

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**WORK SESSION**  
**MARCH 10, 2003**

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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 9:00 AM on March 10, 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; Assistant County Manager, Paul Spruill; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

The Chairman called the meeting to order at 9:00 AM.

***Work Session Agenda***

- 1.) **Chatham County Solid Waste Advisory Committee Update and Discussion**
- 2.) **Discussion of Duke Forest Property by Don Lein**
- 3.) **Smallpox Vaccination Policy by Dorothy Cilenti**
- 4.) **Jordan Lake Report by Ray Greenlaw**
- 5.) **Water System Update by Fred Hobbs**
- 6.) **Local Legislative Issues Discussion (Impact Tax, Land Transfer, Dix Hospital)**
7. **Swearing in of Board of Adjustment**
8. **Lunch with Council on Aging at Council on Aging Facilities**

**CHATHAM COUNTY SOLID WASTE ADVISORY COMMITTEE**

Three current issues pertaining to the Waste Management Division (WMD) were presented to the Board of Commissioners as follows: 1) Long Term Disposal; 2) Short-Term Disposal; and 3) Current Program.

John McSween began the discussion by reviewing the Solid Waste Feasibility Study that was prepared by HDR Engineering for Chatham County. He explained that Triangle J Council of Governments would like to expand Chatham County’s current study; that they would work with HDR Engineering on regional approaches to solid waste; and that the ultimate goal would be to secure long-term solid waste disposal through a regionally owned and operated landfill.

After some discussion concerning the expansion, Chairman Emerson asked for a motion to approve the expansion of the Feasibility Study with no additional cost to the County and no requirement for Chatham

County to participate in any governing authority created to manage the regional landfill stating that other Counties would use Chatham County as a pass through of funds due to a relationship that has already been established between HDR and Chatham County.

Commissioner Pollard moved, seconded by Commissioner Morgan, to join with other members of the Triangle J Council of Governments in an expanded Feasibility Study that will investigate the benefits and viability of a publicly owned and operated, regional, Subtitle D, landfill, to serve as a long-term solid waste disposal option for the participating members only to be done at no additional cost to the County. The motion carried five (5) to zero (0).

Bob Holden, Solid Waste Manager, discussed the short-term disposal situation for the County. He stated that the contract for disposal with Waste Management Inc. will expire October 2003, and that some of the options are to renegotiate and renew the current contract with WMI or issue a Request for Proposal (RFP) for waste disposal. Mr. Holden also discussed a proposal that Waste Management Inc. had prepared stating that options are as follows: 1) Takeover the operation of the collection centers, including hauling and disposal; 2) Offer countywide curbside trash collection and disposal without recycling with four modified collection centers; 3) Offer countywide curbside trash collection and disposal with recycling with four modified collection centers. Mr. Holden also reviewed the cost comparison between WMI proposal and the cost of operating the WMD during a normal year.

Nadine Perry, Waste Reduction Coordinator, reviewed the WMD program. She stated that the State had ranked Chatham County third in North Carolina for Waste Reduction & Recycling, and that citizen surveys done at the collection centers had given the program high marks.

Doug Carver presented statistics from the survey. He stated that there were a total of 220 surveys done at the collection centers; that out of the 220 surveys, 26% stated that they would like to see "Pay As You Throw" (PAYT) implemented and that 66% would like to see a solid waste fee charged equally to all households. He relayed some of the following comments made by Chatham County citizens: "The solid waste program far exceeds other services offered by the county."; "The collection centers are an asset to County."; and "I like the centers", etc.

Mr. Holden further explained the current budget situation for the WMD. He also explained how the current program is funded as follows: 1) Availability Fee – Covers the cost of the centers being "available"; 2) Disposal Fee – Covers the cost of hauling and disposal of material from centers; 3) Other programs - Previously funded by General Fund, currently funded by Fund Balance. He stated that at the end of FY 03, the Fund Balance will be depleted and relayed some of the possible funding solutions as follows: 1) Fee adjustment; 2) Reduction in services; 3) Unit-based pricing (PAYT); 4) Money from General Fund.

After considerable discussion, Chairman Emerson asked that the Waste Management Division Staff and Solid Waste Advisory Committee look at ways of cutting costs. Chairman Emerson charged the SWAC to come up with a budget recommendation for the shortfall stating that he would like a recommendation prepared and presented to the Board as soon as possible to include increasing fees and/or reducing services, etc.

### **CHATHAM PARKS FOUNDATION - DUKE FOREST PROPERTY**

Don Lein, President of the Chatham Parks Foundation, indicated that at a recent Board of Directors meeting, the potential disposition of the Duke Forest properties and the impact of this on future public access for recreation was discussed. He stated that at the meeting, it was suggested that future owners of this

property might allow less access than at present which could seriously impact future plans for trails and other recreational opportunities on this property for citizens of Chatham County; that with this in mind, he was coming to the Board of Commissioners to request that they communicate to the Board of Trustees of Duke University the interest of Chatham County that the availability of this site for recreational purposes not be inhibited nor diminished as a result of the pending transfer of ownership.

Mr. Lein cited the map and verbiage from the Chatham Parks and Recreation Master Plan approved by the Board of Commissioners in 1999, indicating intended use of this property as a component of the river trails/greenway system incorporated in the plan. He stated that in addition, it was pointed out that a number of acres adjoining US #64 had been used as a landfill for subsoil and other material excavated during the US #64 expansion; that this site would be a good site for playing fields; that this site would be very accessible from US #64 and would be good use of an area that has been clear cut and used for landfill purposes; that with the site's excellent accessibility combined with the increased demand for such facilities and with what the Foundation anticipated to be modest procurement and development costs, it represented an opportunity the Foundation did not want to lose in the pending sale; that there are two alternatives to protect Chatham's interest in the property as follows: 1) To have provisions in the title transfer papers that would preserve Chatham's recreational opportunities; and 2) To establish a Board whose purpose is to ensure and oversee the development of these recreational opportunities; that these are not mutually exclusive options; that the Parks Foundation takes no position as to whom Duke sells the property, as long as Chatham's recreational interests are protected.

In response to a question from Commissioner Morgan with regard to legal rights, Mr. Lein indicated that he had asked Mr. Gunn, County Attorney, to look into eminent domain and other relevant statutes.

Judson Edeburn, Duke Forest Resource Manager, stated that Duke had purchased the property in the 1960's with the idea of using it in their educational programs; that for various reasons it had not happened; that Duke was contemplating selling their properties in Chatham County; that there were approximately 960 acres; that no date had been set for the sale; and that Duke Forest had a history of open access; and that they hoped it would continue.

Kate Dixon, Triangle Land Conservancy (TLC) Executive Director, indicated that they had been working with Duke to acquire the property; that they would try to procure it through grants, primarily the Clean Water Management Trust Fund; that they were aware of the issue of public access, but that there are a number of areas on the property that are either environmentally unique and/or sensitive; and that some pristine areas have not been disturbed in decades.

In response to a question, she stated that the TLC would probably not be the ultimate owner, but rather some State department or agency who had sufficient finances to properly maintain the property.

Mr. Lein indicated concern that another party might further complicate public access and recreational development.

Ricky Spoon, Chatham County builder and developer stated that he had been working with Duke in an attempt to purchase the property. He shared his vision of having a multipurpose trail from Highway #15-501 to Highway #64 and indicated that he had talked to the owners of property along the projected route and had obtained their agreement; and that his intention was to donate 50% of the land and help build a park on the property.

In response to a question, Mr. Spoon pointed out that Duke presently pays no taxes, nor would the TLC, whereas he would pay taxes on the property that he would retain. He stated that he felt that there would

be severe restrictions on use and recreational opportunities should the land be passed on to the Triangle Land Conservancy.

Chairman Emerson asked that Mr. Edeburn communicate Chatham County's concerns and interests in the property because of the significance in location to the County to the Board of Trustees of Duke University.

### **SMALL POX VACCINATION POLICY**

Dorothy Cilenti, Health Director, stated that the Chatham County Board of Health had adopted a policy regarding smallpox vaccination of Chatham County Staff. She stated that North Carolina Public Health law places the responsibility for addressing the communicable disease issues in a community with the public health entity in that county; that in Chatham County, the Chatham County Public Health Department (CCPHD) provides those services; that these responsibilities include investigation, surveillance, prevention and treatment of specific communicable diseases, including smallpox.

She stated that the emerging concerns regarding terrorism in Chatham County have created the environment that has caused the President to develop a plan for vaccination against smallpox, a disease that was eradicated several decades ago; that the President's plan calls for several phases of vaccination; that Phase I involves a small number of public health and hospital staff who are most likely to encounter the disease if there were cases in the community; that Phase II has a broader scope that includes those needed for widespread vaccination, all hospital staff and other first responders including emergency medical staff, fire and rescue staff, and law enforcement staff; that there are no specific plans to vaccinate more widely at this point in time; that it is important that the Board of Commissioners, as the policy making body for Chatham County, understand the issues related to smallpox vaccination, support the availability of the vaccine for those staff at risk of exposure and demonstrate support for the staff responsible for this work.

She stated that vaccination in the first two phases is strictly voluntary; that the smallpox vaccine is a live vaccine making it very different from the vaccines that are received today and that there are some risks associated with taking the vaccine; that in determining if a member of the staff should receive a vaccination, the employee must answer "yes" to following questions:

- 1) Does my job place me in a potential position for exposure to smallpox?
- 2) Are you eligible to receive the vaccine (some physical health conditions exempt individuals from eligibility at this time)?
- 3) Am I willing to voluntarily receive the vaccine?

She stated that there are side effects and risks associated with the smallpox vaccine; that most people experience normal, usually mild reactions that include a sore arm, fever, and body aches; that other people experience reactions ranging from serious to life threatening; that people most likely to have serious side effects are those who will be excluded due to present or past health conditions; that in the past, about 1 person for every 100,000 people vaccinated for the first time experienced reactions that, while not life-threatening, were serious; that these reactions included a toxic or allergic reaction at the site of the vaccination (erythema multiforme), spread of the vaccinia virus to other parts of the body and to other individuals (inadvertent inoculation), and spread of the vaccinia virus to other parts of the body through the blood (generalized vaccinia); that these types of reactions may require medical attention; that in the past, between 14 and 52 people out of every 1 million people vaccinated for the first time experienced potentially life-threatening reactions to the vaccine; that based on past experience, it is estimated that 1 or 2 people in 1 million who receive the vaccine may die as a result; that careful screening of potential vaccine recipients is essential to ensure that those at increased risk do not receive the vaccine.

Ms. Cilenti further stated that these potential risks create concern among staff regarding the need to

protect their families and other close contacts, protect the clients they see through their work, protect their accrued leave, and avoid large out-of-pocket expenses for medical care; that a number of organizations, including local hospitals, have looked for ways in encourage staff to accept the vaccine so that Chatham County has a prepared workforce if vaccination is needed on a large scale; that staff is of the opinion that it is in the best interest of the health, safety and welfare of the citizens of the County that essential County employees be encouraged to take the vaccine in order that there be sufficient immunized personnel to assist the public in the event of an outbreak; therefore, staff recommends the following:

1. That the Director of the CCPHD, or her designee, identify those County employees for whom vaccination is recommended under Phase 1 of the Federal vaccination program, based on the Chatham County Plan. The selection of such employees is in the sole discretion of the Director and is not subject to appeal by any employee.
2. If an employee who is so selected elects to take the vaccine, and, as a result of taking that vaccine, becomes ill and requires medical treatment, the County shall reimburse such employee any reasonable medical charges paid by such employee as a deductible or co-pay amount required by the County's insurance plan, unless such deductible or co-pay amount is payable by another insurance policy. Determination of whether an illness is the result of taking the vaccine will be made by the Health Director in consultation with the Medical Director of CCPHD.
3. If an employee who is so selected elects to take the vaccine, and, as a result of taking that vaccine, becomes ill such that absence from work is required, the employee shall be granted additional sick leave days for such absence, up to seven days. Determination of whether an absence is the result of taking the vaccine will be made by the Health Director in consultation with the Medical Director of CCPHD.

By consensus, the Board agreed to table this item and return it to the Board for discussion at their March 17, 2003 Board of Commissioners' meeting.

### **JORDAN LAKE WATER STORAGE SUPPLY ALLOCATION REPORT**

Mr. Ray Greenlaw, reviewed the crucial elements in Chatham County's preparation for another request for an additional allocation of water from the Jordan Lake water storage supply. A question and answer period ensued.

### **SENATE AND HOUSE INTRODUCTION DEADLINES**

The County Manager spoke of the fast-approaching deadline for local bills for the General Assembly and asked for Board input.

### **SWEARING IN OF BOARD OF ADJUSTMENT**

Janice Oldham, Clerk of Courts, administered the oath to the Chatham County Board of Commissioners as the Chatham County Board of Adjustment. The oaths are attached hereto and by reference made a part hereof.

### **LUNCH WITH COUNCIL ON AGING**

The Chairman recessed the Work Session for lunch with the Council on Aging and to hear a presentation on a proposed concept for a western Chatham/Siler City area human services center.

### **WATER SYSTEM UPDATE**

Fred Hobbs with Hobbs, Upchurch & Associates, P.A. reviewed the status report on the 3M Wastewater Reuse Project between Chatham County and the Town of Pittsboro.

Commissioner Morgan asked to be excused from the voting on this matter due to his absence during the discussion of this item at an earlier meeting.

By consensus, the Board agreed to excuse Commissioner Morgan from voting.

The County Manager reminded the Board that they are trying to cover the gap between grant and revolving loan money so that the County does not have to fund as much as \$800,000 to one million dollars outright.

After considerable discussion, Commissioner Pollard moved, seconded by Commissioner Outz, to authorize Hobbs, Upchurch & Associates, P.A. to pursue additional grants and/or financing for the 3M Wastewater Reuse Project and report back to the Board. The motion carried four (4) to zero (0).

Commissioner Atwater left the meeting at 2:15 PM.

A copy of the Status Report dated March 10, 2003 by Hobbs, Upchurch & Associates, P. A. is attached hereto and by reference made a part hereof.

Mr. Hobbs stated that as administrator, he would have at staff level, monthly meetings with the project team and with County and Town staff to keep the Board apprised as to how things are progressing; that before the PER is finalized, they will give more options as the plan is developed and make more definitive ideas about what they are going to do so that at the June reporting time, mutual agreement has been reached on the options.

### **CHATHAM COUNTY INDUSTRIAL PARK**

Commissioner Morgan stated that he had been talking with the Economic Development Board about what to do with the Industrial Park in Siler City. He stated that Tony Tucker, Economic Development Director, had approached Hobbs, Upchurch, & Associates, P.A. about preparing a master plan to include division lots, roads, water and sewer layout, and projected cost estimates.

Commissioner Morgan moved to approve the contract with Hobbs, Upchurch & Associates, P.A. for a Chatham County Industrial Park Site Plan, not to exceed \$7,500 to be taken from the most appropriate source. Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0). The contract is attached hereto and by reference made a part hereof.

After further discussion, Commissioner Pollard withdrew her second to the motion.

Commissioner Outz seconded the motion. The motion carried four (4) to zero (0). The contract is attached hereto and by reference made a part hereof.

## MANAGER'S COMMENTS

### **Legislative Issues:**

The County Manager again asked for suggestions with regard to local bills to take before the Legislative Delegation.

A discussion ensued with regard to replacing the Impact Fee with a progressive transaction fee.

### **Preliminary Agenda Review:**

The County Manager reminded the Chair and Vice Chair of the Preliminary Agenda Review meeting to be held after the adjournment of the work session.

## COMMISSIONER COMMENTS

### **Regular Fuel:**

Commissioner Outz moved to require all County cars to use "regular" fuel.

The Assistant County Manager, Paul Spruill, explained that staff had reported to the Board that the only vehicles that were not using "regular" fuel are exceptions such as the book mobile and sheriff deputies; that the Sheriff agreed to drop back to medium grade fuel and see if he had any bad results; and that Commissioner Morgan had asked staff to check with automobile manufacturers for their recommendations.

Mr. Spruill further explained that it was his understanding that staff was to wait and see if the Sheriff had any bad results from the switch and then staff was to check with vehicle manufacturers to see if it was due to the gasoline. He stated that there was a report from the mechanic in the audience and that they had checked with the fleet staff and did some research from the petroleum companies as to what they had designed their different levels of octane; and that the response staff had received was that in some situations, particularly hot weather, when cars are idling a lot, higher octane provide greater efficiency.

After further discussion, Commissioner Outz withdrew his motion.

This item is to be discussed at a later date.

### **Well Contamination:**

Commissioner Outz asked about the well contamination in Nature Trails.

The County Manager explained that staff knows that there is an issue with regard to a sewer line that has been improperly installed at Nature Trails; that there is one mobile home that is intruding on an abandoned well site; and that information on this matter will be forthcoming.

### **Appointment to the Waste Management Board:**

Commissioner Outz moved, seconded by Commissioner Pollard, to appoint Max Cotten, 133 Pittsboro Elementary School Road, PO Box 603, Pittsboro, NC, to the Waste Management Board. The motion carried four (4) to zero (0).

**Mental Health Hospital:**

Commissioner Pollard reiterated the need to talk with the Legislators with regard to their support in selecting Chatham County as the site in which to build the new mental health hospital.

**Schools Solid Waste Contracts:**

Commissioner Pollard stated that the schools have their own solid waste contracts; that since the Board funds the schools, she felt that if the solid waste contracts were under one umbrella, the County might get a better deal.

**Tier 5:**

The Board inquired about the prospects of grant funding. The County Manager reported that obtaining grant funding may be difficult because of the Department of Commerce Tier 5 ranking for Chatham County. The County Manager suggested that the Board may want to request a reevaluation of how Chatham County is ranked.

**ADJOURNMENT**

Commissioner Outz moved, seconded by Commissioner Pollard, that there being no further business to come before the Board, the meeting be adjourned. The motion carried four (4) to zero (0), and the meeting was adjourned at 3:26 PM.

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Thomas J. Emerson, Chairman

ATTEST:

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Sandra B. Sublett, CMC  
Chatham County Board of Commissioners