

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
MARCH 15, 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 2:30 PM on March 15, 2004.

Present: Chairman Tommy Emerson; Commissioners Margaret Pollard, Bob Atwater, Bunkey Morgan, and Carl Outz; 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 2:30 PM.

Work Session Agenda

1. Water System Update: Fee and Rates
2. Set Dates and Time for Next Community Meetings
3. Bond (Water District) Vote Update
4. Solid Waste Advisory Committee Recommendations
5. Noise Ordinance/Noise Reduction Work
6. Waiver Clarification in Proposed Compact Communities Ordinance
7. EDC Update
8. Citizen Presentation (Ike Brooks Memorial)
9. Chatham-Orange Boundary Line Question

The County Manager reviewed the proposed Work Session Agenda.

JOINT MEETINGS WITH TOWNS OF CARY AND CHAPEL HILL

Chairman Emerson asked that possible meeting dates on which to hold joint meetings with Cary and Chapel Hill be discussed.

The Board chose Monday, March 22, 2004, 7:00 PM, on which to hold a joint meeting with the Town of Cary in the Chatham County Superior Courtroom, if possible, and asked that the information be placed on the County web site.

The Board offered Wednesday, April 7, 2004 or Tuesday, April 20, 2004 at 7:00 PM in the Chatham County Superior Courtroom on which to hold a joint meeting with the Town of Chapel Hill.

WATER SYSTEM UPDATE: FEE AND RATES

The County Manager stated that based on previous updates and the Board of Commissioners' actions to date, the next step for Chatham County is to meet with Bond Counsel and the Chatham County Board of Elections to schedule the events leading up to the bond referendum. He reviewed the amount of the bond referendums with summaries of each district as follows:

Southwest District

- Bear Creek Township
- Gulf Township
- Estimated Miles of Water Main – **83**
- Estimated Project Cost - **\$7.5 million**
- Potential Customer Base – **1,031**

Southeast District

- Oakland Township
- Haw River Township
- Cape Fear Township
- Estimated Miles of Water Main – **23**
- Estimated Project Cost - **\$3.2 million**
- Potential Customer Base – **364**

Northwest District

- Hickory Mountain Township
- Hadley Township
- Albright Township
- Estimated Miles of Water Main – **101**
- Estimated Project Cost - **\$9.3 million**
- Potential Customer Base – **1,400**

He stated that once the referendum date has been set, the County should start soliciting sign-ups for each district; that sign-up periods can take several months and the sign-ups will ultimately determine where the water mains are extended; that they would like to start that process the first of May; that upon receiving suitable sign-ups, the County moves forward with submission of the project to USDA-Rural Development.

By consensus, the Board agreed to begin sign-ups on May 1, 2004.

DATES FOR NEXT COMMUNITY MEETINGS ON WATER DISTRICTS

By consensus, the Board agreed to hold meetings on the proposed water districts as follows:

April 27, 2004, Moncure Elementary School Cafeteria, 7:00 PM

April 29, 2004, Chatham Central High School Cafeteria, 7:00 PM

May 04, 2004, Silk Hope Elementary School Multi-purpose Room, 7:00 PM

GROUP "B" PROJECTS:

The County Manager briefed the Board on the remaining projects as follows:

Pea Ridge Road:

All permits except the Public Water Supply Permit have been approved. The Public Water Supply Permit is pending until the Environmental Assessment is approved. Final comments are now being addressed to the regulatory agencies. A meeting is also being held with the USCOE to finalize the property rights-of-way on USCOE property near Jordan Lake. Once this process is approved, the County can move toward an advertisement for bids.

Saint Luke Water Main:

A letter has been received from Saint Luke's Water Corporation Board stating that their board voted to annex with the Goldston-Gulf Sanitary System; therefore, the County's plan for that portion will no longer take place. The letter and response are attached hereto and by reference made a part hereof.

Western Transmission Mains:

Review plans will be sent to Public Works for review during the week of March 14, 2004. The Environmental Assessment is ongoing for this project. The tank site and booster pump sites need to be secured. The sites have been located and plans are to soon begin negotiations with the property owners.

Consideration for State and Tribal Assistance Grant Funding has been submitted to Congressman Etheridge and Price's Offices for review. Announcements of projects on the funding list will be made in June. The application process will begin at that point.

North Chatham Hydraulic Improvements:

Preliminary Plans for the North Chatham Hydraulic Improvements will be submitted the week of March 14, 2004 for preliminary review by Public Works. Plans are to have final plans submitted for permitting in two weeks. There is also a land issue involved on this project. To construct the North Chatham Booster Pump and Tank, the site will need to be approximately 0.33 additional acres than the current site that Chatham County owns. The 0.33 acres is owned by the Chatham County Board of Education.

Chatham County Rate Adjustments:

As per Bill Lowery of the Chatham County Water Advisory Committee, the Water Board has approved a rate increase for the Chatham County Water System. This increase has been approved as a one-time increase which includes the increase of the Administrative Fee from \$10.34 to \$15.00 and a 12% increase of the Block Rates as opposed to a staggered increase over multiple years. This increase was presented to the Chatham County Board of Commissioners as part of the Budget and Rates presentation on January 20, 2004.

Commissioner Pollard moved, seconded by Commissioner Outz, to support the Water Committee's recommendation and approve the proposed Administrative Fee increase from \$10.34 to \$15.00 and a 12% increase of the Block Rates as opposed to a staggered increase over multiple years.

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

Russell Underwood offered a detailed explanation of the on-going maintenance at the water treatment plant and of the hydraulic improvements in North Chatham.

Commissioner Morgan moved, seconded by Commissioner Pollard, to approve during the sign-up period pre-construction fees in the water districts for all tap requests within the districts which are \$500.00; that all applicants who desire meters larger than the customary residential tap (5/8 - 3/4 inch) are required to pay the difference between a residential meter, the meter requested and the full costs* (*Note: Associated costs are saddle yoke and associated fittings) associated with taps larger than residential; that an estimate of costs will be given to the customer at the time of application; and that any person requesting hydrants other than those proposed in the design of the system must pay the full costs associated with the purchase and installation of the hydrant as recommended by the Chatham County Water Advisory Board on March 2, 2004. The motion carried five (5) to zero (0).

Siler City Reservoir Construction Request:

The County Manager reviewed a letter from the Joel Brower, Siler City Town Manager, stating that the Town of Siler City is moving forward with the expansion of the Lower Rocky River Reservoir; that in preparing the environmental assessment for this project, one of the alternatives considered was obtaining water from Jordan Lake; that this option was not selected due to costs and secondary impacts; that during recent months, Chatham County has expanded its plans to extend water lines to more areas of the County and one of the lines is planned to come closer to Siler City than previously planned; that this change has raised questions as to whether the Jordan Lake alternative should be re-evaluated; that the town must also evaluate whether or not adequate water supply would be available from Jordan Lake through the Chatham County water system; that they have discussed this matter on several occasions; that the County has advised them that the current County 6 MGD allocation will be needed to meet the projected demand of the County water system as it continues to grow; that to assist the town in evaluating this alternative, they asked that the County provide the Town with any information available concerning its water needs and the quantities available to Siler City through the County system from Jordan Lake; that more specifically, would Chatham County be able to provide the required two million gallons of water a day that the town's proposed reservoir expansion project would provide.

After considerable discussion and by consensus, the Board agreed to delay action on the request.

By consensus, the Board agreed to meet on March 23, 2004, at 6:30 PM prior to the regularly scheduled public hearing on the Compact Communities Ordinance to further discuss the issue.

Commissioner Atwater stated that a number of his neighbors had their "blinds" blown due to the pressure problem inadvertently caused by the County's system malfunction during the transition period; that they ran into some costly plumbing bills; and that he would like for the Board to consider reimbursing them at least half of the expense.

Bill Lowery, Water Advisory Board Chairman, asked that this matter be discussed at a later date.

After further consideration, Commissioner Pollard moved, seconded by Commissioner Morgan, to send a letter to the Town of Siler City in response to their inquiry. The motion carried five (5) to zero (0). A copy of the letter is attached hereto and by reference made a part hereof.

By consensus, the Board returned to their original meeting time of 7:00 PM on March 23, 2004 Board of Commissioners' meeting.

BREAK

The Chairman called for a short break.

SOLID WASTE ADVISORY COMMITTEE RECOMMENDATIONS

John McSween, Solid Waste Advisory Committee Chairman, presented long-term disposal options and a long-term disposal recommendation by the Solid Waste Advisory Committee (SWAC).

The three long-term disposal options SWAC presented were as follows:

- 1) County Owned and Operated Subtitle D Landfill for Chatham's Waste Only (Option 1)
- 2) County Hosted Regional Subtitle D Landfill, County Owned (Option 2)
- 3) County Hosted Regional Subtitle D Landfill, Privately Owned (Option 3)

Mr. McSween discussed the advantages and disadvantages of each option and discussed charts containing start-up costs, capital costs, facility size, estimated annual revenue or cost, etc. for each option. The last slide was the recommendation by SWAC for a County owned Subtitle D Landfill to accommodate only Chatham County's waste as it is the option that is the most socially acceptable, has the least environmental impact, offers the most County control, and has an acceptable economic impact.

After a brief question and answer period by the Board, Chairman Emerson thanked the Solid Waste Advisory Committee for its work.

No action was taken by the Board at this meeting.

NOISE ORDINANCE/NOISE REDUCTION WORK

The County Manager explained that that he had talked with Darrell Poe who will be sending out information to help the landlord and tenants; that he has resources to help secure noise reduction in the Sports Arena; that it is his understanding that that they are already putting up some type of insulation to help with noise problem.

Chairman Emerson stated that he had recently visited the Sports Arena; that he found that they had replaced all of the windows on the north side of the building which is where the people live; that double paned glass has replaced the single paned glass; and that in addition, they are putting insulation in the walls on all sides of the building.

The County Manager stated that Chatham County Law Enforcement will continue to monitor the situation on a regular basis and that the tenants are trying to cooperate.

PROPOSED COMPACT COMMUNITIES ORDINANCE WAIVER CLARIFICATION

The County Manager explained that in the last meeting in the draft ordinance as the Board saw it, there was a waiver clause; that the County Attorney presented an option that helped refine it; that it was staff's understanding that the waiver was to be left as it was in the draft; that questions have arisen

as to whether it was the intended purpose of the motion that the County Attorney's adjusted waiver language be used in the draft; and that is the reason the matter is being returned to the Board for clarification.

The County Attorney stated that it spells out the conditions under which the waiver could be granted; that he tried to take the response of David Owens stating that "if one wanted to make sure that it would have to be done by means of a quasi-judicial hearing" that this language would do it; that he incorporated language to put before the Board as an alternative; and that he could live with either one of them.

Commissioner Atwater moved to approve the waiver language that the County Attorney presented at the last meeting.

After further discussion, the motion died for lack of a second.

Commissioner Morgan moved, seconded by Commissioner Pollard, to adopt the waiver language as follows:

Section 15 Waiver: "With the approval of the Board of Commissioners, the requirement of this ordinance may be adjusted, modified, reduced or waived based upon the absence of any reasonable relationship or nexus between the impact of the compact community development and the inclusionary or other requirements set forth herein."

The motion carried four (4) to one (1) with Commissioner Atwater opposing.

EDC UPDATE

Tony Tucker, Chatham County Economic Development Director, presented a brief update on the industrial park in Siler City.

He reviewed the planning process for sale and marketing of the County Industrial Park property as follows:

1. Define purpose of property (zoning, etc.)
2. Obtain easement on Highway #64 from Joe Looney and/or Lodestar Properties
3. Conduct appraisal of property with infrastructure in place
4. Create legal entity to handle investors/purchasers of property to comply with Securities and Exchange Commission (Committee 100, etc.)
5. Market the site as presented by Hobbs, Upchurch, & Associates plan in order to coincide with infrastructure cost. This cost supports a sale price per acre.
6. Time line to hold investments prior to return of funds received for deed was 36 months with 24-month extension. Time line for marketing purposes to let investors know how long their money may be tied up. Actual rate of interest to be determined at time of sale. Rate would be guaranteed.
7. Identify property County wants to sell and keep.
8. Establish restrictive covenants for property. Also have five-year development restriction. Land must be sold or developed with five years of infrastructure being in place. This is to encourage development and job creation.
9. Create marketing budget. Brochures, maps, and mailings will be needed.

Presentation packages, etc. will be needed to properly market property.

10. Meet regularly with Board of Commissioners to ensure they are on right track.

Mr. Tucker advised the Board of a possible economic development summit entitled, "Our County – Our Future" to be held on May 5th or 6th. He stated that it would probably be held at the Governors Club over a two-three hour lunch meeting; that speakers would likely be Jim Fain, Secretary of North Carolina Department of Commerce, Bill Ray Hall, President of NC Rural Center, Ted Abernathy, Vice President of Research Triangle Regional Partnership, and someone from DENR; that Sam Adams and Tommy Emerson would host and make comments with him doing the introductions; that there would likely be a panel with questions and answers at the end to include public input; that there would be a charge to cover cost of lunch and the facility; that invitees would be County and city government, and chamber members; and that an advertisement would be placed in the newspaper so that the public could attend at their own expense.

A question and answer period ensued.

CITIZEN PRESENTATION (IKE BROOKS MEMORIALIZATION)

Roger Foushee, 1510 Southwood Drive, Durham, NC, asked the Board for their consideration and approval of a proposal to officially dedicate the new US Highway #421 in Chatham County as the Isaac Brooks Highway. He stated that the request had already been approved by the North Carolina Department of Transportation and that it would be done at the start of the 115th reunion of the Brooks and Kindred Families.

Commissioner Pollard moved, seconded by Commissioner Outz, to proceed with Friday, July 30, 2004, 2:00 PM as the date on which to officially dedicate the section of US Highway #421 through Chatham County the Isaac Brooks Highway in honor for his service and vision of transportation in Chatham County and the State of North Carolina. The motion carried five (5) to zero (0).

CHATHAM-ORANGE BOUNDARY LINE QUESTION

The County Attorney explained that this matter concerns the Chatham County/Orange County boundary line. He stated that Orange County is interested in revisiting the location of the Chatham/Orange County boundary; that he thought the matter was solved several months ago; that the main parcel in question is north of the Johnson/Brooke property and is partly located in Orange County and partly located in Chatham County according to the 1989 area photography of the boundary. He stated that according to prior understanding, it is now taxed completely in Orange County. And the owners receive services from Orange County. At a meeting between some of the Orange County Commissioners and Chatham County Commissioners, he understood that there was a "meeting of the minds" that this arrangement would continue for a maximum of ten years or until the property owners petitioned the counties for a change to be taxed in the county where the land lie, whichever first occurs.

It was his understanding that both counties would request that the Legislature to approve the boundary agreed upon in 1989; that the Johnson-Brook property would continue to be taxed in Orange County for ten years unless they petitioned the county to be taxed in the county where the land is actually located; that it is his understanding that Orange County now wants the land to be taxed by Orange County until the property owners petition to be taxed in Chatham County; that in his opinion, it doesn't make a lot of sense to do a "saw-tooth" county boundary. From a law enforcement standpoint, they need to be able to determine where the county lines are located; that it could be important for court cases. When the county line was originally located, it is his understanding that it was a straight line; that the only thing he

has heard with regarding the rational for changing that is that someone purchased property in Chatham County with the understanding that the property was located in Orange County. The Board needs to take a position on it.

After considerable discussion, Chairman Emerson moved, seconded by Commissioner Morgan, to establish a sunset clause ten years from today's date and upon expiration of that period all property located in Chatham County will be taxed by Chatham County and all property located in Orange County will be taxed by Orange County. The motion carried four (4) to one (1) with Commissioner Atwater dissenting.

MENTAL HEALTH PROPERTY

The County Manager explained that Moses Carey has purchased property adjacent to the Siler City Health Department building with the intentions of placing a mental health clinic on it; and that he is asking for an easement so that he can have parking spaces and utilize the entire complex as a health facility.

The County Attorney is to look into this matter.

ADJOURNMENT

Commissioner Pollard moved, seconded by Commissioner Outz, that the meeting be adjourned to the regularly scheduled Board of Commissioners' meeting in the Superior Courtroom. The motion carried five (5) to zero (0), and the meeting was adjourned at 5:47 PM.

Thomas J. Emerson, Chairman

ATTEST:

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