

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**WORK SESSION**  
**APRIL 05, 2004**

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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 11:00 AM on April 05, 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 10:16 AM.

*Work Session*

1. **Water System**
2. **Budget**
3. **Library Bond Presentation**
4. **Consultants and Compact Community Ordinance**
5. **Recreation**
6. **Audit**

**FUEL SAVINGS**

Commissioner Outz moved, seconded by Commissioner Atwater to ask Chatham County Department Leaders to make voluntary 5-10% cut backs on travel to save funds. The motion carried five (5) to zero (0).

The County Manager informed the Board that the “Library Bond Presentation” and the “Budget” presentation on the Work Session Agenda would not be held.

**WATER DISTRICT MEETINGS**

By consensus, the Board set the following tentative dates on which to hold water district meetings:

April 27, 2004 Moncure	7:00 PM
April 29, 2004 Chatham Central School	7:00 PM
May 4, 2004 Silk Hope School	7:00 PM

**SOILS SURVEY REPORT**

Commissioner Outz asked that a letter be written to Congressman Bob Etheridge requesting help in getting a copy of the local soils survey report and Chatham County map stating that it still had not been completed.

The County Manager stated that the State had most likely not completed the digitization due to State budget constraints; that quite a few counties still do not have them; and that he will check on its progress.

Commissioner Outz moved, seconded by Commissioner Pollard, to write a letter encouraging the rapid conclusion of the Chatham County Soil Survey and Report. The motion carried five (5) to zero (0).

### **WATER SYSTEM**

Tim Carpenter, Hobbs, Upchurch & Associates engineer, introduced Joe McGoogan, a registered professional engineer trained specifically for water treatment plants.

Mr. McGoogan explained that the plant headworks had a flaw in its design in that when the pulsator comes on and the water rises, there is an overflow of mixing going in reverse across the wier which creates a mixing problem with water; that to correct this problem, there needs to be an adjustable wier installed and that the mixing headworks need to be raised approximately eighteen inches; that this creates a more hydraulically sound and even flow rate for plant processing; that this is needed to increase the rate of flow through the plant to help with the pilot study and the higher flow rate needed to complete this study; and that the cost would not exceed \$30,000.

Commissioner Morgan moved, seconded by Commissioner Outz, to approve up to \$30,000 for the plant headworks modification. The motion carried five (5) to zero (0).

Tim Carpenter stated that Public Works has been receiving numerous calls related to water quality issues i.e. taste and odor; that the cause of the problem is related to algae bloom numerations causing the poor taste and odor problems; that to alleviate this problem carbon needs to be fed into the process; that five years ago, Chatham County was being supplied water from the Cary intake who was feeding carbon; that they are now on an ozone water treatment process and do not need carbon to eliminate this problem; that Chatham County needs to install a carbon feed system to be able to eliminate the algae numerations that relate to water quality; that the existing equipment is in disrepair and worn out; and that new equipment is available for approximately \$24,000 which covers material and installation/labor.

The Board discussed if the carbon-feed system was already approved in the Phase II Modifications or if this was a separate request for funding.

Mr. Carpenter advised that this was incorporated in the Phase II modifications; that no more money is needed, but that they are asking to move this line item out of Phase II into Phase I because it was now needed.

Stephen Talbert, Chatham County Public Works Director, advised that the water plant lagoon needs to be pumped and cleaned stating that it has not been properly maintained since the first day of operations; that this is a heads-up only as he is seeking bids from contractors and is not sure if monies are available; that he will advise; that this is a State compliance issue with the Division of Water Quality; and that the County is currently in compliance but is borderline out-of-compliance.

Bill Lowery praised the efforts of the water treatment plant operator, Sam Boothe, consultant for Hobbs, Upchurch & Associates, for his efforts in and during inspections when the plant was restarted stating that it was he who found the flaw in headworks design.

Charlie Horne, County Manager stated that modifying the plant would “get it up to speed” which would be the next step in the future of the County.

Commissioner Pollard asked for staff to return with an estimate including all variables on which to base long-term decisions stating that they do not want to be in pinch where Cary controls their destiny.

The County Manager stated that this information would not be forthcoming for a while; that every one is in the middle of the budget; that it would probably be June or July; that in some respects, getting through the Corps and Water Resources would be the toughest phase.

Bill Lowery, Water Advisory Chairman, stated that the County will be out of water before a new plant can be built; that four million gallons will not be available; that the County will pump over two million gallons this year; that twenty million will be needed for the future; that it will not be possible to take the permit, put it together, and build a new plant in two years; and that the entire process should be evaluated carefully.

#### ECONOMIC DEVELOPMENT CORPORATION

Tony Tucker, Economic Development President, stated that he needs money for a topography map of the Chatham Industrial site; that approximately \$10,000.00 is needed for the aerial photography; that to perform a ground survey would cost approximately \$75,000; and that it needs to be done before new foliage is a detriment to the process.

The County Manager stated that funds for this could be taken from the Performance Reserve or Industrial Reserve.

Commissioner Morgan moved, seconded by Commissioner Atwater, to invest up to \$10,000.00 in the Chatham County topography map to be taken from the Industrial Revenue. The motion carried five (5) to zero (0).

#### COMPACT COMMUNITIES ORDINANCE

Keith Megginson, Chatham County Planning Director, discussed the peer review process of the Compact Communities Ordinance as follows:

Section 11.1 of the public hearing draft requires the developer to have three separate impact assessments performed and submitted at the time of sketch plan submission. For developments of this type, sketch plan corresponds with the master plan considered for zoning approval. In addition to the developer’s impact assessments, the ordinance requires that a peer review that shall be available prior to Planning Board deliberations. There are numerous unanswered questions concerning the timing and process of the peer review. Four of the options available for timing of the peer review and the presentation of said review are as follows:

1. The peer reviewers can be hired early in the process and work with the developer’s consultants in developing assumptions and answering data collection

questions. The peer review results would be available at the public hearing.

2. The peer reviewers can be hired and ask questions on assumptions and data collection of the consultants prior to the public hearing. The peer review results would be available at the public hearing.
3. The peer reviewers can be hired and provide their evaluation of the assumptions and impact assessments at the public hearing.
4. The peer reviewers can be hired and provide their evaluation of the assumption and impact assessments following the public hearing during the Planning Board deliberations.

There are advantages and disadvantages to each approach. From a staff perspective, it seems advantageous to have the peer review available during the public hearing for citizen consideration and for staff prior to making a recommendation to the Planning Board. Regardless of the option chosen, the selection of the peer reviewers is critical to the procedure. It is not too early to begin that process now. It is recommended that a process used for selection of peer reviewers be as follows:

- A. Staff prepares a minimum qualifications list.
- B. Request for Qualifications is mailed to potential firms and advertised.
- C. Three firms (if available) are selected to perform peer reviews for each area of impact. The selection is by the Board of Commissioners based on staff recommendations.
- D. The peer review firm is chosen by a cost negotiation process.

The process described above would allow the County to have firms available for peer reviews of other large development proposals without having to repeat the entire selection process each time.

Commissioner Morgan moved, seconded by Commissioner Pollard, that the peer review analysis should be presented at the public hearing. The motion carried five (5) to zero (0).

Commissioner Atwater moved, seconded by Commissioner Pollard, that A, B, C, and D be approved as follows:

- A. Staff prepares a minimum qualifications list.
- B. Request for Qualifications is mailed to potential firms and advertised.
- C. Three firms (if available) are selected to perform peer reviews for each area of impact. The selection is by the Board of Commissioners based on staff recommendations.
- D. The peer review firm is chosen by a cost negotiation process.

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

After further discussion, Commissioner Pollard moved, seconded by Commissioner Outz, to require that the peer review analysis be available at least thirty (30) days prior to the public hearing. The motion carried five (5) to zero (0).

## **LUNCH**

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Commissioner Outz moved, seconded by Commissioner Pollard, that the meeting be recessed for a lunch break. The motion carried five (5) to zero (0).

### **COMPACT COMMUNITIES ORDINANCE**

The County Attorney stated that in response to the request of Chairman Emerson and Commissioner Morgan, the County Manager, the Planning Director, and Planning Board Chair and he have discussed possible modifications of the current draft in anticipation of the Board of Commissioners' upcoming meeting on April 19, 2004. He stated that the Board can modify the draft as it desires, however, substantial changes might require another public hearing prior to adoption; and that in order to minimize that possibility and to acknowledge concerns expressed by the Planning Board chairman, the following possibilities were offered:

1. The current draft be considered as written and either adopted or not.
2. The current draft be revised to suit the Board of Commissioners subject to another public hearing if there are major modification.
3. The current draft be considered as written, and if adopted, the Board of Commissioners propose amendments on its own motion that can be processed in the normal course of the planning process.
4. The current draft be adopted as written and the Board of Commissioners adopt a future policy concerning discretionary actions involving compact communities. Because zoning decision cannot be arbitrary and capricious, any such policy would need to be carefully crafted.

He stated that the Planning Board Chairman expressed concerns about separation between compact communities, overall density, and timing of any waiver or modification request and the involvement of the Planning Board in that process; that since the Board of Commissioners has discussed many of these issues in the past, the current draft attempted to reflect the Board's attitude; that if there is any inclination to change the draft language, the following areas that might be altered without the necessity of another public hearing are as follows:

1. The limited geographic area contained in the Compact Communities Ordinance might be decreased to eliminate the area east of Highway #15-501 and north of Jack Bennett Road and possibly some area south of Andrews Store Road. The Planning Director can provide a more accurate delineation, if desired. Obviously the smaller the area available for a compact community, the potential impact of such a development is also decreased. He cautioned, however, that creating a zoning district for only one property owner may increase the potential for an illegal spot zoning attack. They believe that the possibility of rezoning an area within a larger district is more defensible than rezoning an area that is the district itself.
2. The draft could be modified in order to require direct access to a four-lane arterial by a compact community. Because of this and other requirements of the Compact Communities Ordinance, this change would lessen the possibility of additional compact communities accessing US Highway #15-501.
3. The waiver clause could be renamed "Appropriate Relief" and more explicitly provide for a quasi-judicial process by the Board of Commissioners in order to grant any relief. The language could be modified to require that any request for such relief be made upon the identification of an event justifying the request. The Planning Board chair was interested in the Planning Board being involved in that process, and that can perhaps be accommodated, but the ultimate decision belongs to the Board and it does not provide for Planning Board review in similar situations

when it sits as the Board of Adjustment.

Mr. Gunn stated that prior to the meeting on April 19, 2004, it would be helpful if the Board had some idea of how it wished to proceed on any of these issues; that the Planning Board meets on Tuesday, April 6, 2004; that it was the Planning Board Chairman's hope that there could be some consensus on possible ameliorating changes to address the concerns he perceived from the hearing; that of course, whether the Board is interested in entertaining any changes is for them to determine; and that there also may be other issues or areas the Board is interested in discussing further. He stated that they are ready to assist or provide further information.

Commissioner Morgan stated that he was ready for the Compact Communities Ordinance to advance as presented and to take action on April 19, 2004.

### **WATER DISTRICTS**

Attorney Gunn read prepared resolution creating the Southwest Chatham Water District, Southeast Chatham Water District, and the Northwest Chatham Water District.

Chairman Emerson moved, seconded by Commissioner Atwater, to adopt **Resolution #2004-17 of the Board of Commissioners of the County of Chatham Creating Southeast Chatham Water District**, excluding that land located within the corporate limits of any incorporated municipality. The motion carried five (5) to zero (0). The resolution is attached hereto and by reference made a part hereof.

Chairman Emerson moved, seconded by Commissioner Atwater, to adopt **Resolution #2004-18 of the Board of Commissioners of the County of Chatham Creating Southwest Chatham Water District**. The motion carried five (5) to zero (0). The resolution is attached hereto and by reference made a part hereof.

Chairman Emerson moved, seconded by Commissioner Atwater, to adopt **Resolution #2004-19 of the Board of Commissioners of the County of Chatham Creating Northwest Chatham Water District**. The motion carried five (5) to zero (0). The resolution is attached hereto and by reference made a part hereof.

### **RECREATION**

Tracy Burnett, Chatham County Recreation Director, updated the Board on the Buck Mountain recreation proposal. She stated that in December, 2002, the Recreation Advisory Board voted to recommend to the Board of Commissioners that the County accept payment of the recreation exaction fee in lieu of park facilities and land donated by the development; that it was the feeling of the Recreation Advisory Board that developing a County park facility in the Buck Mountain area would not be consistent with the Recreation Master Plan; that the Master Plan calls for a community park in an area generally north and east of Buck Mountain development; that the estimated cost of receiving the recreation exaction fee from the development is approximately \$312,000.00; that they are returning to the board within a month or so; and that she wanted to present the summary to the Board of Commissioners.

Commissioner Atwater left the meeting at 1:30 PM.

Commissioner Morgan moved, seconded by Commissioner Pollard, to accept staff recommendation to accept recreation exaction fees payment in lieu of land from the Buck Mountain Development. The motion carried four (4) to zero (0).

## **AUDITS**

The Finance Officer stated that the County mailed RFPs for audit services to three firms on March 5, 2004. She stated that the proposals for three years, beginning with fiscal year ending June 30, 2004, were to be submitted to the County in two sealed sections; that the first section addressed the audit firms prior experience and qualifications of its staff in performing governmental audits; that the second section contained quotations on fees that included year-end bookkeeping assistance, audit, and preparation of the financial statements; that according to the RFP, the second section would not be opened if the firm failed to meet the experience and qualification standards; that bids from all three firms were received by the stated deadline; that the Finance Officer and staff reviewed the first section of each firm's proposal, and all three firms met the experience and qualifications standards; and that they recommend awarding the bid for audit services to Dixon Hughes.

Commissioner Pollard moved, seconded by Commissioner Morgan, to accept staff recommendation and stay with Dixon Hughes. The motion carried four (4) to zero (0). The contract is attached hereto and by reference made a part hereof.

## **MOWING CONTRACT**

The Finance Officer explained that on April 15, 2002, the Chatham County Board of Commissioners awarded to Chatham Hills Services a mowing contract for the public buildings and water utility sites; that the original contract award had the option to re-award for two years; that in March 2003, Chatham Hills started the second year mowing under the first continuation option of the contract; that in August 2003, Chatham Hills was removed from the contract and Roger Kidd Lawn Maintenance agreed to complete the contract for the remaining 2004 option; that before the end of the year's mowing in November, Mr. Kidd asked for the opportunity to complete the second year option for fiscal year 2004-2005; that Public Works was satisfied with the work; that Mr. Kidd has insurances in place; that the contract request is to realign the contract in the current vendor for mowing, roger Kidd Lawn Maintenance; that there will be no additional options remaining on the contract; and that the estimate for one season mowing, split over two fiscal years is: 1) Public Buildings - \$28,500 and Water Utilities - \$10,440.

Commissioner Outz moved, seconded by Commissioner Morgan, to approve mowing contract with Roger Kidd Lawn Maintenance. The motion carried four (4) to zero (0). The contract is attached hereto and by reference made a part hereof.

## **NORTH CHATHAM FIRE DEPARTMENT**

The Finance Officer explained that the Board of Commissioners appointed John Wayne Strowd to hold a public hearing on behalf of the North Chatham Fire Department for the purpose of borrowing funds for renovations in the amount of \$350,000.00; that they have asked to increase the amount to be borrowed to \$450,000.00; and that this is for informational purposes only.

## **LOCAL LAW ENFORCEMENT BLOCK GRANT**

The Finance Officer explained that she had learned of an error in the applications for funding for the 1999 and 2000 Local Law Enforcement Block (LLEBG) grants issued by the US Department of Justice, Office of Justice Programs; that when she tried to close out the two grants through the OJP's online process, she discovered the that the former Sheriff had indicated that the County provided a special health benefit to officers; that this benefit required the County to provide health benefits to

officers that must retire or are separated from service due to an injury suffered while responding to an emergency situation; that since the County did not provide this benefit, the amount of federal funding for each of these grants should have been reduced by ten percent; that she spoke with the Program Manager for North Carolina, Ayisa Crowe, to find out how to rectify the problem; and that she was instructed to send two separate checks made payable to the Office of Justice Programs in the amounts of \$2,451.10 for the 1999 LLEBG and \$1,915.00 for the 2000 LLEBG.

Commissioner Pollard moved, seconded by Commissioner Morgan to reimburse the US Department of Justice in the amount of \$2,451.10 for the 1999 Local Law Enforcement Block Grant and \$1,915.00 for the 2000 Local Law Enforcement Block Grant. The motion carried four (4) to zero (0).

### **GOLDSTON ROAD WATER**

- Commissioner Outz stated that there were twelve residents on Goldston Road that were in desperate need of water; that there were a total of twenty-two residents who have said that they would sign up for water if the lines were run there; that he had asked the County Manager or Assistant County Manager to write a letter to the Town of Pittsboro asking for permission for the County to serve these residents.

Commissioner Outz asked for permission from the Board to make this request.

After considerable discussion, the Board decided to take no action on the request.

Tim Carpenter stated that there is a trust fund at State level for removal of underground storage tanks; that he is to investigate to see if any funds are available to use in this matter; and that he will check to see what he can find out.

### **CLOSED SESSION**

Commissioner Morgan moved, seconded by Commissioner Pollard, to go out of Regular Session and convene in Closed Session for the purpose of discussing possible litigation. The motion carried four (4) to zero (0).

### **REGULAR SESSION**

- Commissioner Outz moved, seconded by Commissioner Morgan, to adjourn the Closed Session and reconvene in Regular Session. The motion carried four (4) to zero (0).

### **ADJOURNMENT**

Commissioner Pollard moved, seconded by Commissioner Morgan, 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 3:16 PM.

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Thomas J. Emerson, Chairman

ATTEST:

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