

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
JANUARY 05, 2004

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 January 05, 2004.

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 9:00 AM.

PLEDGE OF ALLEGIANCE AND INVOCATION

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

AGENDA

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

Commissioner Pollard 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.

Commissioner Morgan moved, seconded by Commissioner Atwater, to approve the Consent Agenda as follows:

1. **Minutes:** Consideration of a request to approve Board Minutes for Regular Meeting held December 08, 2003, Work Session held December 08, 2003, and Board Retreat held December 15-16, 2003

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

2. **Private Road Names:** Consideration of a request from citizens for the naming of private roads in Chatham County as follows:

- A. **Lees Well Road**
- B. **Cookie Hill Lane**
- C. **Major Lee Farrar Drive**

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

3. **Funds Acceptance from NC Department of Health and Human Services:** Consideration of a request to accept funds in the amount of \$2,995 in Family Planning Funds awarded to the Health Department from the North Carolina Department of Health and Human Services and to reclassify a Processing Assistant III position to a Processing Assistant IV upon approval from Office of State Personnel utilizing the additional funds

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

4. **Funds Acceptance from NC Division of Public Health:** Consideration of a request to accept HIV/STD funds in the amount of \$31,000 awarded to the Health Department by the North Carolina Division of Public Health

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Roland McReynolds, 1424 Bynum Ridge Road, Pittsboro, NC, commended the Planning Board and the Board of Commissioners on their diligent efforts while considering the various elements of the Compact Communities Ordinance. He expressed concern with regard to the Compact Communities Ordinance stating that he was most concerned with the “B Draft”. He stated that it strikes him that after all the public process that has gone into it as antidemocratic. He asked that Draft B be removed from consideration at the afternoon work session.

Robert Eby, 1056 Fearington Post, Pittsboro, NC, asked where Draft B came from, who authorized it, who approved it, and put it on the web site. He stated that it mysteriously appeared on December 22nd; that he thought it was a bad Christmas present for the citizens; that the Board needs to be aware of all of the safeguards that were in Draft A that were removed in Draft B; that the required placement of the wastewater treatment plant within the compact community is gone; that the definition of sprayfield locations is gone; that the required increase in size of effluent ponds gone; that the requirement for a wastewater treatment system performance bond is gone; that the requirement to use North Carolina’s stormwater manual for stormwater management is gone; that the requirement that stormwater discharges be no greater after development than before is gone and replaced by “to the extent practical”; that the protection of the streams within buffers is gone; that the requirement for affordable housing inside the compact community is gone; that the requirement of Chatham County using their consultant to analyze impact statements is gone; that he feels that a developer deserves a chance to be successful as long as his opportunity does not foul the environment and is not at the expense of Chatham citizens; that appropriate regulatory features must be a part of the Compact Community Ordinance; that Draft A still has some “warts” but can serve as the basis for a fine Compact Community Ordinance; that Draft A should be sent forward to the public hearing.

Judy Hogan, PO Box 253, Moncure, NC, stated that the people of Moncure are threatened if development is not done carefully; that they are already receiving inadequate staff; that she has spoken with Animal Control who do not get to take their compensation time; that they are on duty twenty-four hours per day; that they can not handle all of the situations which arise; that she understands that the workers at the Department of Social Services have to meet in their cars due to lack of space; that the

judge came to the Board asking for a new facility; that the librarians are so stressed that their normal good nature is strained; that she knows that the Board wants to keep taxes low; that the only way to do that is to have good rules for developers; that for every dollar that resident tax-payers pay, it takes one dollar and a half in services according to a Wake County study; that the developer needs to provide services, money, schools, and library facilities so that the people do not have these types of problems; that industry helps taxes; that the pollution problem has not been solved in Moncure; that there needs to be environmental friendly industries in the County that are not polluting; that she thinks that the developer got to the staff and had Draft B put in; that the Board has to stand up to staff and developers or the citizens will be sacrificed and all credibility will be lost.

Ed King, 118 Baldwin Farm Road, Pittsboro, NC, stated that he was as surprised as many others who have been following the compact communities process from the beginning; that he feels what is happening is an erosion of respect for the LUPIC process; that LUPIC spent months working out the details of the Compact Communities Ordinance coming up with a complete, comprehensive account of what Chatham County should look like in years to come from everyone's standpoint; that they have been moderating their viewpoint and objections to the extreme developers wishes to try to build a huge development in the north; that they have come to middle ground and thought that they were going to have the process maintain itself; that it had done so until the Draft B appeared; that he feels that Draft B is one of the most undemocratic things and railroaded drafts he has ever seen; that he has no idea from whence it came, who authorized it, how it will be used, whether it will be used equally with the other one, etc. He suggested that Draft B be dropped and that the first draft be used for the basis of the work session.

Commissioner Atwater stated that it was inappropriate for anyone to make comments regarding personal attributes.

FLEET MANAGEMENT

Law Enforcement Vehicles Purchase: Consideration of a request to award the bid for the purchase of two (2) new Law Enforcement vehicles

After considerable discussion, Commissioner Outz moved to table the matter until it can be discussed with the Sheriff at a later time. Commissioner Morgan seconded the motion. The motion carried five (5) to zero (0).

FINANCE OFFICE

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

Commissioner Atwater 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).

RECREATION DEPARTMENT

Southwest Chatham Park Bid Award: Consideration of a request to award construction contract for Southwest Chatham Park Phase I

Commissioner Morgan moved, seconded by Commissioner Pollard, to award the contract for Southwest Chatham Park, Phase I construction, to Hairston Enterprise in the amount of \$255,682.65,

that the proposed cost of the fence between the park and the school be determined, that the amount be figured into the budget, and that the contract be reviewed by the County Attorney. The motion carried five (5) to zero (0). The bid tabulation is attached hereto and by reference made a part hereof.

FLEET MANAGEMENT

Law Enforcement Vehicles Purchase: Consideration of a request to award the bid for the purchase of two (2) new Law Enforcement vehicles

Sheriff Webster answered questions from the Board regarding the purchase of the two, new law enforcement vehicles, bullet-proof vests, guns, and other equipment.

After further discussion, the Board, by consensus, decided to table the matter until a later date.

BOARD OF COMMISSIONERS' MATTERS

Chatham Together! After School Proposal: Consideration of a request to accept a grant proposal on behalf of Chatham Together!

Commissioner Atwater moved, seconded by Commissioner Outz, to authorize Chatham County Together! to apply to the Governor's Crime Commission for a grant to fund its After School Program proposal and that no additional County funds be used. The motion carried five (5) to zero (0).

Review of Charter Communications FCC 1240 and 1205 Rate Filings: Consideration of a request to approve an Order Finding Charter Communication's 2003-2004 FCC 1240 Basic Service Tier and FCC 1205 Installation Rates Comply with the FCC's Rules and are Subject to the Conditions Stated Herein

Commissioner Atwater moved, seconded by Commissioner Pollard, to adopt **Resolution #2004-01 An Order Finding Charter Communication's 2003-2004 FCC 1240 Basic Service Tier and FCC 1205 Installation Rates Comply with the FCC's Rules and are Subject to the Conditions Stated Herein**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Review of Time Warner Cable's FCC 1240 and 1205 Rate Filings: Consideration of a request to approve An Order Finding Time Warner Cable's 2004 FCC 1240 Basic Service Tier and FCC 1235 Cost of Service Rates are Reasonable and FCC 1205 Installation Rates Comply with the FCC's Rules and are Subject to the Conditions Stated Herein

Commissioner Atwater moved, seconded by Commissioner Pollard, to adopt **Resolution #2004-02 An Order Finding Time Warner Cable's 2003-2004 FCC 1240 Basic Service Tier and FCC 1205 Installation Rates Comply with the FCC's Rules and are Subject to the Conditions Stated Herein**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

APPOINTMENTS

Home and Community Care Block Grant Committee: Consideration of a request to appoint members to the Home and Community Care Block Grant Committee by Commissioner Outz

This appointment was deferred until a later date.

Child Fatality Prevention Team Appointment: Consideration of a request to appoint a

member to the Child Fatality Prevention Team by Commissioner Outz

Commissioner Outz moved, seconded by Commissioner Pollard, to appoint Annette Willett, 7410 Airport Road, Bear Creek, NC, to the Child Fatality Prevention Team. The motion carried five (5) to zero (0).

Chatham County Water Committee: Consideration of a request to appoint a member to the Chatham County Water Committee

Chairman Emerson moved, seconded by Commissioner Outz, to appoint Kenneth J. Jeffries, 140 Moncure School Road, Pittsboro, NC, to replace Mrs. Winifred Smith, to the Chatham County Water Committee. The motion carried five (5) to zero (0).

The Chairman asked that Mrs. Winifred Smith be sent a letter of appreciation for her service on this board.

MANAGER' S REPORTS

The County Manager reported on the following:

Cooperative Extension Service Annual Report and Luncheon:

The Cooperative Extension Service annual luncheon and report presentation will be held on Monday, February 2, 2004 for the Chatham County Board of Commissioners at 12:00 noon.

COMMISSIONERS' REPORTS

Parent-Teacher-Organization Meeting at Horton School:

Chairman Emerson informed the Board that there will be a PTO meeting on January 15, 2004 at Horton School and that the Board of Commissioners has been issued a special invitation to attend the meeting to address PTO concerns regarding school bond and school matters.

Commissioners Outz, Pollard, and Morgan stated that they would try to attend the meeting.

Chairman Emerson and Commissioner Atwater expressed regrets at being unable to attend the meeting.

Availability of Planning Board Documentation via Internet:

Chairman Emerson stated that he had received a request from a citizen with regard to electronic submission and availability of information submitted to the Planning Board for posting on the internet.

Keith Megginson, Planning Department Director, stated that this type of information is typically submitted electronically and placed on the web for citizen review.

To enhance public access to materials received, Commissioner Atwater requested that staff request all supporting materials in electronic form.

ADJOURNMENT

Commissioner Morgan moved that the meeting be adjourned. Commissioner Pollard seconded

the motion. The motion carried five (5) to zero, and the meeting was adjourned at 10:18 AM.

Thomas J. Emerson, Chairman

ATTEST:

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