

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
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 9:00 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 meeting was called to order by the Chairman at 9:02 AM.

PLEDGE OF ALLEGIANCE AND INVOCATION

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

AGENDA

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

Commissioner Morgan 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.

The Chairman stated that he had received a request from a citizen that Item #3, Consideration of a request to award service agreement for management of ice storm debris, be removed from the Consent Agenda and placed on the Regular Agenda for discussion.

Commissioner Morgan stated that he had received comments with regard to the Board beginning their night meetings at 6:00 PM, and that although he would vote to approve the calendar and times as presented, he would like the matter discussed at a later date.

Commissioner Pollard moved, seconded by Commissioner Outz, to approve the Consent Agenda with the noted request.

1. **Minutes:** Consideration of a request for approval of Board Minutes for Regular Meeting and Work Session held September 15, 2003

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

2. **Road Names:** Consideration of a request from citizens for the naming of private roads in Chatham County as follows:
- | | |
|---------------------------|---------------------------|
| 1. Maness Way | 3. Yukon Drive |
| 2. Cape Fear Drive | 4. Gulf Side Drive |

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

3. ~~**Ice Storm Debris Service Agreement:** Consideration of a request to award service agreement for management of ice storm debris~~

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

4. **Resolution Setting Time and Place of Board of Commissioners' Meetings for 2004:** Consideration of a request to adopt a **Resolution #2003-33 Setting the Time and Place of Its Regular Meetings for the Chatham County Board of Commissioners for Calendar Year 2004**, attached hereto and by reference made a part hereof.

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Diana Hales, 528 Will Be Lane, Siler City, NC, encouraged the Board of Commissioners to begin a dialogue with the Town of Siler City to do whatever they can in their official capacity to encourage them to sign on to the Jordan Lake water project. She stated that Siler City has gone forward with their permit application for an expansion of their reservoir; that because the Rocky River is a small river, the impact to the river has been tremendous from their wastewater treatment facility; that after rain she can smell their sewage release from inflow and infiltration of their system; that an expansion on the river will have a detrimental effect both to the river systems, the biologics of the river, and the flow; that the flow was so low last year, that there were wall-to-wall algae; that their environmental assessment states that they will be releasing more water; that they are going to starve the river; that Chatham County deserves a share of Jordan Lake water; and that if Chatham County doesn't make its claim, the water will be going to Apex and Cary and not left in the lake. She encouraged the Board to do whatever it can do to negotiate with Siler City to make the Jordan Lake option more attractive and stated that the State Department of Environmental and Natural Resources will be holding a public hearing on November 6 at the Jordan Matthews High School at 6:00 PM to discuss portions of the Rocky River that need to be reclassified should the second reservoir become a reality.

Kathleen Hundley, PO Box 1177, Pittsboro, NC, stated that she had lived on the Rocky River for approximately eighteen years; that over time, they have seen many changes in the river; that when they first purchased the property, there was a great deal of fish, snails, and clams living in the water; that that condition has changed dramatically; that there are fewer species and fewer volume of water life; that with the proposed dam from Siler City, they are very concerned that the volume will drop and decrease and that there will be a negative impact; that they feel strongly that the County would be well advised to consider the value of the valley of the Rocky River which they estimate touches forty-fifty percent of the County; and that she supports a dialogue between the Town of Siler City and the County to consider the fact that a negative impact on reduced volume will kill or mortally wound the river itself and negatively impact the valley through which it

flows.

Sonny Keisler, 3006 River Forks Road, Sanford, NC, stated that he is also a member of the Friends of the Rocky River and a businessman, who along with other parties, has invested over three million dollars along the river including property and improvements. He stated that in December he remodeled a large house just south of the Highway #15-501 bridge; that the property fronts the Rocky River, is the section known as the "Dragonfly Riffles", and has been identified by state and regional natural inventories as being one of the most environmentally sensitive stretches of the river anywhere in North Carolina; that it is one that deserves a high level of protection; that the values that deserve protection include economic, scenic, wildlife, recreational, and water-supply; that his request to the Commissioners is to work with the residents of the Rocky River valley and in the process help develop some type of mechanism whereby landowners in the valley can work with Chatham County, Siler City, and Pittsboro to address issues that involve them all; that these issues include drinking water supplies, wastewater treatment, sedimentation control, screen buffers, and recreation; that they believe it would be good for the County to sponsor a system that includes Siler City; that this would help increase the volume of water that flows downstream in the Rocky River; that there are many types of mechanisms that Chatham County could help sponsor, one of which is a basin-wide planning process funded in part by federal funds including the EPA and Co-Operative Extension monies; that as Friends of the River become better organized, there will be a landowners group that can work with the County Commissioners, Siler City, and Pittsboro and in the process, help protect the values that many of them consider to be important, both environmental and economic.

Ice Storm Debris Service Agreement: Consideration of a request to award service agreement for management of ice storm debris

Pat Ager, 2522 Mt. View Church Road, Pittsboro, NC, stated that around the week ending September 12th, he had been watching a company cutting down live trees along the roadway; that he first assumed that it was ice storm clear-up; that looking at it, he noticed that all of the trees being cut were green, good, healthy trees; that he figured that the trees were being cut because of the future plans to put a water main down the road; that he said nothing until they reached his property on Friday; that when he asked what they were doing, he was told that the crews were cleaning up from the ice storm; that he asked why they were cutting live trees; that he then noticed that they had cut a five-inch in diameter dogwood tree from his property; that he contacted the Department of Transportation at which time he was given the proper number of the official to contact; that a young man came out and stopped the project from going any further; that a new dogwood was purchased and planted at the same location where his other tree had been cut; that his concern was that for an entire week they did nothing but milk the project that didn't need doing and left all the garbage and debris from the ice storm still there; and that if the Board intends to award a contract for ice storm debris, that they would reconsider if this same company was involved.

Commissioner Atwater stated that they should communicate with the DOT that they would appreciate a monitoring of their subcontractors with regard to the specifications of rights-of-way. He asked that a letter be sent to the North Carolina Department of Transportation regarding this matter.

The County Manager explained that the contract to be awarded for ice storm debris is not about roadside cleanup but about removal of excess mulch on site.

By consensus, the Board agreed to send a letter to the North Carolina Department of Transportation advising them of citizen concerns and asking that they take due care in this matter, giving some reference to some apparent "milking".

Commissioner Pollard expressed interest in placing the monitoring of items of this nature and those of

storm water regulations, to be developed and/or revised with regard to the rivers, in the hands of the new Public Works Director.

Commissioner Atwater moved, seconded by Commissioner Morgan, to award the service agreement for the management of ice storm debris to CLM Environmental, Inc. The motion carried five (5) to zero (0).

The bid tabulation and the CLM Environmental, Inc. bid are attached hereto and by reference made a part hereof.

FINANCE OFFICE

Fiscal Year 2003-2004 Budget Amendments: Consideration of a request to approve Fiscal Year 2003-2004 Budget Amendments

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

APPOINTMENTS

Housing Authority Board Appointment: Consideration of a request to appoint a member to the Housing Authority Board by Commissioner Outz

Commissioner Outz moved, seconded by Commissioner Atwater, to appoint R. B. McKinley, 10855 US Highway #64 West, Siler City, NC, to the Housing Authority Board. The motion carried five (5) to zero (0).

Recreation Advisory Board Appointment: Consideration of a request to appoint two members to the Recreation Advisory Board

Commissioner Outz moved, seconded by Commissioner Morgan, to reappoint Terrell Ellington, 411 West 5th Street, Siler City, NC, to the Recreation Advisory Board. The motion carried five (5) to zero (0).

Commissioner Atwater stated that he would make his appointment at a later date.

OPC Mental Health Board Appointment: Consideration of a request to appoint a member to the Orange-Person-Chatham Mental Health Board

Commissioner Pollard explained that great change is taking place in State mandates; that the role of the Board is changing; that over time, if the current board remains, it will probably be more of an advisory situation than a policy-making board; and that she feels that it is important to have that person involved in the mental health issues; and that the concept is, to the extent possible, retain the people with the problems in their local communities.

Commissioner Morgan asked if Commissioner Pollard would ask, in her official capacity, to have a list of committee members put on the internet.

Commissioner Morgan deferred his appointment until a later date. He stated that he would also like to defer his appointment on the Strategic Plan Development Committee.

MANAGER' S REPORTS

The County Manager reported on the following:

Stockyard Road Sewer Improvements:

Bryan Blake, Senior Project Manager, stated that four bids were received for the referenced project on September 24, 2003. He stated that the bidding procedures were in accordance with statutory requirements; that the low bid was submitted by Terry's Plumbing & Utilities, Inc. in the amount of \$665,334.40; that the original PER construction cost opinion was \$709,400 as prepared by the AWWA Water Environment Federation North Carolina Outreach Committee; that McKim and Creed's opinion of probable construction cost was \$736,800; that based on their understanding of the total project budget of \$952,000 and discussions with The Adams Company (grant administrator), the low bid submitted will be in budget and will maintain the overall project budget; that they reviewed the references provided for Terry's Plumbing & Utilities, Inc. and recommend the award in the amount of \$665,334.40 contingent upon the NC Department of Commerce Division of Community Assistance for the Block Grant, the re-obligation of the Stockyard CDBG Grant, and the final verification of the contractor's documented minority participation goal; and that McKim and Creed also recommends that a construction contingency of \$77,358.69 be maintained in the project budget.

A vote on this matter is to be deferred until the afternoon work session.

A copy of the detailed bid tabulation on the Stockyard Road Sewer Improvements is attached hereto and by reference made a part hereof.

Bathroom Facilities Contract:

Commissioner Pollard moved, seconded by Commissioner Morgan, to award the bathroom contract for Mrs. Josephine Stanley to low bidder, Tom Holland, PO Box 182, Chinquapin, NC at his bid of \$7,095.00. The motion carried five (5) to zero (0). A copy of the bid tabulation is attached hereto and by reference made a part hereof.

COMMISSIONERS' REPORTS

Resolution Supporting Tobacco Allotment Buy-Out Program:

Chairman Emerson asked that the Board give consideration to adopting a resolution regarding the tobacco buy-out program which we read aloud.

Commissioner Outz moved, seconded by Commissioner Atwater, to adopt **Resolution #2003-34 Supporting Tobacco Allotment Buy-Out Program**. The motion carried five (5) to zero (0).

Siler City Hospital:

Commissioner Pollard stated that she would like for the Chairman to have a discussion with the administrator of the Siler City Hospital and the Director of OPC about the institutional organization; that she thinks that people who lead in health care delivery should meet to discuss it.

Chairman Emerson stated that he would speak with Laura Clapp, Chairperson of the Board, with regard to setting an agenda to invite Commissioner Pollard's participation.

RECESS

Commissioner Morgan moved, seconded by Commissioner Pollard, that the meeting be recessed to the regularly scheduled Work Session after a five-minute break. The motion carried five (5) to zero, and the meeting was recessed at 10:05 AM.

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Thomas J. Emerson, Chairman

ATTEST:

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