicial supervision to reduce recidivism.
- 5) OPC has mounted two Assertive Community Treatment Teams which provide attentive support to people with more severe and treatment resistant mental illness. Both teams serve Chatham County and are outreach teams, so the service follows the client.
- 6) OPC has trained twenty-two professional staff to serve as critical incident intervention specialists who can be deployed as needed to respond to community disasters or crisis

incidents.

7) OPC is developing a "TAAC Unit" (triage, assessment, and crisis) which will be capable of offering a prompt and effective gateway into the service system and to better handle crisis services in Chatham County. They have been planning for local short-term crisis beds to handle routine crisis support locally. These changes should provide citizens with more attentive and accessible crisis support closer to home. Such a structure would save the Chatham County Sheriff and deputies substantial time in transportation.

A question and answer period ensued.

CARY

Jeffery Ulma, AICP, Director, Cary Planning Department, explained that the Town of Cary's existing land use plan was adopted in 1996; that it started two years prior to that; that one of the things that the plan looked at was what was known as the ultimate build-out of the Town of Cary; that it looked all the way to Jordan Lake and north to the Durham County line; that it looked at relationships with Raleigh, Apex, Holly Springs, Fuquay Varina, the airport, Umstead State Park, etc.; that the plan set forth an ultimate planning area for the Town of Cary and particularly looked at opportunities for the town to provide municipal services, specifically water and sewer services; that a lot has happened since that plan was adopted; that there is a new set of elected officials which have a different perspective on growth and development issues than the previous council which was in office when the plan was adopted; that a new plan has recently been completed called the "Northwest Area Plan" which intensifies and places more development and density closer in the northwestern part of Cary near the Research Triangle Park focusing on Highway #55 and Interstate #540 loop; that they have done a new open space and historic resources plan that looked at natural resources and significant resources throughout the entire planning jurisdiction for the Town of Cary; that they know that there are continuing efforts to make improvements as the Highway #55 and the outer loop work that is being done by the State of North Carolina; that their council asked them to go back and take a look at what had been labeled as the remainder of the western planning area; that this area is about what Chatham citizens have heard called the Southwest Area Plan (SWAP); that the council stated that in revisiting the plan for this area, that they wanted taken into account all the activities that were occurring, the development pressures that they were facing, as well as recognizing the new plan that had been adopted to the north of this area; that their work started in working with the Chatham County Planning Director and County in letting them know that the Town of Cary was interested in doing an update; that they sent out 2,400 letters to property owners within Wake and Chatham Counties in this study area asking people to get involved in helping work on the plan update; that other things looked at were the Green Level Historic District and rural preservation and the identified urban service limit; that this area came into Chatham County as far as Highway #751 in some areas; that their existing land use plan showed a low density area (1-3 units per acre) and very low density; that the remaining area was not intended to be served with water and sewer; that the low density area was intended to be served with water and sewer services; that part of the new planning effort would take a look at where the line is, where it ought to be, and where it should change; that their council has expressed a lot of concern with regard to the type of development that might occur to the southwest of Cary and into Chatham County and has said that they wanted to look at lower densities and less utility service in this general direction; that this the reason the planning process was started, trying to get the community involved, educating folks about what they had in place, and what they were trying to update; that they were not coming out with a plan to annex property; that they have two ways to annex land, either by petition of the landowners or involuntary annexation of properties which meet certain standards; that they have just completed a two-three year process to annex involuntarily the donut holes in the Town of Cary; that the properties left still do not meet the State's tests for urban and cannot be annexed by them; that if they were to request additional ETJ for planning jurisdiction in Wake County, the Wake County Board of Commissioners would have to authorize it and

likewise in Chatham County; and that their purpose was to go out to the community, start an effort where they could involve as many people as they could in taking a look at that area of town of their community as it moves across and pushes into Chatham County and come up with a new plan in order to be able to give recommendations to their town council in what they might do in reacting to development proposals, particularly on the County line.

Mr. Ulma further stated that based on the comments that they have heard from the community, particularly in Chatham County, staff got together and took a new look at the plan; that taking all things into account, their recommendation will be to go to their town council on Thursday evening and tell them to draw back the boundaries, to drop the planning area back to the County line along the American Tobacco Trail (includes the property below the Amberly Development) and cuts more than half of the geographic area out of the study area, and continue with the property owners in Wake County to move forward and study this area, and developing a new plan for this part of the plan and leave the door open to work with Chatham County on the interface and beyond as a follow-up study and additional work in the future; that they continue to get development pressure in their western part of Cary and want to make it clear, that by their drawing the line in that area, that they would in no way tell someone that they wouldn't get requests from a property owner; that someone called him the morning after their September 25th meeting and told him that he had over one hundred acres in Chatham County that he was interested in developing with water and sewer and had an expectation that that is how it would develop; that changing the boundary at this time will not preclude future development pressure in this area and staff suggests that the Southwest Area Plan spell out an appropriate town policy for how best to deal with such requests when they occur; and that procedurally, such requests would generally require an amendment to the Southwest Area Plan, thus providing opportunity at that time for Chatham County government as well as residents and landowners to be involved.

He stated that the Town of Cary remains open to discussing future, joint planning efforts with Chatham County officials, particularly with regard to water quality protection measures for Jordan Lake.

A question and answer period ensued.

Commissioner Pollard asked about the Forrest Oaks development.

Mr. Ulma explained that Forrest Oaks did not have age restrictions. He stated that it is approximately 350 acres; that it included 300-400 residential units and a proposal for a 1,500 student Catholic high school, 500 student elementary school, a 1,000 seat church, and a daycare; that it straddles the line; that it has been to public hearing and was delayed; that kinds of land uses across the county line were raised by the council at the public hearing; that it was going to return to the council on October 23rd, but the applicants requested a couple more weeks, so it will not return to continue the public hearing until November 13th; that one of the things that the applicant will be doing is looking at the land use configuration and the proposal for particular land uses; and that some of the Chatham County Schools facility was on that land with residential around it at approximately two units to the acre.

Commissioner Morgan thanked Mr. Ulma and staff for addressing this issue stating that it helped the Chatham Board a great deal. He stated that it was his understanding that Chatham County staff had worked with Cary staff and that they have for years; that it was probably lack of communication on the Board's part that has contributed to the misunderstanding.

Mr. Ulma thanked the Board and stated that they are involved in public involvement processes all the time; that their intent was not to cause lots of anxiety or aggravation; that it was starting a process which they saw as the beginning of an effort to take a look at the area; that they were no where near the end of it; and that they hoped that through the process, they may have ended up reaching the same conclusion.

Commissioner Atwater thanked the Cary staff for coming to the meeting. He stated from their point of view that any formal planning effort, as was indicated on the original map seen at Green Hope School, they would not see as being proper in any way for any other municipality to be planning to the extent that was shown on the map; that they fully understand voluntary and involuntary annexation; that in his research, there is no legal authority for any planning to take place into another jurisdiction unless everyone is talking about the voluntary and the involuntary annexation; that he fully understands that if he was the Town of Cary, that he would have an interest in thinking and wondering what is going to happen there and how it is going to impact him, but that thinking and wondering should not lead to any kind of formal planning process for another jurisdiction; and that he does not understand why it is necessary for the Town of Cary to include in their study area the area beneath the County line.

Mr. Ulma stated that is the area that includes the request which they have received; that a part of the area is included in the rezoning and annexation request that they have received that comes across, straddles the line, crosses the American Tobacco Trail and continues along the west side of it; that approximately one quarter to one third of the acreage is part of the request which they are now entertaining.

Commissioner Atwater stated that he felt that it would be a matter of "good neighbor" relationships that the Town of Cary not include that portion until they are formally asked by those landowners to be a part of it; and that it is presumptive and intrusive as far as they are concerned.

Commissioner Morgan asked which side of the boundary line the American Tobacco Trail is located and who would pay for it.

Mr. Ulma stated that it was the western edge of the American Tobacco Trail and no thought had been given to who pays; that at this point, he thought that they were thinking that the line would be drawn down the middle of the trail, but that not much thought had been given to the specifics.

Commissioner Pollard asked how difficult it would be for them to provide the Chatham County Planning Staff and management with the requests that come in for annexation.

Mr. Ulma said that a procedure could be put into place and that it would not be difficult.

An unidentified citizen asked about the environmental impact of the sewage coming into Chatham and asked where it would be sent. He stated that they were receiving Durham's sewage now; that they, as Chatham landowners, do not want any more; that there is a plan in place where there is a proposed sewage disposal plant somewhere between Wake and Chatham County. He asked where the tail line of it will go and stated that the lake is now teetering on good to bad. He stated that with regard to the Catholic school, he felt it was highly prejudicial that one religion have a school and that Cary would bring it up as a "great issue" for everyone in the Forrest Oaks project; that it would be a very small percentage in the area that would attend the Catholic school. He asked why a public school could not be placed there.

Tim Bailey, Director of Engineering, stated that the Town of Cary has a master plan working with everyone in Wake County; that short-term facilities have a contract with Durham County to provide four million gallons of wastewater capacity so they would take their wastewater, send it to Durham County's wastewater treatment plant; that long-term, they have plans to share a plant with either Apex or Holly Springs and the wastewater would go there in twenty or more years.

The Durham County plant received an increase in their discharge permit and they are under construction to move to twelve million gallons per day; that with or without Cary, there will probably be a discharge from the plant at some point; that their discharge is temporary for those reasons because they have

plans to have that much wastewater discharged based on the growth of Durham County; that Cary is working on a pump station facilities somewhat along the boundaries, but that they currently do not have a plant site located near the County line; and that the wastewater plan that is now being done for all of Wake County is available and can be shared with the Chatham Board.

Mr. Ulma stated that the proposed public school in the Amberly has gone by the wayside; that the Wake or Chatham County school boards would decide school placement; that Cary would never have been the one building the school in any of the developments; that they have worked with Wake County over the years on numerous schools and are facilitating the construction of an elementary school, a new high school, and the town was involved in helping acquire the property for them; that the high school's proposed location is in the outer loop near Highway #55 which would serve the northern part of Cary's planning jurisdiction; and that it is in the site plan and review process at this time.

After further discussion, Commissioner Morgan moved, seconded by Commissioner Outz, to forward a summary of comments from the Board of Commissioners' meeting, including pertinent points by Commissioner Atwater, to the Town of Cary for their consideration prior to their meeting on Thursday, October 9, 2003. The motion carried five (5) to zero (0).

Commissioner Morgan asked that the three-page handout distributed by Cary be placed on the County web site.

GOVERNORS CLUB

Water Line Replacement:

The County Manager reviewed the Governors Club-Morehead Drive 12" water main replacement options at a total cost of \$726,044.18. He stated that the new Public Works Director will be in place on October 20, 2003, and that the Board may wish to have him study this as one of his first projects.

Commissioner Atwater expressed appreciation from his community for the Board's attention to the water main break four weeks prior on a Sunday. He stated that there was another break two weeks ago; that he feels that it is clearly a matter of "pay now or pay later"; that there is a matter of repair jobs done on pipes that are 12-15 feet under the ground; that there are varying big-time pressures that are creating the problems with the first pipe; that during the last break, customers were without water for twenty-seven hours due to problems in this area; that he thought that it would be good if they could come to terms on this because of the weather situation, etc.; that they have had 13+ breaks over the last twelve months in this area which have been extremely disruptive to the citizens in this area and costly to the County; that larger machinery has had to be subcontracted to work on certain pipes; that it is adding up and will continue to do so not to mention the inconvenience to the customers.

Commissioner Morgan expressed concern that the corrective action taken be the right measures. He stated that he would like to see a meeting with the new engineer, the Board of Commissioners, and Water Board, as soon as possible, to discuss corrective action.

The County Manager stated that part of the work would involve digging up a section of valves to determine flow directions in the subdivision.

Commissioner Morgan stated that he would like permission to be sought to start checking out the valves in Governors Club, disturbing as little traffic as possible, and corrective action taken.

Bill Lowry stated that this issue needs to be thoroughly studied; that the process has started; and that the valves have to be dug up to determine what needs to be done.

John Hughes, Governors Club Property Owners Association Board of Directors member, asked that, on behalf of the group, a long study not be done as they cannot shower, they have no water to drink, and they cannot flush their toilets. He thanked each Board member for taking the time to visit the site.

By consensus, the Board expressed their commitment to correcting the situation.

BOARD OF COMMISSIONERS' MATTERS

Capital Area Metropolitan Planning Organization:

Chairman Emerson stated that he had received correspondence from the Capital Area Metropolitan Planning Organization (CAMPO); that they are working on transportation plans for the future; that they are inviting surrounding counties to participate; that the deadline is early November; that he would like for it to be put on the agenda for discussion.

The County Manager explained that Chatham is part of CAMPO; that he is not sure where it is going; that Chatham County was part of three transportation planning groups; that the newest CAMPO comes after the 2000 census; and that the others are Durham and RPO via Triangle J Council of Governments.

Commissioner Pollard stated that because of the County's development, there needs to be a staff person assigned to CAMPO to look at road systems and how they relate to planning and land development.

Proposed Water Facilities Agreement with Town of Siler City:

Ray Greenlaw, Chairman of the Chatham County Water Advisory Committee, stated that during its September meeting, the Water Advisory Committee agreed to suggest that the Board of Commissioners consider negotiating an agreement with the Town of Siler City which would:

- 1) Cede the County water system's existing distribution facilities lying within Siler City's extraterritorial jurisdiction (ETJ) to the Town in exchange for:
- 2) Siler City's assuming responsibility for the establishment and operation of twelve individual wastewater management facilities proposed for installation to serve owners whose properties abut Stockyard Road

He provided documentation related to this suggestion as follows: 1) Attachment A – Addendum to Chatham Water Policy Statement, Expansion of the Distribution Network; and 2) Attachment B – The most recent information regarding customers, water sales, and water sales revenues for the Siler City and Harold Andrews Road areas which lie within the Siler City ETJ. These documents are attached hereto and by reference made a part hereof.

Bill Lowry commented that as time progresses and Cary grows, the only safe way to keep Cary from crossing boundary lines is to have an agreement between the two board, a legal document drawn up, and have it signed by both parties to eliminate future problems.

HEALTH DEPARTMENT PROJECT STATUS REPORT

Dorothy Cilienti, Health Director, reviewed the Child Fatality Report/update on Injury Prevention

Initiatives, Partnering for Improved Student Health, NC Public Health Task Force and Public Health Accreditation, Health Department Quality Initiative, and Community Care Network. A copy of the report is attached hereto and by reference made a part hereof.

Building Permit or Animal Control:

In reference to the M. E. Barber property, the County Attorney advised the Board to not discuss issues related to dogs or home occupations since both may come to them for official consideration at a future date.

Wildlife Commission:

The Board asked when the Wildlife Officers would be in attendance to discuss an extended deer season.

The County Manager explained that he had tried on several occasions to contact the Wildlife Commission to come to the Board; that they had been out of place due to hurricane ramifications; and that he would continue to try to contact them.

Pittsboro-Moncure Road:

Paul McCoy thanked the Board for endorsing the concept of improving the Pittsboro-Moncure Road; that it was mentioned at the Economic Development meeting as being a very necessary project; and that DOT has already approved the project.

ADJOURNMENT

- Commissioner Atwater moved, seconded by Commissioner Morgan, 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 2:44 PM.

Thomas J. Emerson, Chairman

ATTEST:

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