

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
OCTOBER 20, 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 2:00 PM on October 20, 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

The meeting was called to order by the Chairman at 2:00 PM.

Work Session

1. **Cole Place, Phase One:** Consideration of a request by Greg Isenhour and Russell Sparrow for sketch, preliminary, and final approval of "Cole Place, Phase One" consisting of 1 non-residential lot on approximately five (5) acres, off Highway #15-501 North, Williams Township
2. **Updates:**
 - Honeywell**
 - Benchmark**
3. **CAMPO**
4. **Compact Communities**
5. **Closed Session – Economic Development**

PLANNING AND ZONING

- **Cole Place, Phase One:** Consideration of a request by Greg Isenhour and Russell Sparrow for sketch, preliminary, and final approval of "Cole Place, Phase One" consisting of 1 non-residential lot on approximately five (5) acres, off Highway #15-501 North, Williams Township

- As per the Planning Department and Planning Board recommendation, Commissioner Morgan moved, seconded by Commissioner Pollard, to grant sketch, preliminary, and final approval of the plat as submitted. The motion carried five (5) to zero (0).

HONEYWELL

The County Attorney 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; that General Statute 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 General Statute 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; that General Statute 105-381(b) requires the board to take action on requests for refund within 90 days after receipt of request; that the year for the requested refund is 1997; and that he recommends that the request be denied.

Kim Horton, Chatham County Tax Administrator, stated that Honeywell is requesting a refund for taxes for years 1997-2002. She explained that Honeywell's request is for four releases or refunds. She stated that she had discussed the refund request with the Department of Revenue; that the time limitation for a 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; that taxes for the 1997 tax year became due September 1, 1997, which is not within that five-year period; that there is no provision for a legal refund; that the 1997 tax year was open for audit at the time of the 2002 discovery due to a separate legal limitation under NCGS 105-312, which allows discovery for the current year plus the previous 5 years; that intangible costs such as engineering charges or engineering costs are not exempt from taxation; that Honeywell's request for a refund is due to "obsolescence that has not been properly indicated" and is a valuation issue; that 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; that they do not have any evidence that the county appraised Honeywell International's property as both real and personal property; that before a request could be granted under this issue, an amount and also evidence to show property has been appraised as both real and personal property would be needed.

Commissioner Morgan asked if it was possible to create a new 90-day window under which to further consider the matter.

The County attorney urged the Board to take action on the matter without asking for an extension of time.

Commissioner Morgan asked that a brief be prepared by the Tax Department including their thoughts and recommendations for Board review and stated that he would like to receive any and all requests for large refunds within a day after they are received by the Tax Department.

After considerable discussion, Commissioner Pollard moved to deny Honeywell International's application for refund for tax years 1997-2002 based on the General Statutes and counsel's advice. Commissioner Morgan seconded the motion. The motion carried four (4) to one (1) with Commissioner Outz opposing.

BENCHMARK

The County Attorney informed the Board that he would be prepared to make a recommendation to the Board at their November 3, 2003 Board of Commissioners' meeting.

CAMPO

Capital Area Metropolitan Planning Organization:

The County Manager explained that the Capital Area Metropolitan Planning Organization (CAMPO)

is working on transportation plans for the future; that others involved are Durham and RPO via Triangle J Council of Governments; that surrounding counties are being invited to participate; that typically, a Commissioner and a staff person would attend monthly meetings; that there is no staff who will have time to devote to this endeavor at this time; that the main advantage of joining is that the County will have some voice in transportation matters and asked if the Board wished to join the organization.

By consensus, the Board agreed to postpone a decision on the matter until they can meet with the Towns of Siler City, Pittsboro, and Goldston.

CERT TEAM

Citizen Emergency Response Team (CERT):

Chairman Emerson informed the Board that the Chatham County Citizen Corps Council met at the Family Resource Center in Siler City on Monday, October 13th, and expressed a desire to compose the Community Emergency Response Team (CERT) consisting of citizens who would volunteer services in non-emergency situations after disasters. He stated that the purpose of the meeting was to see what kind of interest there is within the County to create a Citizen Corps Council that would organize CERT; that the idea behind CERT is to provide training for volunteers on how they could best serve the community based on skill levels; that the President of the United States supported the program after the attacks on September 11, 2001; that a Federal Emergency Management Agency (FEMA) grant allows Chatham County to generate a council; that the vision is to make the County safer; that CERT intends to integrate the volunteer citizens into the County's infrastructure to be available and to expand quickly in the event of a disaster, either man-made or natural; that CERT is a group of neighborhood teams made up of citizens who are trained by emergency professionals to respond to local disaster situations; that basic meeting places in neighborhoods, such as churches and volunteer fire department, are often utilized for CERT needs; that industries can also be incorporated into the effort; that the CERT course consists of eight units totaling twenty-one hours of training; that classes are taught by emergency responders including firefighters and emergency medical and law enforcement personnel; that the main method of communication would be the website; that the most important aspect of the website is the feedback link; that Chatham County Emergency Operations Director, Tony Tucker, would provide information to the council on the website, often posted within fifteen minutes after receiving it; and that the council and CERT are designed to make people more aware of the County's infrastructure in training volunteers.

GOVERNORS CLUB WATER

Governors Club and Morehead Drive:

Chairman Emerson asked if a telephone conference call would be legal to receive advice on water main replacement options.

The County Attorney is to respond to this question after further research on the matter.

BOARD OF COMMISSIONERS' MATTERS

Notices of Violation (NOVs) for Water Testing:

Commissioner Atwater asked about the water reports received via the USPS.

The County Manager advised that the County has taken measures to correct the situation; that they

were standard sample testings which did not pass; that the procedural process was not followed; that it is not a water question but a sampling question with regard to the way it was handled; that the water is safe; and that the matter has been resolved.

BOARD OF EDUCATION

New Siler City School:

Commissioner Morgan advised that he had sent an email to Board of Education members asking for their input on expected opportunities regarding bonds on schools. He stated that he wanted Silk Hope School water district to be acted on at the same time as Bear Creek due to the problems they had been experiencing. He further stated that he has not heard from anyone who did not think that Siler City needed another school, and that he told them that he would try to help sell the idea and help find the financing needed for the school.

COMPACT COMMUNITIES

The Board began discussions by reviewing the Planning Board deliberations on the Compact Community Ordinance.

Density:

After considerable discussion, Commissioner Morgan moved, seconded by Commissioner Pollard, to accept the Planning Board recommendation that the maximum density be two dwelling units per gross acre of development excluding any acreage used for off-site wastewater sprayfields; that the minimum density be five dwelling units per acre in the built upon area; and that the maximum size not exceed 2,500 dwelling units. He stated that his requirement will permit the development of a small town atmosphere, ensure that significant amounts of open space are retained and foster the construction of a mix of housing types with the compact community. The motion carried five (5) to zero (0).

Location and Separation:

By consensus, the "Location and Separation" sections were returned to the Planning Board for review and refinement. The Board requested criteria to determine when compact communities may be adjacent to each other and when they are to be separated.

Work Session:

By consensus, the Board agreed to hold another meeting on Tuesday, October 28, 2003 at 9:00 AM to continue further discussion of the proposed Compact Communities Ordinance.

CLOSED SESSION

Commissioner Morgan moved, seconded by Commissioner Pollard, to go out of Regular Work Session and into Closed Session for the purpose of discussing economic development and industry recruitment prospects. The motion carried five (5) to zero (0).

REGULAR SESSION

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

- **BOARD OF COMMISSIONERS' MATTERS**

- **Veteran's Day Parade:**

- There will be a Veteran's Day Parade to be held on Saturday, November 8, 2003 sponsored by the Town of Siler City. Board members interested in participating are asked to be at the new Siler City Police Department at 9:00 AM on that date.

- **County Manager's Salary:**

- Commissioner Morgan moved, seconded by Commissioner Pollard, to give the County Manager a 3% salary increase, retroactive to July 1, 2003. The motion carried five (5) to zero (0).

- **RECESS**

- Commissioner Morgan moved, seconded by Commissioner Pollard, that the meeting be recessed for the regularly scheduled Board of Commissioners' meeting to be held in the District Courtroom. The motion carried five (5) to zero (0), and the meeting was recessed at 5:42 PM.

Thomas J. Emerson, Chairman

ATTEST:

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