

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
FEBRUARY 07, 2005

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 February 07, 2005.

Present: Chairman Bunkey Morgan; Vice Chair, Tommy Emerson; Commissioners Patrick Barnes, Mike Cross, 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 meeting was called to order by the Chairman at 9:01 AM.

PLEDGE OF ALLEGIANCE AND INVOCATION

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

AGENDA AND CONSENT AGENDA

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

Chairman Morgan asked that a Closed Session be added prior to beginning the Work Session to discuss real estate and that a discussion regarding Impact Fees be added to the Agenda as Item #15A.

The County Manager asked that February 21, 2005 set as the date on which to hold a Southeast and Southwest Chatham Water District Environmental Scoping meeting.

Commissioner Barnes moved, seconded by Commissioner Outz to approve the Agenda and Consent Agenda with the noted requests. The motion carried five (5) to zero (0).

CONSENT AGENDA

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held January 18, 2005 and work session held January 18, 2005

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

2. **Tax Lien Advertisement:** Consideration of a request to approve advertisement of tax liens

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

3. **Tax Refunds:** Consideration of a request to approve refunds on regular tax bills paid in error, attached hereto and by reference made a part hereof.

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

4. **Resolution for Addition of Road to the North Carolina System of Secondary Roads – Jamestown Road and Plymouth Circle:** Consideration of a request to approve **Resolution #2005-04 for the Addition of Streets or Roads to the North Carolina System of Secondary Roads – Jamestown Road and Plymouth Circle - The Settlement Subdivision**, attached hereto and by reference made a part hereof.

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

5. **Funds Acceptance for Health Department:** Consideration of a request to accept funds awarded to the Health Department's Environmental Health Division in the amount of \$500

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

6. **Funds Acceptance for Health Department:** Consideration of a request to accept funds in the amount of \$1,200 from the North Carolina Department of Environment and Natural Resources (NCDENR) for Childhood Lead Poisoning Prevention

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

7. **Funds Acceptance for Health Department:** Consideration of a request to accept Family Planning funds in the amount of \$32,432 in Family Planning Funds from the Division of Public Health

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

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

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

9. **Conveyance of Property:** Consideration of a request to convey property (milk vending machines) to Chatham County Schools

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

10. **Funds Acceptance for Health Department:** Consideration of a request to accept funds in the amount of \$6,702 from the Division of Public Health

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

11. **ETJ Representative Appointment:** Consideration of a request to reappoint Kenneth Hoyle as an ETJ representative to the Town of Pittsboro Planning Board

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

12. **Sketch Design Approval Of “The Stonegate Cottages, Phase II”:** Consideration of a request by Pittman – Korbin, Inc. on behalf of Ronald Shearin for sketch design approval of “The Cottages at Stonegate, Phase II”, consisting of 15 lots on approximately 46 acres, located at the intersection of SR #1535, Gilmore Road and SR #1534, Poythress Road, Baldwin Township

As per the Planning Department and Planning Board recommendation, sketch design approval of the plat was granted as submitted. The motion carried five (5) to zero (0).

13. **Preliminary Design Approval of “Camden Park South, Phase 1”:** Consideration of a request by Dan Sears, Sears Design Group on behalf of Fitch Creations, Inc. for preliminary design approval of “Camden Park South, Phase I, Fearington Section XIV”, consisting of 20 lots on approximately 9 acres, off SR #1812, Weathersfield and East Camden (not yet numbered), Williams Township

As per the Planning Department and Planning Board recommendation, preliminary design approval of the plat was granted as submitted. The motion carried five (5) to zero (0).

14. **Waiver From Subdivision Ordinance:** Consideration of a request by Nicolas P. Robinson, Bradshaw & Robinson, LLP, on behalf of Chapel Ridge for a waiver from Section 6.2 D (3) (h) of the Subdivision Ordinance

As per the Planning Department and Planning Board recommendation, the waiver request was granted as submitted. The motion carried five (5) to zero (0).

15. **Stockyard Road Public Hearing:** Consideration of a request to set February 21, 2005 as the date on which to hold a public hearing on the 2003 Stockyard Road closeout

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

- 15A. **Southeast and Southwest Chatham Water District Environmental Scoping Meeting:** Consideration of a request to set February 21, 2005 as the date on which to hold a Southeast and Southwest Chatham Water District Environmental Scoping meeting

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Sandra Tripp, 1180 Andrews Store Road, Pittsboro, NC, stated that she was a Chatham County native with a rich family history; that she was an adjacent property owner to the proposed Briar Chapel Development and that she has a concern relating to the buffer. She conceded her time to Jeffrey Starkweather to speak regarding this matter.

Jeffrey Starkweather, PO Box 590, Goldston Road, Pittsboro, NC, stated that he believes that this is an interpretation of the ordinance; that it is critical for Ms. Tripp; that Ms. Tripp built a new home several years ago believing that the area would remain there and have a reasonably rural character to her area; that under the Compact Communities Ordinance, it states that one of the purposes is to protect Chatham County’s rural character by adequately buffering compact communities from neighboring properties and roadways; that

Mr. Styers, representing Briar Chapel, made a statement that he didn't think there was a regulation that applied to this land; that he feels that this is incorrect and he would like to have it looked into before a decision is made on the development; that to the east of the property, there is an existing right-of-way; that this is where Briar Chapel would like to put a roadway; that there are three entrances within a quarter-mile; that there would be one to the east and one to the west of this site; that the ordinance talks about the width of the buffers. He showed a map that had a one hundred foot buffer on every property around it stating that this also applied to the Durham farm located to the east of it. He stated that Ms. Tripp's was the only property that was not being given the one hundred foot buffer; that Chart 9.2 shows the horizontal access talks about a large two-acre residential lot; that Ms. Tripp has three acres; and that Ms. Tripp needs to have a two hundred foot buffer in order to have adequate buffering.

Sally Kost, 1101 New Hope Church Road, Apex, NC, speaking on behalf of the Chatham Coalition, stated that the coalition believes strongly that good government is open government; that they believe that the public should have input and a public hearing process that gives citizens more time to become informed and allow them to participate in a meaningful way; that the Board is considering a significant change to public policy with regard to impact fees; that they do not know that they are a good idea; that they do not know how the Board knows that it is a good idea; that it has not been debated, discussed, nor deliberated in a public arena; that good decision making requires looking at all angles and seek input from the citizens of the County; that it appears to them to be "back room" politics; that they believe that the Board's intentions are good; that the County needs money for schools; that they want high-quality schools and good education; that when the Board makes a decision of significant shifts in public policy, it cannot be done in a vacuum; that it must involve citizens; that she wonders why it did not appear on the printed Agenda; that they ask that the decision on impact fees be postponed and that a public hearing be held for citizen input.

Gary Hudson, 551 Smith Hudson Road, Siler City, NC, stated that he had been farming in the community all of his life; that he had concerns that the poultry industry is being sacrificed for a few; that they are trying to encourage a few to have organic barnyard chickens on their property to generate income; that this is a niche market; that the problem is that these migratory birds can bring disease to Chatham County; that these individuals trying to have a niche market, generate a small portion of income, but can be devastating to the poultry industry. He stated that the other problem was with the tax issue. He stated that the change is scaring him; that he has continued to diversify over the years; that farming has changed to which he has adapted; that he wants the Board to research the tax issue; that he wants the farmers to be able to work in Chatham County; that with the new tax bills, he is scared; that they are going to tax every item on his property, including the things he has not used for forty years but that are in his possession; that it is his understanding that 35% of the new price of the item is going to be taxed; that if it has not been filed in the Tax Office, he will be charged a penalty of 15% on something that he has had setting around collecting dust and rusting away for forty years; that the equipment is part of his life and his heritage, but that he didn't know that he was going to be liable to pay taxes on it. He asked the Board to form a committee to understand the tax issue that is being levied on the Chatham County farmer.

After considerable discussion, the Board asked that the Tax Administrator be contacted to answer questions at the afternoon work session.

IMPACT FEES

Chairman Morgan moved to change the Chatham County Educational Facilities Impact Fee Ordinance's districts and fees adopted on October 18, 1999 and revised October 7, 2002 stating that the four (4) districts defined are as follows:

- Ø A district consisting of property within the boundary of the Harrison, North Chatham, and Pittsboro Elementary School Districts. Fee: \$4,000

- Ø A district consisting of property within the boundary of Silk Hope and Siler City Elementary School Districts. Fee: \$2,500
- Ø A district consisting of property within the boundary of the Moncure Elementary School District. Fee \$1,400
- Ø A district consisting of property within the boundary of Bennett, Bonlee, and J. S. Waters Elementary School Districts. Fee \$-0-

The motion died for lack of a second.

After considerable discussion, Commissioner Emerson moved, seconded by Commissioner Outz, to further consider the proposed changes as an agenda item at their February 21, 2005 Board of Commissioners' meeting. The motion carried five (5) to zero (0).

RECREATION DEPARTMENT

Bid Award for Southwest Park Fence: Consideration of a request to award contract for Southwest Park fence installation

Chairman Morgan moved, seconded by Commissioner Emerson, to award the bid for fence installation for the Southwest Park Fence to Bushranger Fence Company in the amount of \$8,160.00. The motion carried five (5) to zero (0). The bid summary is attached hereto and by reference made a part hereof.

FINANCE OFFICE

Fiscal Year 2004-2005 Budget Amendments: Consideration of a request to approve Fiscal Year 2004-2005 Budget Amendments

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

BOARD AND COMMITTEES

Appearance Commission Appointments: Consideration of a request to appoint two members to the Appearance Commission by Commissioners Cross (1) and Barnes (1)

Commissioner Cross deferred his appointment to the Appearance Commission until a later date.

Commissioner Barnes deferred his appointment to the Appearance Commission until a later date.

Board of Equalization and Review Appointment: Consideration of a request to appoint members to the Board of Equalization and Review by Commissioners Outz (1) and Cross (1)

Commissioner Cross moved, seconded by Commissioner Outz, to appoint Paul McCoy, 3557 Pea Ridge Road, New Hill, NC, to the Board of Equalization and Review. The motion carried five (5) to zero (0).

Commissioner Outz moved, seconded by Commissioner Cross, to appoint Gerald Totten, 106 Petty Road, Siler City, NC, to the Board of Equalization and Review. The motion carried five (5) to zero (0).

Commissioner Barnes moved, seconded by Chairman Morgan, to reappoint Ken Scheffel, 50001 Brodgen, Chapel Hill, NC, to the Board of Equalization and Review. The motion carried five (5) to zero (0).

Child Fatality Prevention Team Appointments: Consideration of a request to appoint or reappoint members to the Child Fatality Prevention Team by Commissioners Emerson (1) and Outz (1)

Commissioner Emerson moved, seconded by Outz, to appoint Chreatha Alston-Woods, 722 Mitchell Chapel Road, Pittsboro, NC, to the Child Fatality Prevention Team. The motion carried five (5) to zero (0).

Commissioner Outz deferred his appointment to the Child Fatality Prevention Team until a later date.

Human Relations Commission Appointment: Consideration of a request to appoint or reappoint a member to the Human Relations Commission by Commissioner Emerson (1)

Commissioner Emerson moved, seconded by Outz, to reappoint Donald Matthews, 810 12th Street, Siler City, NC to the Human Relations Commission. The motion carried five (5) to zero (0).

Chatham Partnership for Children Appointment: Consideration of a request to appoint a Commissioner to the Chatham Partnership for Children

This appointment was deferred until a later date.

BOARD OF COMMISSIONERS' MATTERS

Modular Technologies, Inc. Bid Award: Consideration of a bid award for the Department of Social Services mobile unit to Modular Technologies, Inc. in the amount of \$103,291.10

Commissioner Emerson moved, seconded by Commissioner Outz, to approve the bid award in the amount of \$103,291.10 to Modular Technologies, Inc. for the Department of Social Services mobile unit. The motion carried five (5) to zero (0). The agreement is attached hereto and by reference made a part hereof.

MANAGER' S REPORTS

The County Manager had no reports.

COMMISSIONERS' REPORTS

Chairman Morgan stated that he had received numerous calls regarding the NC Sports Arena; that he called to find out the noise level decibel reading; that the Sheriff's Department was unable to get a meter that particular night; and that it was his understanding that EMS had made two calls for emergency treatments.

He asked the County Manager to check on this matter.

CLOSED SESSION

Commissioner Emerson moved, seconded by Commissioner Cross, to go out of regular session and convene in closed session upon arrival at the Henry H. Dunlap, Jr. Classroom. The motion carried five (5) to zero (0).

RECESS

Commissioner Cross moved, seconded by Commissioner Barnes, to recess the regular meeting to the scheduled work session in the Henry H. Dunlap, Jr. Classroom. The motion carried five (5) to zero (0), and the meeting was recessed at 10:34 AM.

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Bunkey Morgan, Chairman

ATTEST:

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