

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
SEPTEMBER 07, 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 September 07, 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 meeting was called to order by the Chairman at 9:00 AM.

PLEDGE OF ALLEGIANCE AND INVOCATION

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

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 Outz asked that Item #6, Consideration of a request to accept funds in the amount of \$50,000 from Orange-Person-Chatham (OPC) Area Authority/LME for the Chatham County Health Department, be removed from the Consent Agenda and placed on the regular Agenda for discussion.

Commissioner Morgan moved, seconded by Commissioner Outz, to approve the Consent Agenda with the noted request as follows:

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held August 16, 2004 and work session held August 16, 2004

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

2. **Department of Social Services Contracts:** Consideration of a request to approve eleven

contracts for the Fiscal Year July 01, 2004 – June 30, 2005 for the Department of Social Services as follows:

1. Gunn & Messick – CPS/APS Backup Contract
2. Gunn & Messick – Child Support
3. Lunday Riggsbee – CPS/APS
4. Lunday Riggsbee – Child Support Backup Contract
5. Chatham Transit Network – Transportation/MA
6. Chatham Trades
7. Child Care Networks – Day Care
8. Chatham County Sheriff's Department – Child Support/Deputy Enforcement

The motion carried five (5) to zero (0). The contracts are attached hereto and by reference made a part hereof.

3. **Funds Acceptance from NC Association of Free Clinics:** Consideration of a request to accept funds in the amount of \$5,000 from the NC Association of Free Clinics awarded to the Chatham County Health Department

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

4. **Funds Acceptance for "Preceptor Program" in Health Department:** Consideration of a request to accept additional revenue in the amount of \$400 for the Chatham County Health Department's "Preceptor Program" from UNC Chapel Hill

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

5. **Funds Acceptance for "Focus on Fathers Program" in Health Department:** Consideration of a request to accept funds in the amount of \$1,000 donated by the Fenwick Foundation for the Chatham County Health Department's "Focus on Fathers Program"

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

- ~~6. **Funds Acceptance from OPC Area Authority/LME for Health Department:** Consideration of a request to accept funds in the amount of \$50,000 from Orange Person Chatham (OPC) Area Authority/LME for the Chatham County Health Department~~

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~~Consideration of a request to establish a 1.0 full-time employee (FTE) Processing Assistant position utilizing a portion of these funds~~

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~~Consideration of a request to reduce a 1.0 full-time employee (FTE) Processing Unit Supervisor V position to a .75 FTE position~~

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This item was removed from the Consent Agenda and placed on the regular Agenda for discussion.

7. **Debt Write-Off for Health Department:** Consideration of a request to approve a debt write-off in the amount of \$59,907.12 for the period July 1, 2002 through June 30, 2003 for the Chatham County Health Department, Abstract Part B attached hereto and by reference made a part hereof.

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

8. **Notification of Changes in Flu and Pneumonia Fees:** Notification of changes in flu and pneumonia vaccination fees due to increase in Medicare rates, Abstract Part B attached hereto and by reference made a part hereof.

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Frank Foushee, 678 Old Graham Road, Pittsboro, NC, voiced concern with regard to the renumbering of his address on Old Graham Road from 678 to 872. He stated that he had received a letter from the Chatham County Emergency Operations indicating that they needed to change his address because it was incorrect; that he appealed to them to not change the address because his address was assigned by the city; that he was told it would be investigated; that later he learned that the numbers across the street were approximately two hundred different, as they were in the County and he was in the city; that he lives in the last house within the city limits; that according to the scheme to which they refer in their letter, his address is correct as it should have been measured from Highway #87 to Old Graham Road where he lives; that the County addresses, according to his information were established from the stoplight on Highway #64; and that according to the scheme, his address is .678 miles from the point of intersection of Old Graham Road and Highway #87 North. He asked the Board to ask Emergency Operations to rescind the new number.

After discussion, the Board asked that this matter be placed on the September 20, 2004 Board of Commissioners' work session agenda for further discussion.

Mr. Foushee asked if he had to comply with the Emergency Operations E-911 addressing letter before it was discussed at the next meeting.

The County Manager stated that two weeks would not make a difference.

HEALTH DEPARTMENT

- **Funds Acceptance from OPC Area Authority/LME for Health Department:** Consideration of a request to accept funds in the amount of \$50,000 from Orange-Person-Chatham (OPC) Area Authority/LME for the Chatham County Health Department

- After discussion, Commissioner Outz moved, seconded by Commissioner Morgan, to accept funds in the amount of \$50,000 from Orange-Person-Chatham (OPC) Area Authority/LME for the Chatham County Health Department, to approve the request to establish a 1.0 full-time-employee (FTE) Processing Assistant position utilizing a portion of these funds, and to approve a reduction of a 1.0 full-time-employee (FTE) Processing Unit Supervisor V position to a .75 FTE position. The motion carried five (5) to zero (0).

BOARD OF COMMISSIONERS' MATTERS

- *Public Meeting:*

- **FONSI Public Meeting:** Public meeting to receive public comments on the "Finding of No

Significant Impact” (FONSI) on the project to provide water from the Jordan Lake Water Treatment Plant to supply the existing Chatham County Water Systems in the southern and western portions of Chatham County

Tim Carpenter explained that comments received from the FONSI public meeting will be forwarded to the State and have the final issuance of the bonds which will in turn activate any additional response by the State.

The meeting was opened for public comments.

There was no one present who wished to make public comments.

After a discussion and answer period by the Board, Commissioner Morgan moved, seconded by Commissioner Pollard, to close the FONSI public meeting. The motion carried five (5) to zero (0).

Closing of Certain Streets in the Village of Bennett: Consideration of a request to close certain unopened streets and alleyways (portions of Lane Avenue, Aycock Street, Buffalo Street, Liberty Street, Maple Street, Ward Street, and Scotten Street) in the Village of Bennett

After questions were raised as to whether the closing of one of the roads would land-lock the adjacent timberland, Commissioner Pollard moved, seconded by Commissioner Morgan, to table this matter until the next Board of Commissioners’ meeting. The motion carried five (5) to zero (0).

Fire District Line in Mt. Vernon Springs Community: Consideration of a request to reestablish boundary line to original location in Mt. Vernon Springs Fire District

Commissioner Morgan moved, seconded by Commissioner Atwater, to reaffirm the boundary line to its original location in the Mt. Vernon Springs Fire District. The motion carried five (5) to zero (0). The letters and maps are attached hereto and by reference made a part hereof.

Commissioner Morgan asked that the area residents be notified of this matter.

Set Public Hearing for Briar Chapel: Consideration of a request to set a date on which to hold a public hearing for the Briar Chapel proposal (thirty days following peer review of impact assessments)

Commissioner Morgan moved, seconded by Commissioner Outz, to set Thursday, October 07, 2004, as the date on which to hold a public hearing on the Briar Chapel proposal, 6:30 PM, at Northwood High School.

Commissioner Atwater expressed concern that the Board might be hemming itself in with regard to the informational hearings that they wanted to look at which, he stated, are being held to bring all Board members up-to-date on some very complex matters where there are deviations as defined by the peer consultants.

Mitch Barron informed the Board that they had been working with the Concerned Citizens for Effective Communities (CCEC) and that additional public meetings have been scheduled for September 15, 2004 in the Chatham County Superior Courtroom and on September 16, 2004 in the Jordan Matthews High School Cafeteria with retired Judge Sidney Eagles as moderator. He stated that he is hopeful the County will invite peer review consultants to attend the meetings.

Loyse Hurley, CCEC President, reported that her group had not agreed to the moderator as it

awaits the decision of the Board of Commissioners to preside at the two official public forums.

The County Attorney stated that he thought that the Board of Commissioners should not conduct meetings that are not provided for in the Compact Communities Ordinance as the Board may have to sit as the quasi-judicial board.

John Graybeal responded that it is clear that the Board will want to base any decision on the information gathered at the meetings. He gave six reasons that the Board should not have a problem with holding the forums as follows: 1) These forums will facilitate the quasi-judicial public hearing that will be held later. 2) There is no danger that Commissioners will be "tainted" as a result of the forums. 3) The public forums will make it less likely that the Board will improperly receive important information through "back-door" communications. 4) As a result, the forums will make the Board's ultimate action regarding Briar Chapel less vulnerable to legal challenge. 5) In similar situations, other local governments in the area have successfully conducted such forums. 6) There are no legal obstacles to such forums as was made clear by David Owens of the Institute of Government in his article, "*Zoning Hearing: Knowing Which Rules to Apply.*"

Commissioner Atwater stated that he sees the advantage for the informational meetings.

Commissioner Morgan stated that he does not object to public forums, but noted that it was the Board of Commissioners' duty to set a public hearing.

Chairman Emerson stated that the major issue seems to be the attendance of the Board at the September public forums; that he believes it prudent to pay attention to the advice of counsel

After further discussion, Commissioner Morgan called the question. The motion carried five (5) to zero (0).

Commissioner Morgan moved, seconded by Commissioner Outz, that the Board of Commissioners not sponsor the public forums to be held on September 15, 2004 and September 16, 2004 as previously discussed based on the advice of the County Attorney. The motion carried five (5) to zero (0).

Dave Stallard stated that he was amazed that the Board appeared to not want to receive as much information as they could get before they attend the scheduled public hearing. He stated that they should not listen to comments made by the Planning Board nor others; and that he is dumbstruck that the Board does not want to get as much information as possible before they go to the traditional public hearing.

Commissioner Pollard stated that she was sorry that that was Mr. Stallard's impression; that she was going to read as much as she could and gain as much information as she could before the public hearing; that the Compact Communities Ordinance requires a public hearing; that if another requirement is made of the Board of Commissioners, then that in itself may be a violation or may be called to question once it gets to a formal process.

Commissioner Morgan moved, seconded by Commissioner Outz, to request the peer reviewer consultants attend one or more of the public forums on September 15th or September 16th. The motion carried five (5) to zero (0).

FINANCE OFFICE

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Re-bid of Telephone System:

Consideration of a request to re-bid the E-911 new telephone system

Commissioner Atwater moved, seconded by Commissioner Pollard, to re-bid the telephone system. The motion carried five (5) to zero (0).

Budget Amendments: Consideration of a request for approval of Fiscal Year 2004-2005 Budget Amendments

Commissioner Atwater moved, seconded by Commissioner Outz, to approve Fiscal Year 2004-2005 Budget Amendments, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Water System: Consideration of a request to transfer funds temporarily from the Capital Reserve Fund into Water Projects

Commissioner Pollard moved, seconded by Commissioner Morgan, to approve the request to transfer funds temporarily from the Capital Reserve Fund into Water Projects

Water Plant:

Tim Carpenter, Hobbs, Upchurch & Associates Engineer, explained that at the water plant approximately one year ago, there is an affluent metering station with a lagoon that catches the affluent waste from the filtration process; that it discharges via a pump station into Jordan Lake; that there is a discharge permit to do so; that funds were budgeted but quotes were never received to be able to spend the money; that they have taken the drawing specs and gone through the bidding process; that three bids were received; that a metering station will be placed on the affluent metering station at the lagoon as required by the State; that in the past, they have not had the ability to tell how waste or discharge or whether they are meeting the requirements; that they put out RFPs on a metering station, some controls, and some control wiring that goes back to the water plant; that three bids were received; and that his recommendation is to award the bid to Charles Underwood.

Commissioner Morgan moved, seconded by Commissioner Outz, to approve the bid in the amount of \$22,000 for Charles Underwood with the funds to be spent for this matter only and funds to be taken from Water Fund Balance. The motion carried five (5) to zero (0).

Water Signups:

The County Manager reported that to date, there had been 331 water signups in the Southwest District, 264 water signups in the Southeast District, and 158 water signups in the Northwest District; that anyone wishing to sign up for water in the County, outside of the Pittsboro, Siler City, and Goldston jurisdictions, should contact the County's Public Works Department.

A discussion ensued regarding water signups and postings of notices.

By consensus, the Board scheduled an informational water meeting on the proposed Northwest Water District at Silk Hope School on October 11, 2004 at 7:00 PM.

Teacher Supplements:

The County Manager explained that the Chatham County Schools submitted an invoice for reimbursement of teacher supplements. He stated that the invoice exceeds the amount budgeted by \$48,905.11; that the schools are requesting that the Board appropriate additional funds for this and reimburse them for the difference; that the amount in question is approximately 2.3 percent of the total supplement; that in their conversations with the School's Finance Officer, she mentioned that it is difficult to budget precisely for supplements, because it depends on the tenure of teachers hired or leaving during the year; that they would prefer that supplements be closely estimated, rather than inflated, even if they miss the mark by a small amount; that in addition, last year the school system worked to make its request match the amount generated by the funding formula; that Ms. Stromko said that her original estimate for supplements was approximately \$30,000.00 higher than what was finally budgeted; and for those reasons, staff would recommend that the Board fund their request.

Commissioner Atwater moved to reimburse the school system in the amount of \$48,905.11 for teacher supplements.

Commissioner Morgan stated that he would like to learn more about the shortfall.

After considerable discussion, Commissioner Atwater withdrew his motion.

The County Manager stated that he would ask the school system to send to the Board their determination of the range of teacher supplements in terms of tenure, etc.

Water Mail-Outs:

Commissioner Morgan moved, seconded by Commissioner Pollard, to send a mail-out to all land-owners (from Tax Department) explaining that only those who live within the water district and are registered to vote will be able to vote on the water district but that it will affect all persons living within the district and that an informational meeting will be held on October 11, 2004. The motion carried five (5) to zero (0).

The County Attorney stated that he hoped to have an e-mail from bond counsel by noon amounting to a certificate or resolution from the Board accepting the results of the vote in Southeast Chatham Water District and the Southwest Chatham Water District; that he was discussing with him the action taken by the state board on the Northwest Chatham Water District; that he understands that they ordered a new election; that bond counsel states that it can be done at the November election; that it will be a tight time frame; that they would like to recess the day's meeting until next week at which time he will have a new proceeding from bond counsel for consideration by the Board to get the ball rolling on the Northwest Chatham Water District; that they do not have to start over since the results of the first election for the Northwest District have not been certified; that they can approve a resolution calling the new election and give notice for same.

MANAGER'S REPORTS

There were no Manager's Reports.

COMMISSIONERS' REPORTS

Pittsboro-Moncure Road Improvements:

Commissioner Outz asked about the widening of the road from Moncure to Pittsboro.
The County Manager is to follow-up on the commercial improvements to this corridor.

Pea Ridge Road and Highway #64:

Commissioner Outz stated that Pea Ridge Road near the lake is carrying a tremendous amount of traffic and is falling apart.

Paul McCoy stated that the road was built in the year 1972; that it is not being properly maintained; that he understands that there are a shortage of funds with which to maintain the road; and that he hopes this matter will be followed up. He again called attention to the foliage on Highway #64 stating that it needs to be profusely trimmed.

Effie Welch Road:

Commissioner Outz asked about paving Effie Welch Road (State Road #2220) in Bennett.

Vicious Dogs:

Commissioner Outz asked if Owen Johnson was still having problem with dogs.

Dorothy Cilenti, Chatham County Health Director, stated that the County Attorney, and she had met with the District Attorney to discuss the matter and that the County Attorney would be able to shed more light on this situation.

The County Attorney stated that he did not like to announce what he was going to do before he did it and that he was in the process of putting a lawsuit together.

Chairman Emerson asked that the County Manager address the aforementioned items be addressed in another letter to NCDOT.

Charlie Horne, County Manager was asked to draft letters to the highway commission addressing the three items.

Dr. Simon G. Atkins:

Commissioner Pollard stated that she is concerned that there is no marker in Chatham County commemorating Dr. Simon Green Atkins; that Dr. Atkins is credited with founding Winston-Salem University; that in 1996, the Department of Cultural Resources for the Highway Department erected a marker for him in Winston Salem; that because Haywood is his birthplace, she would like to see a marker placed at the site of his birth or on the highway near Haywood; that she had not had a chance to communicate directly with the Chatham County Historical Society; that she learned that the state does not like to erect more than one marker per person; that an aluminum marker could be placed for approximately \$1,600; that after she talks with the Historical Society, she may return to ask the Board of Commissioners for a resolution going to the State Historical Association or the NCDOT, whichever is appropriate; that this may mean that she will be asking for funds up to \$1,600 for marker; that she wants to let the Board of Commissioners know that there are County graduates; and that she feels that it is a real credit to this African American man who was founder of this institute who was also a mover and shaker in the African Methodist Episcopal Zion Church at the national level.

Veteran's Monument:

Chairman Emerson stated that he had talked with the American Legion who have several

members working on the veteran's monument; that they will be joined by a representative from the Historical Society; that representatives will include African Americans, World War II veterans, etc.; and that the committee will come up with recommendations.

Stockyard Road Project:

Commissioner Morgan asked if there was any more information on the Stockyard Road project.

The County Manager stated that there was approximately \$94,000 available; that two houses have been designated for sewer extension to the houses; that he has asked for rationale for not including all of the houses in the line so that the Board is not inundated when the sewer line is constructed and the residents cannot hook up; and that this is presently being researched.

Deer Run:

Commissioner Morgan asked about the Deer Run Subdivision and their unofficial sign-up sheets.

The County Manager stated that it depends on the Boards' decision to extend the line to that area; that he thinks that they are still working on partnering with the Department of Commerce and in conjunction with the two other industries.

Sewage Study:

Commissioner Outz asked for a copy of sewage study done in the 1998.

Tim Carpenter stated that he would get a copy of the study to him.

Southwest Water District Bond Referendum:

The County Attorney read the Resolution Confirming Election Results for the Southwest Water District Bond Referendum in its entirety.

Commissioner Morgan moved, seconded by Commissioner Outz, to adopt **Resolution #2004-40 Confirming Election Results for the Southwest Water District Bond Referendum**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Southeast Water District Bond Referendum:

The County Attorney read the Resolution Confirming Election Results for the Southeast Water District Bond Referendum in its entirety.

Commissioner Pollard moved, seconded by Commissioner Outz, to adopt **Resolution #2004-41 Confirming Election Results for the Southeast Water District Bond Referendum**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

RECESS

Commissioner Morgan moved to recess the Regular Meeting for the scheduled Work Session after a short break. Commissioner Outz seconded the motion. The motion carried five (5) to zero (0),

and the meeting was recessed at 11:29 AM.

Thomas J. Emerson, Chairman

ATTEST:

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