

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
JANUARY 22, 2013

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Agricultural Building Auditorium, 45 South Street, Pittsboro, North Carolina, 6:00 PM on January 22, 2013.

Present: Chairman Walter Petty; Vice Chairman Brian Bock; Commissioners Mike Cross, Sally Kost, and Pamela Stewart

Staff Present: Charlie Horne, County Manager; Jep Rose, County Attorney; Renee Paschal, Assistant County Manager; Vicki McConnell, Finance Officer, Sandra B. Sublett, Clerk to the Board; and Lindsay Ray, Deputy Clerk to the Board

INVOCATION AND PLEDGE OF ALLEGIANCE

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

CALL TO ORDER

Chairman Petty welcomed those in attendance and called the meeting to order at 6:03 PM.

APPROVAL OF AGENDA and CONSENT AGENDA

Chairman Petty asked that Item #14, Presentation of the Government Finance Officers Association’s Distinguished Budget Presentation Award be deferred until a later date.

Commissioner Kost asked that the minutes from the January 14, 2013 Board of Commissioners’ Retreat be removed from the Consent Agenda and deferred for approval at the next Board of Commissioners’ meeting stating that due to their length (112 pages), she had not had adequate time to review them.

Commissioner Cross asked that Item #8, a Resolution Designating February, 2013 as Spay/Neuter Awareness Month be removed from the Consent Agenda and placed on the Regular Agenda for recognition.

Commissioner Kost moved, seconded by Commissioner Bock, to approve the Agenda and Consent Agenda with the noted requests as follows:

1. **Minutes:** Approval of Board Minutes for the November 19, 2012 Regular Session, the December 17, 2012 Regular Session, the December 17, 2012 Work Session, and the January 14, 2013 Board of Commissioners’ Retreat

The January 14, 2013 Board of Commissioners’ Retreat Minutes were removed from the Consent Agenda for consideration at a later date.

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

2. **Tax Releases and Refunds:** Vote on a request to approve the tax releases and refunds, attached hereto and by reference made a part hereof.

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

3. **Appointment of Review Officers:** Vote on a request to appoint, by resolution, Lynda Hall, Sara Gitt and Margaret Goldston, as Review Officers and adopt **Resolution #2013-01 by the Chatham County Board of Commissioners Appointing Review Officers**, attached hereto and by reference made a part hereof.

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

4. **Appointments to the Board of Equalization and Review:** Vote on a request to re-appoint and appoint the following members to a three year term ending December 31, 2016:

Appoint member Patrick Barnes by Commissioner Mike Cross – District 2
Re-appoint member Judith Peterson by Commissioner Pam Stewart – District 4
Re-appoint member Herbert Gaines by Commissioner Walter Petty – District 5
Re-appoint alternate Brenda Turner by the full Board
Appoint alternate Lillie Alston by the full Board

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

5. **NC PARTF Grant:** Vote on a request to apply for NCPARTF (North Carolina Parks and Recreation Trust Fund) for improvements to the park at Briar Chapel, application attached hereto and by reference made a part hereof.

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

6. **NCGCC – Crime Victims’ Services Grant:** Vote on a request to apply for the NCGCC Crime Victims’ Services Grant that would allow for ongoing service for supervised visitation and exchange services, application attached hereto and by reference made a part hereof.

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

7. **Enhanced Safety Grant Award:** Vote on a request to apply for Investigation and Monitoring for Enhanced Safety Grant Award that will provide for the court ordered monitoring of offenders of domestic violence laws through use of GPS, application attached hereto and by reference made a part hereof.

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

8. ~~**Spay and Neuter Resolution:** Vote on a request to adopt **Resolution Designating February, 2013 as Spay/Neuter Awareness Month**~~

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

9. **ETJ Appointments to the Town of Siler City Planning Board/Board of Adjustment:** Vote on a request to approve the appointment of Stephen Crotts as an active ETJ member and Chris Murchison as an alternate ETJ member of the Town of Siler City’s Planning Board/Board of Adjustment

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

10. **Re-designate Location of the “Courthouse Door”:** Vote on a request to adopt **Ordinance Re-designating the Site of the Chatham County Courthouse Door**, attached hereto and by reference made a part hereof.

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

END OF CONSENT AGENDA

BOARD PRIORITIES

Resolution Recognizing Charles J. Johnson, Former Mayor of Siler City:

The Chairman read the Resolution Recognizing Charles J. Johnson, Mayor of Siler City in its entirety. Mrs. Johnson accepted the resolution.

Commissioner Kost stated that Charles Johnson was a Carolina Fan and that she went to NC State University; however, it never seemed to bother him. That was the kind of person Charles Johnson was. He could get along with anyone. She stated that she looked to him for guidance on how to deal with a difficult situation. He was always promoting Siler City and asking people to spend money there. She stated that she misses him. He was an incredible and wonderful human being and loved Chatham County very much.

Chairman Petty stated that Charles was well-respected, well-known, and made quite a contribution to Chatham County.

Commissioner Kost moved, seconded by Commissioner Cross, to adopt **Resolution #2013-02 by the Chatham County Board of Commissioners Recognizing Charles J. Johnson, Mayor of Siler City**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

PUBLIC INPUT SESSION

Jim Duncan, 662 Royal Sunset Drive, Pittsboro, NC, Chairman of the Republican Party, congratulated Commissioner Cross and Commissioner Kost on their recent re-election to the Chatham County Board of Commissioners. He stated that they tried hard to defeat them. On behalf of all Republicans, he wished them well in governing the County over the next four years. He cautioned that Americans and citizens in Chatham County are being crushed with taxes, some which they have seen and some that are coming down the line. He stated that the Board has done a good job in keeping property taxes stable. In managing the County, he stated that he thinks they are going to run into temptation. That temptation is to become a "mini-me Washington, DC". He stated that they are asking that the Board watch that very carefully. He stated that we are looking at a debt that is approaching seventeen trillion dollars. In our state, we have unfunded liabilities in the tens of billions of dollars. He asked that the Board's focus not be a penny tax here or two pennies tax there. That relates to hundreds of thousands of dollars. That is money that citizens could use to fund their 401K's, put into savings, help the poor, feed the hungry, help their neighbors. He stated that they didn't need a local government that becomes a super charity. He asked to create jobs and prosperity in Chatham County. Accepting personal responsibility, family responsibility, community responsibility, being successful, coming in first is not an invitation to raise taxes on Chatham County citizens. He stated that they elected Board members as they are people of character; they have served the County; they care about the people in this County. He stated that he prayed they will govern with consistency and with courage. He stated that he feels it is immoral and irresponsible that the government is borrowing money on the backs of unborn children. He asked that we not add to that in Chatham County.

Pam Fulk, President of Chatham Animal Rescue and Education (CARE), presented her comments to the Board and provided them in their entirety for the record as follows:

“1. Thank you for the Resolution declaring February 2013 Spay/Neuter Awareness Month—for raising the consciousness of the community to the need for responsible pet ownership.

2. Kudos for Chatham County being the first county in the State of NC to allocate funds in its county budget for a targeted spay/neuter program in 2008 and every year since.

3. CARE's Spay/Neuter stats-see attached summary sheet which includes Lillie's Fund as well as spay/neuter thru other CARE programs.

4. Beat the Heat-Jan 1 thru March 15-FREE spay for female dogs and cats belonging to families who qualify for Lillie's Fund- (Chatham resident, Adult Medicare, Food Stamps, < \$40,000 annual household income or demonstrated need.)



CHATHAM ANIMAL RESCUE & EDUCATION, INC. (CARE) SPAY/NEUTER PROGRAMS

1. Lillie's Fund is a targeted spay/neuter program for low-income residents of Chatham County. To qualify, Chatham residents must be recipients of Medicaid for Adults, Food Stamps, have an annual household income of \$40,000 or less or demonstrate need for assistance. Applicants pay a \$20 co-pay, refundable to folks with < \$20,000 income.

Year	Issued	Redeemed	Dogs	Cats	Comments
2006	----	195	93	102	Spay Day
2007	----	309	132	177	Spay Day
2008	352	308	94	213	Vouchers
2009	274	237	86	151	Vouchers
2010	317	285	159	126	Vouchers
2011	232	206	109	96	Vouchers
2012	381	322 (to date)	-	-	Vouchers
Totals		1,862+	673+	865+	

2. Feral Cats (TNR -- Trap Neuter Release): Average 30-50 annually*

3. Community Cats/Dogs: Average 40-60 annually**

4. Dogs/Cats in CARE's foster programs: 200+ annually***

5. Dogs in the Dogs off Chains program: 30+ annually****

* CARE will spay/neuter feral cats only where there are dedicated caretakers who assume responsibility for their care and maintenance.

** CARE will spay/neuter stray or abandoned dogs and whom Chatham residents take in and are willing to keep or hold until they can be placed. CARE will post these dogs and cats on the CARE website to help with placement.

*** CARE obtains most of the dogs in its foster program from the Chatham County Animal Shelter. CARE obtains some cats from CCAS but most come from the

community. But, CARE transports CCAS cats to the PetSmart Adoption Center monthly for adoption.

****CARE provides spay/neuter services to the Chatham non-profit Dogs Off Chains.”

BOARD PRIORITIES

Spay and Neuter Resolution: Vote on a request to adopt Resolution Designating February, 2013 as Spay/Neuter Awareness Month

Commissioner Bock stated that he was honored to read the resolution. During the last couple of months, he stated that he had learned a lot about our pet spay/neutering situation. We have started talking about the need for a spay/neuter shelter. That decision led to agreement that a shelter was needed; however, there is a problem with too many pets in the County being euthanized. There are not enough adoptable families. The spay and neuter program is the one thing that every organization with which he had met and talked with acknowledges and understands makes the biggest difference. He stated that the numbers Ms. Fulk gave have an exponential affect on the on-going problem. We heard last week that the County’s animal shelter has had the targeted spay/neuter program since 2008. Since that time, euthanasia rates have dropped 24%. He stated that he has a CARE dog and can’t imagine had he been euthanized. He thanked CARE for what they do.

Commissioner Bock read the resolution in its entirety.

Commissioner Cross moved, seconded by Commissioner Bock, to adopt **Resolution #2013-03 Designating February, 2013 as Spay/Neuter Awareness Month**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Cross recognized Joan Cunningham, also very active in CARE, stating that she drafted the original resolution.

Board of Elections Resolution:

Chairman Petty asked the Board of Elections Director and staff to come forward. He read the resolution that was adopted at the December 03, 2012 Board of Commissioners’ meeting.

The Board expressed appreciation for the Board of Elections’ staff’s hard work efforts.

PUBLIC HEARINGS

Zoning Ordinance Text Amendments: Public hearing to receive public comments on a request by the Chatham County Board of Commissioners to amend Sections 7.2, 10.5, 10.6, 10.7, 10.8, 15.4, and 15.11 of the Zoning Ordinance to (1) establish standards for off-premise directional signs in the zoned areas of the county for businesses, churches, parks, historic properties, schools, and other places of public assembly and (2) provide a reduction in building setbacks in business zoning districts with permission of the adjoining property owner and when the adjoining property has the same zoning classification.

Jason Sullivan, Chatham County Planning Director, explained the specifics of the request. He reviewed a sampling of off-premise sign photos found in the County. He also reviewed an example of the correct sized sign that was placed in the rear of the Agricultural Building Auditorium.

Commissioner Cross asked if we have sign standards and if signs meet the sign industry standards with regard to being professionally done.

Mr. Sullivan explained that they would have to obtain a building permit. From a construction standpoint, they are going to have to supply some design criteria that meets the building code.

Commissioner Cross stated that he was interested in if the signs were professionally painted.

Mr. Sullivan stated that typically, they did not get into that level of detail. They do not require that a professional make the sign; however, it will have to have a set of drawings submitted that meet the building code specifications. They do not dictate who makes the signs.

Commissioner Bock asked if this ordinance was adopted, would it make sure that the zoned and unzoned parts of the County have the same.

Mr. Sullivan stated that was correct. He stated that the proposed text for the signs basically mirrors what is in the Off-Premise Sign Ordinance which covers the unzoned areas of the County. It mirrors that language as it is currently drafted. The one quirk that may arise is the issue with NCDOT and whether or not the sign is placed on federal-aid highways, but that is something that the Board of Commissioners cannot control, and is part of the permitting process. If they are required to get a permit from NCDOT, whether or not they meet their requirements will be whether the permit will be issued. If NCDOT does not issue the permit, then they cannot install the sign. On the secondary roads, he was told by NCDOT that they do not have any standards. It is just the federal aid highways where the higher standard kicks in.

Commissioner Kost asked what would prevent, with this amendment, advertising billboards from popping up all over the County. She asked if the language would prevent it.

Mr. Sullivan stated that they tried to draft the language to somewhat cover that. He read the red-lined proposed text for the definition for "off-premise directional". He stated that it was not intended to have their current prices on gas, specials, etc. on the signs.

Commissioner Bock stated that most people who put out a sign do so because they want people to find their locations. If their store front is a thousand feet ahead and is fairly visible from the road, they are probably not going to spend the money to get a sign; however, if they feel the need to put a sign so many feet ahead to their business, there must be a need for it. The sign is to help find the business.

Mr. Sullivan stated that they did not get a lot of requests for off-premise directionals in the unzoned part of the County.

Commissioner Cross stated that most of the signs out there have been there for years.

Mr. Sullivan stated that he would update the Board on what he has heard from NCDOT. He emailed the draft language several weeks ago and again last week. He has not heard anything. The other item, he stated, was on the set-backs. That language, if the Board decides to move forward, may need to be refined in order to remove the part about the written affidavit from the adjoining property owner and have it as an out-right allowance that if the joining property is zoned the same or business or industrial zoning district, it is allowed by right for the reduction.

Chairman Petty asked if it was Staff's recommendation to remove it.

Mr. Sullivan explained that they would want to modify the moving forward based on their conversation with the County Attorney.

Commissioner Kost asked to be reminded why we are doing this one.

Mr. Sullivan explained that on the set-backs, we currently have the language that sounds like legally may be a problem in our light and industrial districts. It has been in there for decades. It is not used that often, but for the business zoning districts, it is to help these situations where you may have outparcels at a shopping center. If someone has an outparcel, they need to meet the setbacks even though they may be part of a comprehensive plan of development for that shopping center. It is to help those kinds of situations where you want to allow for reductions on those internal or rear setbacks. Again, once you join a residentially zoned district, it would automatically increase to the required minimum.

Mr. Sullivan stated that once the public hearing is closed, this item will return to the Planning Board at their meeting in February and come back to the Board of Commissioners in March.

The Chairman opened the floor for public comments.

George Farrell, Jr., 354 McGhee Road, Chapel Hill, NC, stated that they owned the convenience store at the northeast part of the County on Fearington Point Road. They also have a self-storage. In the spirit of appreciation, he thanked the Board of Commissioners and Staff for making it easy to come to a meeting and be heard. He stated that one thing he feels makes the Board's job easier is the Planning Department stating that they answer his questions quickly. He stated that businesses in the County are hurting, and the economy is tough. He asked that anything the Board can do to help businesses and developers will be very much appreciated. He stated that the signs would be important in giving potential customers directions to his business. He stated that if they ever decided to sell their convenience store, they would need a setback rule as there are so many things next to each other.

Joni Pavlik, 245 Center Grove Church Road, Moncure, NC, owner of Unwind, a retail wine shop, stated that she appreciates consideration of having directional signs so that all can visit their "diamond in the rough". They are open Friday, Saturday, and Sunday and during the week by request. They go out each of those days to put out their sign and remove it each evening. She stated that they were excited to hear about the consideration of directional signs for businesses. They sell only North Carolina products. They need some type of reflective sign, and large enough to be seen, so that people who are coming by can see it. She invited everyone to their business.

Commissioner Bock stated that he realizes that looking at the sign on wall, it appears to be large; however, as one is driving, an eight foot sign would not be that tall and thirty-two square feet is not that large. He stated that he feel it will work for the County.

The Chairman closed the floor for public comments and referred this issue to the Planning Board.

Presentation of the Government Finance Officers Association's Distinguished Budget Presentation Award:

This item was deferred until a later date.

RV Park Setback Discussion:

Commissioner Bock explained that there is a piece of property at the intersection of on Jordan Dam Road and Pittsboro-Moncure Road. He stated that the owner, Dennis Fair, has called him several times over the last year stating that he would like to put a recreational vehicle park there. When he bought the property, it was not zoned so there was 20' setback. He designed his area to put in a large septic tank, etc. costing a considerable amount of money. The County then zoned the property with a 50' setback which according to the owner, it makes his property unusable after his investment.

Commissioner Bock asked the Staff to look at it Mr. Fair's options and see why we went from 20 to 50', and look to see if we can get it at 20' so that it will not prevent citizens from using their property the way they would like to use it.

Commissioner Cross stated that when the area was zoned, they decided on ten acres for an RV park whereas the rest of the County is twenty acres in the Haw River Township. He stated that his first proposal was for a two-story shopping center, boat repair, storage, and/or maintenance shop and then it changed to an RV park.

Commissioner Kost stated that there was a lot of history to this project.

Commissioner Cross stated there is another park behind the elementary school that is very hilly. He stated that he doesn't know what kind of plan he has for where things are going to be placed. It also has neighbors and the Masonic Lodge located across the street.

Commissioner Bock stated that he would like directions as to how it could be changed if the Board elected to do so.

Mr. Sullivan stated that it could be laid out for the Board; however, he would not get into the specifics of Mr. Fair's particular case. He stated that if there was an appeal of any determination, he does not want to bias the Board sitting as the Board of Adjustment. He stated that they would review the setback issues and present options for consideration.

Funding of New Agriculture Center with GO Bond Discussion:

Commissioner Bock stated that the Board had talked about a GO bond as a possibility to fund the Agriculture Center. He stated that originally, they said they would like to get it on the ballot in May. He asked if it can be put on the May ballot and do we have to get it on the May ballot in order to fund it to open in 2016.

Commissioner Kost stated that she thought that the problem was that there is no election in May.

Dawn Stumpf, Board of Elections Director, explained that the Board of Commissioners can have an election just about any time they want to hold one as long as there is not one within thirty days of another one. The next County-wide election scheduled is in May 2014. The Board of Elections would like to have approximately ninety days before an election in order to get everything ready. They have to have absentee ballots by mail for a County-wide election for sixty days prior to an election. Having talked with the Finance Officer who had talked with the bond attorney, she stated that they didn't feel there was enough time to hold an election and hold the required public hearings by May 7th; however, she stated that there was no law saying that the Board could not hold an election the end of May, June, July, etc. She stated that there is a municipal election by the Town of Cary to be held in October. The Pittsboro-Siler City-Goldston-Goldston/Gulf Sanitary District election is scheduled for November. The election could be held on either of those two dates or it could be another other date as long as it is not within thirty days of another scheduled election.

Vicki McConnell, Finance Officer, explained that anytime from May to November would be good; however July and August would not a good time.

Commissioner Cross asked if there were figures available on the difference between having an election when there is a municipal election or when there is a special election.

Ms. Stumpf stated that there was no difference in the amounts. If you have it at the same time a municipal election is held, it will lessen the municipalities' costs for the election, but not the County's cost. There only has to be one precinct open for municipal elections. There would be about the same amount of money for the County no matter when it was held.

Commissioner Kost asked the cost of a special election.

Ms. Stumpf stated that it would cost between \$35,000-43,000.

Commissioner Bock asked if it would be that amount regardless of when it was held.

Ms. Stumpf confirmed that was correct.

Commissioner Kost stated that would be the case unless we waited until May 2014 and then we would not have the additional costs.

The Finance Officer stated that there are so many required public hearings. The Board may have to hold special meeting but would probably be able to hold the election by the end of May. She encouraged the Board to make a decision as soon as possible due to the amount of things that have to be done.

Commissioner Bock asked if there was a compelling reason from a time standpoint that it would have to be done.

The Finance Officer stated no.

Commissioner Kost stated that it makes sense to piggyback on the municipal election if they want a higher turnout. She stated that her preference would be November.

Chairman Petty asked if they need to choose a date tonight.

Commissioner Kost restated that there was a lot to be done prior to holding an election. She also stated that she had raised the question with the Board and would like to see them look at the building as a little more multi-functional and more as a performing arts building. She stated that she understands it is primarily for agriculture, but it would be a good opportunity to make it a multi-purpose building.

Chairman Petty suggested placing it on an upcoming work session for discussion.

The Finance Officer stated that if you hold an election, it doesn't mean you have to sell the bond. It can pass and there will still be several years before the bond has to be sold.

Commissioner Cross asked what would happen next.

Commissioner Kost stated that a resolution has to be passed.

Chairman Petty stated that it could be placed on the agenda for the next meeting.

The Finance Officer confirmed that the Board wanted to hold the election in November. By consensus, the Board agreed.

Commissioner Kost asked the Finance Officer to share the layout of what has to happen and when.

The Finance Officer stated that she would give the Board a calendar.

Audit Report: Presentation of the Comprehensive Annual Financial Report for the Year Ended June 30, 2012 by Martin Starnes and Associates, CPA's, PA

Marcie Spivey, Partner at Martin Starnes & Associates, CPAs, PA, an independent accounting firm, performed the audit for Chatham County for the most recent fiscal year ending June 30, 2012. The County received an unqualified opinion on

its financial statements which is the best opinion that can be given in an independent audit.

Ms. Spivey discussed some of the financial highlights for fiscal year 2012 for the Board of Commissioners including information on fund balance, property taxes, and current year revenues and expenditures in a PowerPoint as follows:



MARTIN·STARNES
& ASSOCIATES, CPAs, P.A.

Chatham County
2012 Audited Financial Statements



Audit Highlights

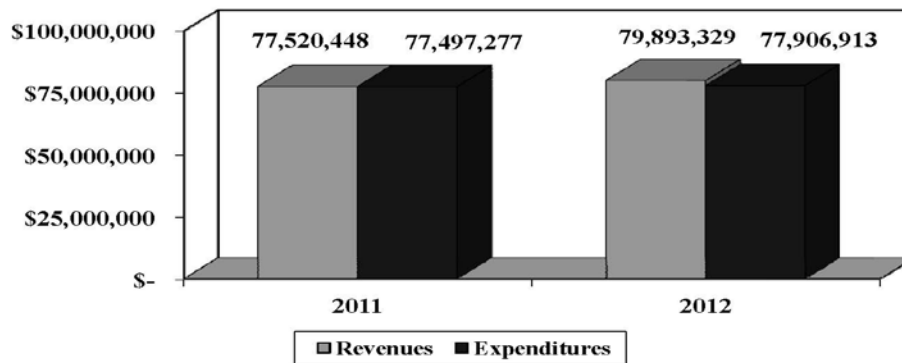
- Unqualified Opinion
- No findings or questioned costs
- No material internal control weaknesses identified
- Cooperative staff

MARTIN·STARNES
& ASSOCIATES, CPAs, P.A.

Audit Process

- Planning and risk assessment
- Interim procedures
- Final procedures
- Year-round process

General Fund Summary



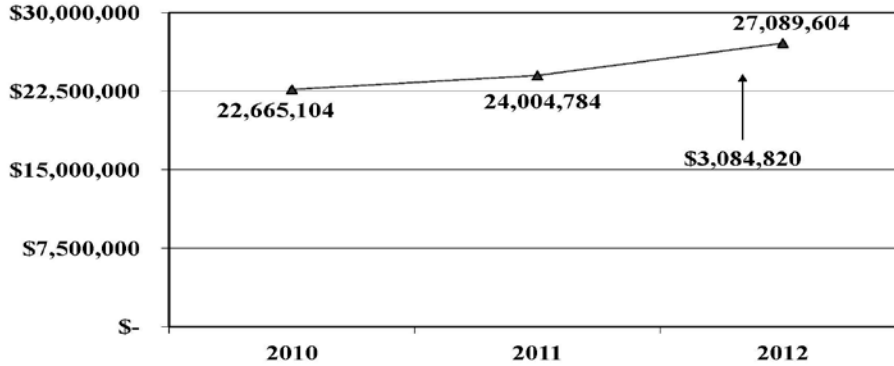
Fund Balance

- Serves as a measure of the County's financial resources available.

5 Classifications:

- **Non spendable** - not in cash form
- **Restricted** - external restrictions (laws, grantors)
- **Committed** - internal constraints at the highest (Board) level-do not expire, require Board action to undo
- **Assigned** - internal constraints, lower level than committed
- **Unassigned** - no external or internal constraints

Total Fund Balance General Fund



Fund Balance

Available fund balance as defined by the Local Government Commission (LGC) is calculated as follows:

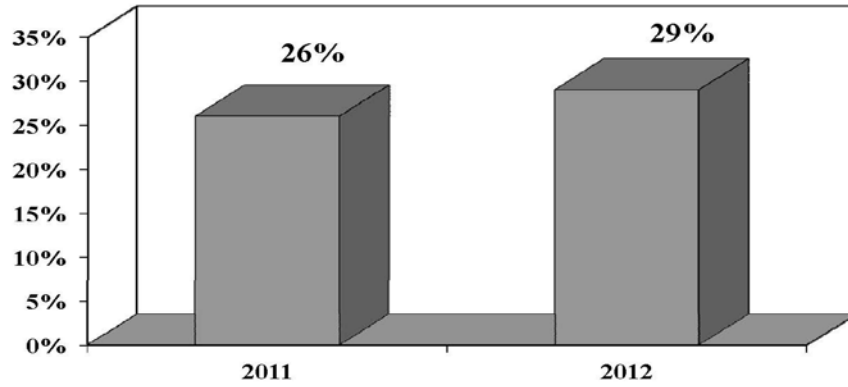
Total Fund Balance
 Less: Non spendable (not in cash form, not available)
Less: Stabilization by State Statute (by state law, not available)
 Available Fund Balance

This is the calculation utilized as the basis for comparing you to other units and calculating your fund balance percentages.

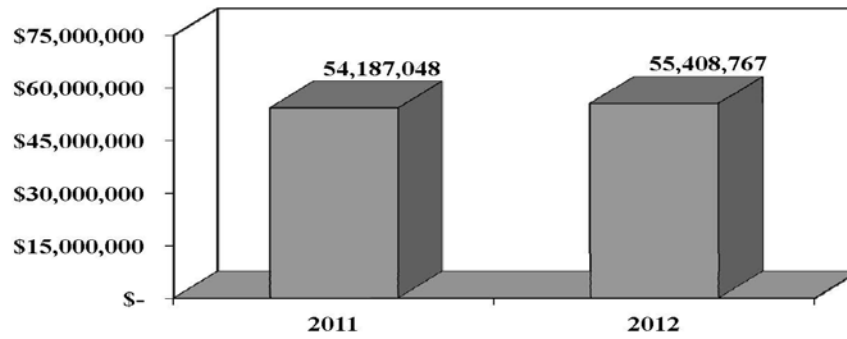
Fund Balance Position General Fund

Total Fund Balance	\$ 27,089,604
Non spendable	13,700
Stabilization by State Statute	<u>4,496,057</u>
	\$ 22,579,847
Available Fund Balance 2011	\$ 20,301,511
Change in Available Fund Balance	\$ 2,278,336

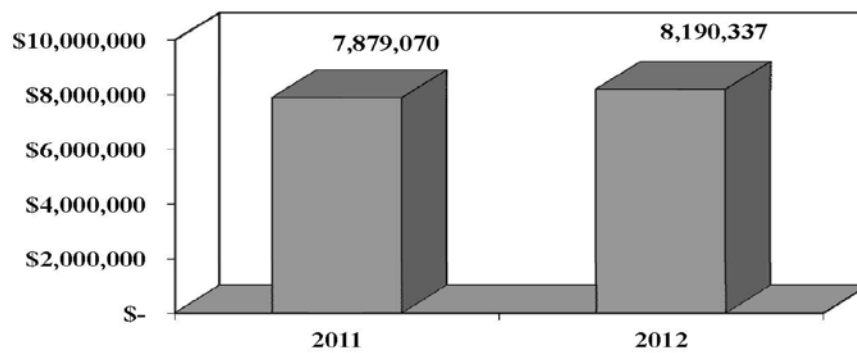
Available Fund Balance as a Percentage of Expenditures – General Fund



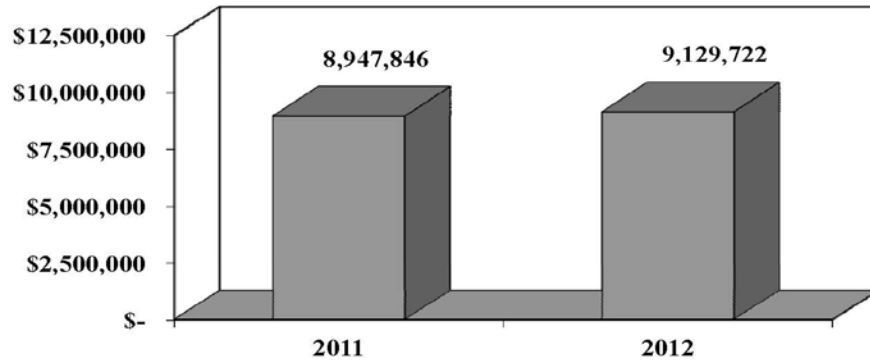
Property Tax



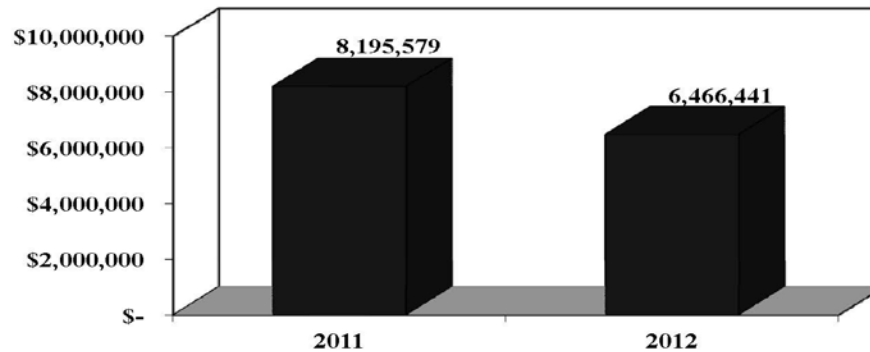
Sales Tax



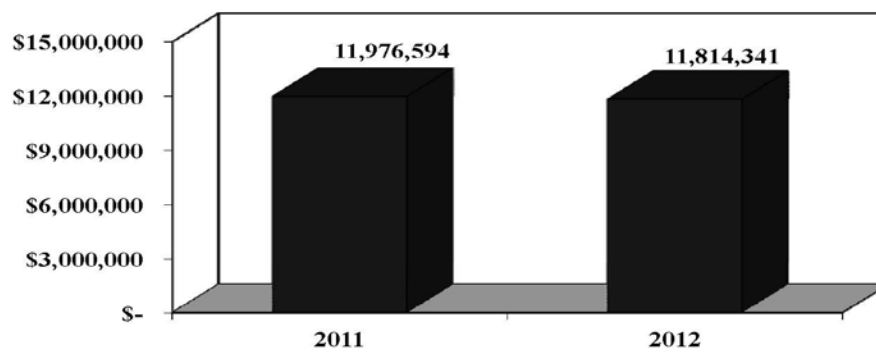
Restricted Intergovernmental



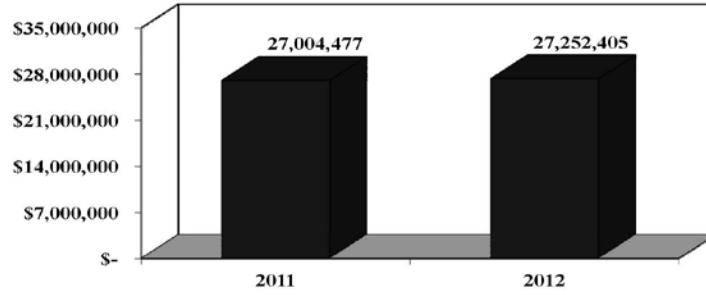
General Government



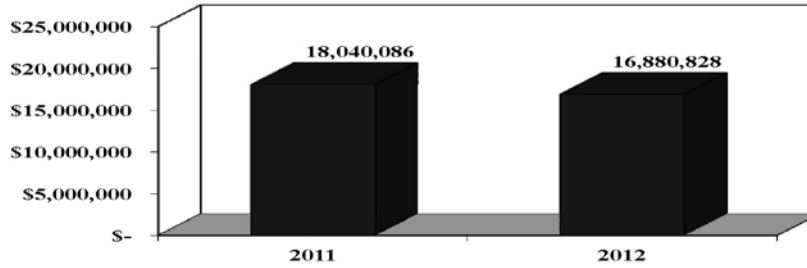
Public Safety



Education



Human Services



Debt Position Governmental and Business-Type Activities

- Outstanding debt at 6/30/12: \$ 125,687,043

- Debt Margin at 6/30/12: \$ 707,594,158

Enterprise Funds

Utility	<u>2012</u>	<u>2011</u>
Revenues	\$ 6,423,457	\$ 6,065,705
Expenses	4,274,473	4,699,046
Income (Loss)	2,148,984	1,366,659
Cash	21,107,128	20,774,798
Total Net Assets	51,500,625	49,944,393
Cash Flow Provided by Operations	2,296,440	1,872,786

Enterprise Funds

Southeast Water District	<u>2012</u>	<u>2011</u>
Revenues	\$ 559,207	\$ 588,714
Expenses	566,150	318,756
Income (Loss)	(6,943)	269,958
Cash	297,979	435,573
Total Net Assets	535,312	732,609
Cash Flow Provided by Operations	115,810	202,735

Enterprise Funds

Solid Waste Management	<u>2012</u>	<u>2011</u>
Revenues	\$ 2,993,407	\$ 3,087,163
Expenses	2,851,055	2,860,614
Income (Loss)	142,352	226,549
Cash	4,331,009	3,814,610
Total Net Assets	5,378,638	5,087,062
Cash Flow Provided by Operations	473,239	464,786

Discussion & Questions

Chatham County

MARTIN · STARNES
& ASSOCIATES, CPAs, P.A.

Commissioner Cross commended Staff on a wonderful job which he stated is very much appreciated by the Board.

MANAGER' S REPORTS

The County Manager reported on the following:

Staff Retreat:

The Board of Commissioners will hold the second day of their retreat on Tuesday, January 23, 2013.

COMMISSIONERS' REPORTS

Legislative Goals Conference:

Commissioner Cross reminded everyone of the Legislative Goals Conference to be held January 24-25, 2013 at the Sheraton RTP in Durham County. The conference is the culmination of a months-long process to determine the county legislative agenda for the upcoming biennium of the NC General Assembly. He stated that each county is encouraged to send at least one representative to make sure the County's voice is heard.

Commissioner Cross stated that he and Chairman Petty would be attending.

LEED Certified Buildings:

Chairman Petty stated that in the industry in which he professionally serves, he attends a conference, trade show, and training session with "National Facilities Management & Technology". It is for facility managers to get their continuing education credits and have facility managers an opportunity to see new cutting-edge technology, etc. While at the trade show last year, he stated that he had an opportunity to sit in on some of the work sessions. One was on LEED certification. As a topic of interest, he picked up some information. He had some communication with one of the speakers afterward and shared some of the information with Commissioner Bock. They have asked for some information from Staff and presented some for review from which they came up with some good ideas and suggestions. He suggested that the Board have some discussion with regard to having an audit on the performance of our LEED building.

Commissioner Bock stated that the County has some LEED certified buildings. He asked if those buildings are performing better than a non-LEED certified building or are they performing up to what would be expected of whatever certification level we have. In a lot of cases, they are not. With some easy changes, they can be made to do so. He stated that the gentleman that Chairman Petty spoke to, offered to take a look at the County's electric and gas bills for some of the LEED buildings. They sent information on "Margaret B. Pollard Middle School" to him. His suggestions included the way we were lighting the outside parking lot area. It was forwarded to the superintendent and they were able to save \$30,000 in the change he recommended. They are now looking at that change at the other schools. He stated that he thinks the idea of an audit is a good idea stating that the County paid for the LEED build-ins, we have the certification, let's make sure they are performing and that he thinks the audit costs would be quickly paid for with the savings suggestions.

Commissioner Stewart asked how many LEED buildings the County has.

Ms. Paschal stated there were three buildings: Margaret B. Pollard Middle School, Central Carolina Community College Sustainable Technologies Building, Chatham Community Library, and the CCCC Building in Siler City.

Chairman Petty stated that the audit could be put out on bid.

Commissioner Kost asked if the buildings had yet been commissioned.

Ms. Paschal stated that the Chatham Community Library and the Central Carolina Community College Sustainable Technologies Building have been commissioned but have not yet obtained LEED certification.

Chairman Petty asked if time could be set aside in a work session to discuss this matter.

Anti-tethering Ordinance for Dogs:

Commissioner Bock stated that he had mentioned previously about getting the process started for an Anti-tethering Ordinance for dogs in the County. He stated that the Chatham County Health Department and Animal Control are ahead of him and are working on a complete review of ordinances. He stated that he spent some time there today and found out that there are a lot of things that can be removed from our ordinances that are making it difficult for them to be flexible on the way on which they do things. They will probably come before the Board in March with those recommendations. He stated that he thinks it will be a very positive experience.

County Landfill Road Name Change:

Commissioner Bock stated that with regard to the "County Landfill Road" name, everyone would like to see it changed. He stated that the Health Director and he came up with the same name, "Second Chance Way or Road" as it brings a positive connotation.

Commissioner Cross stated that he agrees that the name should be changed; however, Emergency Management has a process regarding road name changes. He stated that all residents on the road need to agree to the change. There are three families who live on the road and may want the name changed to reflect their last name. He also suggested using the word "Drive" as the road doesn't go anywhere.

Commissioner Bock suggested holding a public hearing on the road name change.

Commissioner Cross stated that on the other Emergency Operations form, it takes a majority of the residents living on the road desiring to change the road name.

The County Manager stated that the people living on the road have to change all of their addressing, their documents including checks, etc.

Chairman Petty asked if the Board needed to have a name prior to approaching the residents.

Commissioner Cross stated that the residents should be included and have an opportunity to suggest their own names.

Commissioner Kost suggested that Staff be asked to start the process for the road name changing, involving the citizens that live along that road. She stated that she feels it is agreed that "County Landfill Road" is not the best name.

Commissioner Cross stated that there were directional signs to the landfill that were larger than the road signs.

Chatham Community Library – Holmes Room Reservation Policy:

Commissioner Kost asked Staff to bring back to the Board some explanation for the Library Reservation Policy for using the Holmes Room. She stated that it was her understanding that if someone wants to use the room, it has to be reserved thirty days in advance. She stated that most people, when they are planning an event, are planning something at least two to three months in advance to give them time to publicize it, etc.

If there is a good reason for the thirty day reservation policy, it probably doesn't have to change; however, if there is not a good reason, it can be made a longer time in which to give the community time to help them in their planning.

She asked that the policy be revisited.

Tar Heel of the Week:

Commissioner Kost informed the Board that Kim Caraganis, Executive Director of Chatham Together!, has been selected as the Tar Heel of the Week by the *News and Observer*. She asked that the Board send a congratulatory letter to Ms. Caraganis on her achievement stating that she had already drafted the letter.

By consensus, the Board agreed.

WRAL Teacher of the Week:

Commissioner Kost stated that she recently learned that Gary Leonard was named WRAL Teacher of the Week. She asked that a congratulatory letter be sent to him as well.

By consensus, the Board agreed.

North Chatham Fire Tax:

Commissioner Kost stated that the Board increased the North Chatham Fire Tax by two cents to build the fire stations stating that she thought they were going to open in late fall. They have made no progress as far as she can tell. She stated that if we increase taxes to pay for it, and they don't build it, then they owe the County some money back. She stated that that needs to be part of the discussion in their budget and she would like to have a timeframe as to when it is going to happen and an explanation as to why it has been delayed.

Chairman Petty stated that he thought there had been some problems on acquiring the land for one of them.

The County Manager stated that he had talked with the North Chatham Fire Department personnel. They have received financing. They now want to complete the two departments and finalize Briar Chapel which they intend to begin in 2014. He stated that they would be attending a work session.

Interlocal Water Agreement:

Commissioner Kost asked if we had responded to Durham with regard to the Interlocal Agreement. She noted that it was to be brought back before the Board of Commissioners at today's meeting. She stated that we need to respond to Durham.

The County Manager stated that he sent a letter to the City Manager saying that they are working on a potential contract with Aqua North Carolina, but he did not respond directly to their request for an amendment.

Commissioner Kost stated that after that, they received a request to amend the contract. They said at their last meeting that it would be discussed tonight. She stated that we need to respond to them that we are either reviewing it or the Chairman needs to tell them that it is not going to be put on the agenda.

Chairman Petty stated that he called and requested a meeting with Mayor Bell. He stated that he had a good meeting with him to discuss this. The County Manager sent a letter stating that Staff is negotiating a contract for Board approval.

Commissioner Kost stated that Durham had asked them to amend the Interlocal Agreement to make it clear as their intention that the water would be used only for Chatham County residents.

Commissioner Bock stated that as it turns out after meeting with Mayor Bell, that Durham didn't send the letter. Their public works person sent the letter. The mayor knew nothing about it and was quite upset that the letter was sent. At one of their meetings, he spent a lot of time saying that it was an inappropriate letter to send and that it was a county issue, not a town issue. That is why they went to meet with him. The response that the County Manager sent to the Durham Town Manager is the response.

Commissioner Kost asked for a copy of the letter stating that she would have liked to have had communication that the meeting was held.

9-11 Memorial Location:

Commissioner Kost stated that they were supposed to have received information about the location of 911 Memorial.

Commissioner Cross stated that Commissioner Bock and he met with them on Friday. He also met with them Thursday a week ago on site. He stated that they are perfectly fine with a Department of Transportation Historical Marker in front of the brick building which was the original agricultural building. That would keep it historically accurate. They would like a marker on the wall. At their expense, they will contribute one of the benches that will go in the area. The County would be responsible for a placard and the DOT sign. He stated that he is unsure if the County pays for the sign or DOT pay for it; however, they are fine with it.

Commissioner Bock stated that he felt it was a very positive meeting with the Fair Board.

Commissioner Kost stated that the Fair Board may be fine with it, but as she tours the community, she finds that the community is not fine with it.

Commissioner Cross stated that he was not charged with going to the community. He stated that he realizes that there are different opinions, but they were charged with finding out what would satisfy the former owners of the property which is what they did.

S. T. Wooten Minutes:

Commissioner Kost stated that the November 19, 2012 minutes had quite a bit of the discussion dealing with the S. T. Wooten site. They were to be getting back some of the well testing data by this time. She asked if the Health Department had received that data and if so, what were the results.

The County Manager stated that they sent out the information. He stated that he would rather send it out again rather than try to remember it.

Commissioner Kost stated that there were some homeowners in attendance.

Joseph Drust gave a copy to Commissioner Stewart who said that she would distribute it to the Board.

John Gregory also stated that he would forward his information.

Commissioner Kost stated that she was unclear as to the next action steps with S. T. Wooten. She asked if the County was getting the information now and would be monitoring it.

The County Manager stated that was correct and the data would be sent out as soon as he gets it.

Courthouse Annex:

Commissioner Kost stated that the audit today showed where the fund balance was increased by three million dollars. Last week, we heard from Staff that we appropriated somewhere around five million dollars in the current year's budget. She stated that she had to bring up the bookmobile as she feels they are making a tremendous mistake. She stated that three million dollars are going to be put into the Annex Building and still have a building that has no improvements to the exterior. It is still going to be an inefficient, eye-sore. It is not citizen friendly. She stated that they had not tried to explore any of the other options. They had an apples to oranges comparison where a larger building was compared to the Annex and were told that it was going to cost an additional three to four million dollars. She stated that we did not consider one of the thoughts to remove the middle of the Annex Building, leaving the two sides there, and perhaps modifying those, and then build another office building. She stated that she does not feel all options have been explored stating that she thinks it is a huge mistake to put three million dollars into a building as we are not going to have a three million dollar building when it is done.

Chairman Petty stated that when it first came up that they needed to do something different, he thought that everyone felt pretty much the same; however, there was about four million dollar difference. It is making it difficult on Staff to do their job when they keep moving the goal posts. He asked how much they already had in design works.

Commissioner Kost stated that she was very conscious of it. She feels that we need to be complete in our analysis in looking at all the options. We never talked about leaving the towers there and creating the vista between the two courthouses. If we really renovated the building correctly and improved the exterior of the building as well and closed up all the exterior outer-ways, we would be spending more than three million dollars.

Chairman Petty stated that he thinks that we need to be careful as we already looked at two or three options and have given Staff directions. He stated that we have spent money to do what we have agreed upon.

Commissioner Kost stated that she feels it is a mistake and she hates to see them make a mistake this big.

Commissioner Bock stated that they have looked at the other options. He stated that he thinks they all agree that it is not an attractive building and no matter what they do, it is not going to be as nice as a brand new building. They look at the costs and he has trouble spending an extra million so that the people in the new Judicial Center have a good view which is the argument that people keep telling him. He stated that he could not spend another million dollars for a building. There is a building there. They have talked about different ways to do it. We never come up with a cost effective way to tear that building down, put a park there, buy property somewhere else, and build a new facility. It would have to be close enough for the people who work in that building to get to the courthouse. As much as he would like to see a nice view, four million dollars is a lot of money. He can't see how he could get to a point to say that it is a good idea.

Commissioner Kost stated that she is hearing that no one else is interested in reopening the decision.

Commissioner Stewart asked how long the changes would last as opposed to a new building.

Ms. Paschal stated that renovations would be a ten-year solution. The option that was presented to the Board was a twenty-year solution.

Commissioner Bock asked if property had been identified on which to site a new building.

Ms. Paschal stated, no.

Commissioner Kost stated that the option of renovating the two towers was never looked at. After seeing the plans, she feels that the architect did the best he could with what he had to work with; however, it was not a lot to work with.

Chairman Petty asked what had been invested at this point.

Ms. Paschal stated that it was probably around \$100,000 for design through construction documents. Typically, the construction management part is less and the total contract with the architect is \$126,000.

Commissioner Bock stated that he could see putting some money into the façade of the building if it is not already included as that would not be a huge expense.

Ms. Paschal stated that the project is out to bid. We will be receiving bids soon with the award to be let in February for Phase 1. We could ask the architect to consider facade improvements in Phase 2 if the Board desires. We did ask the architect to evaluate tearing out the middle. We had heard that as an option being raised. The problem is that the elevator is in the middle and so are the stairwells. There would have to be two elevators and two stairwells for two separate buildings. There isn't a good place to put it without "uglying" it up further. There is not a lot of property in the back where it could be done unless we wanted to use the parking lot.

Commissioner Stewart asked if we would be losing square footage.

Ms. Paschal stated that we would lose square footage. In Phase 2, the middle was to be enclosed and was to be used for storage and a break room, etc.

Chairman Petty stated this discussion was close to the same one they had in the beginning about it is less than desirable but it is what they have to work with. He stated that they need to reach a decision and stick with it.

Commissioner Kost stated that she continues to hear it from the community and she feels strongly that they are making a tremendous mistake.

Chairman Petty stated that they could add that to the GO bond and add it to the tax base.

Commissioner Stewart stated that she doesn't like the way it looks; however, we are talking about needed schools, an Ag Center, etc.

Shrubbery:

Commissioner Kost asked if shrubbery could be put out in front of air conditioners in the short term as it looks terrible.

The County Manager stated that they are looking at options.

Commissioner Cross asked how a staggered brick screening wall would work stating that there wouldn't be as much maintenance.

Commissioner Bock stated that maybe it could be painted prior to the Historic Courthouse dedication.

Chairman Petty stated that we could look at some type of façade in Phase 2.

Board of Equalization and Review:

Commissioner Cross stated that, when approving the Consent Agenda, he failed to mention his appointment to the Board of Equalization and Review (E & R). He stated that he sent an email about appointing former commissioner Patrick Barnes and the question arose that an appointee could only serve on one board and he was already on the Solid Waste Advisory Board. Tom Glendinning had been on the E & R Board as an alternate. When Mr. Glendinning was to be appointed, he decided he had rather serve on the Planning Board. Mr. Barnes and Mr. Glendinning would both like to serve on the E & R Board. Neither wants to give up the board on which they have been appointed.

Commissioner Cross stated that the Board of Equalization and Review trains the last two weeks of February. Their work is complete in approximately four days in March and mid-April. They might meet one more day in November. He stated that he feels that is hardly long enough to consider as a board/committee. It would be even less time than one would expect a task force to have. He stated that Mr. Barnes was his fourth person contacted to serve on this board. It is very difficult to find qualified people to serve on this board. He asked that the board to agree to not consider the E & R Board as a committee and to consider it as a special task force or evaluation request and allow a person to serve on one committee plus the E & R Board.

Chairman Petty stated that it sounds like a legitimate request; however, he wants to be careful that the Board does not set a precedent by constantly changing the guidelines that have been put in place.

Debra Henzey, Director of Community Relations, responded that the County Advisory Committee Policy states that if someone is serving on one of the committees under the policy, the Commissioners should not consider them for appointment to another committee. But, she said, that the policy allows exceptions, including when they have trouble filling a vacancy.

Commissioner Bock stated that he didn't have a problem with it as the case has been made that the E & R Board is not an advisory board. He stated that the initial intent was they want to make sure they are including as many people in the County as possible. He stated that even if the Board does not make this an exception, he thinks it falls within the guidelines so that someone can serve on two boards if no one else is available.

Commissioner Cross stated that in this case, it should be made an exception.

Commissioner Cross moved to change the Board of Equalization and Review to a non-County committee and that a person that is serving on a County committee who advises the Board of Commissioners can also serve on this board.

Commissioner Stewart seconded the motion.

Commissioner Kost stated that she would prefer to handle these appointments as an exception as opposed to changing the policy. The policy allows for an exception and she would support making an exception; however, she doesn't like changing the policy without having a chance to think about it and to make sure there are no repercussions that are not now being thought of.

Commissioner Bock stated that he doesn't feel that they are making an exception. The policy says that if no one else has applied and the Board has tried to reach out to the community and no one wants the job, then if someone who is already serving on another committee wants the job, he thinks they are okay.

Commissioner Kost stated that the motion is to amend the policy.

Commissioner Cross withdrew motion. He stated that only the end result is what is important.

The County Manager stated that Staff needed to look at that to see how many vacancies were available on the Board of Equalization and Review.

This matter was deferred until the February 04, 2013 Board of Commissioners' meeting.

Commissioner Kost asked that as committee vacancies occur, Staff let the Board know.

ADJOURNMENT

Commissioner Cross moved, seconded by Commissioner Stewart, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting adjourned at 7:51 PM.

Walter Petty, Chairman

ATTEST:

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