

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
FEBRUARY 02, 2004

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 11:00 AM on February 02, 2004.

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 Renee Dickson; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

The Chairman called the Work Session to order at 11:26 AM.

Work Session Agenda

1. Water
2. Noise Ordinance Discussion

CDBG PUBLIC HEARING

Commissioner Pollard moved, seconded by Commissioner Outz, to set February 16, 2004 as the date on which to hold a public hearing on the 2001 Community Development Block Grant close out. The motion carried four (4) to zero (0). (Commissioner Atwater was absent at the vote.)

COMMUNITY MEETINGS FOR WATER BOND

Stephen Talbert, Chatham County Public Works Director and Tim Carpenter, Hobbs & Upchurch engineer, reviewed a list of the most frequently asked questions regarding water districts, distributed and reviewed brochures on the Southwest Chatham, North Chatham, and Southeast Chatham Water Districts, and answered questions accordingly.

RECESS FOR LUNCH WITH COOPERATIVE EXTENSION SERVICE

Cooperative Extension Service Luncheon and Annual Report: Luncheon with the North Carolina Cooperative Extension Service and consideration of Annual Report

Commissioner Pollard moved, seconded by Commissioner Outz, to recess the meeting for lunch with the North Carolina Cooperative Extension Service and for presentation of their annual report. The motion carried five (5) to zero (0), and the meeting was recessed at 12:12 PM.

RECONVENE

The Board reconvened their work session at 2:03 PM with four Board members, Commissioners Pollard, Morgan, Outz, and Emerson, in attendance. Chairman Emerson explained that Commissioner Atwater had gone home.

The County Manager asked for feedback on the proposed rate fee structure for meter installation.

Commissioner Morgan expressed concern with regard to the company that owns a great deal of land that abuts Buck Mountain. He stated that the County previously refused Buck Mountain water; that Pittsboro is going to sell it through a master meter; that the land that is next door to Buck Mountain is almost twice as large as Buck Mountain; that he doesn't want the issue to resurface where they will be able to get water from the town and not the County.

The Public Works Director explained that that area was not part of the original line.

The County Manager explained that the Board had authorized it as a minimum size, but stated that it is not part of the master plan for current construction and that it would have to be an additional part of the plan at some point.

Commissioner Pollard moved to approve the staff recommendation of \$450 per tap fee per household during construction and \$2,000 after construction.

After considerable discussion regarding the proposed fee and inflation costs, Commissioner Pollard withdrew her motion.

Commissioner Pollard moved, seconded by Commissioner Morgan, to charge \$500.00 per tap fee per household (one-time fee) and \$2,000 after construction or the installation price at that time or whatever the USDA will allow. The motion carried four (4) to zero (0).

The County Manager asked the Board's preference in putting water up a private road that has cart-way rights but no other written easements.

The Public Works Director stated that he felt the water lines should be approved on a case-by-case basis making certain that the proper rights-of-way, easements, and encroachments are obtained prior to water line extension.

The County Attorney stated that in order to do it correctly, there should be a title search on any state right-of-way.

The Chairman asked that the County Attorney assist management and the Water Committee with any easements, encroachments, etc., for necessary extensions.

After discussion and by consensus, the Board set the following dates on which to hold public forums on the bond referendum at 7:00 PM as follows:

February 10, 2004	Silk Hope School
February 12, 2004	Moncure School
February 19, 2004	Harpers Crossroads Community Building

The brochures on the Southwest Chatham, North Chatham, and Southeast Chatham Water Districts discussed are to be mailed to respective residents of the above communities.

The County Manager reviewed the "Water Connection Policy for Subdivisions".

A discussion ensued. The policy is to be further reviewed before action is taken.

Commissioner Outz stated that he thinks a determination should be made as to whom, the County or Town of Siler City, is going to provide water for Silk Hope School.

The County Manager explained that if there is going to be a line run to the school, the County will have to do it, but that the Town of Siler City is happy to supply the water.

NOISE ORDINANCE

The Chairman asked that the participants of the noise discussion be calm and courteous stating that before the meeting is adjourned, there will be adequate time given to discuss the matter at hand.

Sheriff Webster stated that since his administration had taken office, the previous owners have exited the Sports Arena, the building was vacant for a while, and the new owners have taken over the business. He introduced Captain Allen of the Sheriff's Office who has monitored the situation since the new individuals assumed ownership.

Captain Allen explained that when Mrs. Harper first approached the department with regard to obtaining the permits to reopen the Sports Arena, the previous problems were discussed. He stated that she was told about issues dealing with drugs, prostitution, the noise issue, and other worries; that they expressed their interest in complying; that they installed a barrier fence; that they placed gravel in the parking lot; that they gutted the inside and cleaned everything; that they employ six individual on-duty security guards each night that it is open for business; that it is open only on Saturday nights; that they have purchased their own sound meter which is identical to that of the Sheriff's Office; that they also pay for two off-duty deputies at no cost to the tax payers; that if there is a noise reading problem, the deputies on the scene can take the reading immediately with a quicker response; that if there are any problems other than fighting, drugs, or prostitution, they would be the Sheriff's Office's eyes as they were already there; that it has worked out very well; that the deputies take readings every one-half hour, call in, and log the readings; that according to the meters that they are using and according to the "A" weighting scale they are in compliance at this time; that there was an issue during the first week that they began operation with regard to operation of the new meter and specifics of the Noise Ordinance, but that has been remedied; and that the new owners have worked closely with the Sheriff's Office and are trying to maintain law and order.

Captain Allen further explained that, according to the law, the device which they use to check the sound has to be in the "A" weighting scale; that the "A" weighting scale detects the noise most commonly heard by the human ear which is the most aggravating; that this meter can deter other noises on the low frequency scale such as the bass, but not on the "A" weighting scale; and that one of the things the Board will have to look at is deciding how to measure the other noises.

Chairman Emerson stated that the only thing the Board can do is consider recommendations of lawful actions in making any necessary changes in the existing ordinance.

Captain Allen stated that the device monitors the "A" scale; that it is not a linear scale but a graduated scale; that the "Z" scale is a linear scale which encompasses all frequencies from twenty to twenty thousand hertz which makes it possible to register noises that can not be heard by the human ear

(very high or very low).

Concerned citizens stated that it was actually the percussion and pressure that they felt in their homes. He stated that a meter is needed to measure pressure.

Captain Allen stated that the meter did measure pressure; that he had been out to the Sports Arena many times; that he spent approximately four hours there two weeks ago; that that he wanted to make certain that he understood everything that was going on; that he took multiple readings on the meter he was carrying; that at no time did they ever go above the legal limit; that 65 decibels after midnight is not allowed; that the noise in the room would actually be too loud; and that the sound coming at the property line next to the Sports Arena measures less than what is in the room.

Chairman Emerson asked if the building could be improved to contain the sound within the building as in acoustic barriers.

Captain Allen stated that he felt that acoustic barriers would be very suggestible; that the new owners stated that as the money got better, they would look into doing that; that almost all the walls are nothing but glass and glass is not much of a barrier; and that acoustic tiles would go a long way toward dampening some of the sound.

Marina Harper, new owner, stated that they are planning to improve the building to try to keep the noise inside; that as Captain Allen said, they do not now have the funds to put up the acoustic tiles, but they will do so when the funds become available.

Commissioner Morgan stated that "baffle boards" in different sizes are used by other companies to help lower the acoustics inside a building; that it is an expensive material which absorbs the sound and can be spotted at different locations within a building.

Tracy Koch stated that it seemed that the discussion had gone toward making a compromise with the new owners of the Sports Arena; that this is wonderful, but she wonders if it comes to the day that they decide to not do the improvements, they are right back with the Board with the same problems as before. She asked if the Noise Ordinance could be revised to read the base. She stated that they appreciate all that the new owners have done stating that they have done more in two weeks than the previous owner did in three years; that they still are not getting any sleep or rest; that this is a Noise Ordinance situation; that they do not trust anyone anymore unless it is written in the law; and that they are not there to make deals with anyone.

An unidentified person stated that she stays awake until 2:00-3:00 AM due to the noise; that she called the Sheriff's Department during the past week and was told that they would get someone out there; that someone was checking it while the band was taking a break; and that checking it while no one is playing is not helping her.

Another identified person stated that the noise sounded like someone was bouncing a ball or beating a drum inside the house; that it is a constant bump, bump, bump; and that they barely hear the music.

Chairman Emerson stated that there are unhappy neighbors; that law enforcement says that the laws are not now being violated; and that citizens are unhappy and are advocating that the noise laws be changed so that they are not disturbed. He asked the new owners if there was any way that they could play music without the "thumping" noise until 2:00 AM.

The new owners stated that they had voluntarily lowered the music inside the building and that

they hope to put up sound barriers in the near future.

The County Manager suggested placing an officer at the business, placing another officer in one of the impacted homes, and the music turned down to a predetermined level, so that communication between the two officers could determine an acceptable music/noise level to all parties.

Captain cautioned the group about getting into the other scale in that it could have the Chatham County Sheriff's Department enforcing the ordinance to a whole lot of people who normally would not be violating the law that no one would even agree that they are violating the law and that there would be repercussions that would have to be considered.

The County Attorney advised that the ordinance would have to be upheld on a county-wide basis.

After further discussion between the parties, the new owners and citizens agreed to the aforementioned set up.

Commissioner Pollard left the meeting at 3:05 PM.

Terry Koch presented copies of noise ordinances from surrounding counties for managerial review to the Clerk to the Board.

MARCH MEETING

Commissioner Morgan moved, seconded by Commissioner Outz, to hold a Board of Commissioners' meeting on March 1, 2004 at 9:00 AM. The motion carried three (3) to zero (0).

ADJOURNMENT

Commissioner Morgan moved, seconded by Commissioner Outz, that there being no further business to come before the Board, the meeting be adjourned. The motion carried three (3) to zero (0), and the meeting was adjourned at 3:20 PM.

Thomas J. Emerson, Chairman

ATTEST:

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