

**MINUTES
CHATHAM COUNTY
BOARD OF COMMISSIONERS
WORK SESSION
APRIL 18, 2005**

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Henry H. Dunlap, Jr. Building Classroom, located in Pittsboro, North Carolina, at 2:00 PM on April 18, 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 Chairman called the work session to order at 2:00 PM.

Work Session Agenda

1. **Planning Department’s Response to CCEC Comments**
2. **Schools’ Planning Funds**
3. **Houses for Sale**
4. **PA/Recording Equipment**
5. **Transportation Improvements Plan**
6. **Financial Consultant for Capital Projects**
7. **Cell Tower in Harper’s Crossroads**
8. **Recreation Advisory Board Progress Energy R-O-W**
9. **Pittsboro Spray Fields**
10. **Water Committee Recommendations:**
 - q **Intakes East and West Side of Jordan Lake**
11. **Recreation Advisory Committee**

The County Manager reviewed the Work Session Agenda.

PLANNING DEPARTMENT

Keith Megginson, Planning Director referenced his written response to the Chatham Citizens for Effective Communities (CCEC) document entitled “Current Planning Review Process Dysfunctional-Needs Review and Revisions to Provide Fair, Predictable, and Adequate Deliberations”. Board members asked questions and Rita Spina and Robert Eby of CCEC made comments concerning their document. The Board took no action on the issue.

TRANSPORTATION IMPROVEMENT PLAN

Jason Sullivan, Assistant Planning Director, gave an update on the Transportation Improvement Program for 2006-2012 for the North Carolina Department of Transportation project for Chatham County. He stated that the list did not include the projects within Chatham County in the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization and that the Board has until June 3, 2005 to submit comments to the NCDOT if there are any concerns. A copy of the Transportation Improvement Program (draft) 2006-2012, North Carolina Department of Transportation Division 8 is attached hereto and by reference made a part hereof.

SCHOOLS' PLANNING FUNDS

The County Manager explained that after the last Board discussion with regard to the school's capital projects, the next step was to get some feedback about the planning funds necessary to begin the process of formalizing the schools in terms of design, etc. He stated that the request from the schools is for \$1,540,000.00 to do all the work; and that the question before the Board is if they wish to fund it, and if so, how and from what source.

Chairman Morgan stated that he would like to see the Board proceed with the funding; that it should be taken from Impact Fees; and that the County Manager and Finance Officer work with the school board to disburse the funds as needed. He stated that he would like the Board's approval of the letter to be sent to Allen Zimmerman, School Board Chairman, requesting that the Board of Education provide assistance to ensure that the best project prices are received and to reduce costs in order to help the Board of Commissioners move forward on future projects.

By consensus, the Board agreed to send the letter. A copy is attached hereto and by reference made a part hereof.

Commissioner Barnes moved, seconded by Commissioner Cross, to take the funds from the Impact Fees to proceed with funding for the planning and design work under the supervision of the County Manager and Finance Officer. The motion carried four (4) to one (1) with Commissioner Outz opposing. A copy of the planning projects is attached hereto and by reference made a part hereof.

DECLARATION OF INTENT TO REIMBURSE

Commissioner Emerson moved, seconded by Commissioner Barnes, to approve Declaration #2005-22A Of Official Intent to Reimburse, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

FINANCIAL CONSULTANT FOR CAPITAL PROJECTS

Commissioner Emerson moved, seconded by Commissioner Barnes, that the Financial Advisory Services Agreement expenditure with DEC Associates, Inc. be authorized to proceed with the stipulation that it not exceed \$35,000 and could be less than that amount. The motion carried five (5) to zero (0). The agreement is attached hereto and by reference made a part hereof.

HOUSES FOR SALE

The County Manager explained that he had been contacted about selling the three houses located

across Chatham Street; that the County had previously planned to renovate the houses for office space, but now must either demolish or move the houses; that the County will have to follow a legal process of bidding, etc.; and that one is located on the Register of Historical Places and may require an additional course of action.

Commissioner Emerson moved, seconded by Commissioner Cross, to authorize the County Manager to proceed with negotiations to sell the three Trageser property houses and to return to the Board of Commissioners with details. The motion carried five (5) to zero (0).

PROGRESS ENERGY RIGHT-OF-WAY

The County Manager explained that Progress Energy is installing a new power line across Chatham County to their substation located close to Siler City; that the original right-of-way crosses a portion of the land where a County convenience center is located; that Progress Energy wants to re-establish a new right-of-way located in a different direction; that the new right-of-way would be better for the County because it is located behind the entrance and all the equipment; and that the County would negotiate to exchange one easement for another with Progress Energy.

Commissioner Emerson moved, seconded by Commissioner Outz, to authorize management to negotiate the exchange of one easement for another subject to review by the County Attorney. The motion carried five (5) to zero (0).

MULTI-FAMILY IMPACT FEE

Chairman Morgan explained that when he made the motion to change the Impact Fees, he did not include the "multi-family dwellings"; that in the past, it has been approximately one third the regular amount; and that he would like to do so and make it effective May 1, 2005.

Chairman Morgan moved, seconded by Commissioner Emerson, to adopt **An Ordinance Amending the Chatham County Education Facilities Impact Fee Ordinance** to increase the Impact Fee per multi-family dwellings to \$950 on May 1, 2005, to go into effect after Friday, April 29, 2005 at 5:00 PM. The motion carried five (5) to zero (0). The ordinance is attached hereto and by reference made a part hereof.

RECORDING EQUIPMENT

Chairman Morgan moved, seconded by Commissioner Emerson, to purchase a new digital recording system with wireless microphones, wireless mixer, and FTR recording software from Analog Digital Solutions, Inc. in the amount of \$8,979.00, not to exceed \$9,000.00, in lieu of the previously approved vendor, Bill Walden's Sound Systems. The motion carried five (5) to zero (0).

EMERGENCY OPERATIONS

Address Changes:

Tony Tucker, Emergency Operations Director, informed the Board that he had received notification from the Department of Transportation that the US #64 Bypass will remain as US #64 and that US #64 Business will remain as such; that approximately sixty residences and businesses will have to change their addresses; and that citizens may approach the Board with address change concerns.

Cell Towers:

Commissioner Cross stated that guide wires have proven to be unsafe; that they are incapable of standing in bad weather; that a 300' tower is not allowed in the ordinance; that the common sense aspect that "higher is better" is not true, especially for cell phone usage; and that lattice-type towers are more difficult to adapt to communications equipment. He agreed with the Planning Department that they need to wait until more information is available.

The Emergency Operations Director explained that they have steered away from the "guide towers" because it is easier to modify a free-standing tower; that the guide tower goes against the County ordinance; that they are looking at a 300', self-supporting tower with a 31' base for 911 radio systems; that it is supposed to be strong enough to handle all of the emergency services antennas, two separate cell phone antenna sites, and two solid 6' dishes for the State's Viper System; that the latest ballpark price is \$180,858.00; and that the grant is for \$104,000.00. He stated that if the County built a \$200,000.00 tower and used the \$104,000.00 grant money, the percentage pulled out-of-pocket to build the tower would use the same percentage of revenue from a cell user to reimburse the County for the amount spent; that the other money made, can still be collected but it has to be set aside with a yearly report sent to the Department of Justice as to the amount collected and how the County wishes to spend the money; and that it ultimately has to return for Homeland Security approval.

The Chairman asked Mr. Tucker to keep working on the project and update the Board as necessary.

BREAK

The Chairman called for a short break.

WATER UPDATE

Silk Hope Water Main Extension:

Will Baker, Chatham County Utilities Director, explained that the bids for the Silk Hope Water Main Extension were received and came in approximately \$250,000 over the anticipated budget; that as discussed with the Board of Commissioners, Hobbs, Upchurch & Associates were able to negotiate with the low bidder (Byrd Brothers Incorporated) to seek any potential savings on the bid amount; that they have done so and the determination by Byrd Brothers is that they are not willing to decrease the bid amount of the project. Mr. Baker explained that Hobbs, Upchurch & Associates' recommendation is that Chatham County officially reject all bids and re-bid the project with some modifications in the bid documents.

Hobbs, Upchurch & Associates proposed the following to help reduce the project costs:

1. Increase the contract time from 150 days to 180 days.
2. Separate the directional drilling across the Rocky River from the project and bid this portion independent of the water main.
3. Perform further investigation of the rock quantities (done). This will be revised from 2,500 cy to 750 cy.

Commissioner Emerson moved, seconded by Commissioner Cross, to reject all bids on the Silk Hope Water Main Extension and re-bid the project with some modifications in the bid documents. The motion carried five (5) to zero (0).

Commissioner Emerson moved, seconded by Commissioner Barnes, to authorize the project, to include increasing the contract time from 150 to 180 days, to separate the directional drilling across the

Rocky River from the project and bid this portion independent of the water main, and to perform further investigation of the rock quantities from 2,500 cy to 750 cy. The motion carried five (5) to zero (0).

Group “B” – Pea Ridge Road Transmission Main:

Tim Carpenter explained that after the conversation with the SRF Review Engineer, the following outlines the items to be complete to receive “Readiness to Proceed” Status (bid project):

1. Public Water Supply’s Capacity Development Engineer is currently reviewing the Water System Management Plan (WSMP). The WSMP is a document that outlines the County’s ability to operate the water system. This plan was required to be updated as a condition to the FONSI for the Environmental Assessment. A draft letter outlining a few items has been received that the State would like to see included.

- a. Current staffing at the WTP
- b. Status of public notifications for 2004 violations
- c. Description of management’s plans to retain employees

2. These items have been discussed with Will Baker and they are now in the process of answering these questions.

3. Bidding the project: After a conversation, the PWS – SRF Review Engineer offered the following:

- a. Approval of the WSMP
- b. Submittal and approval of the Project Application to Local Government Commission (this is done by the SRF Staff).
- c. Ready to proceed (bid project)

He stated that in his conversation with the SRF review engineer, it is possible that Chatham County could proceed with advertising the project at the County’s own risk; that funds are not officially available until such time that LGC approves the project application; that the items discussed in numbers 1 and 2 above will take less than a week to get to PWS; that approval may take an additional week; that the project will need to get on LGC’s schedule for final approval; that they are unsure of the time frame for this meeting but anticipate it could be within a month of the approval of the WSMP.

WATER ADVISORY COMMITTEE RECOMMENDATIONS

Expansion of Water Plant:

Mr. Carpenter explained that two options were presented to the Water Advisory Committee at their last meeting and that one was to be a three million gallon per day expansion and the other was for a four million gallon per day expansion. He presented a general layout of the proposal, including the existing plant and expanded plant. He stated that there would be a new clear well, new pump station, and either a new three or four million gallon per day clarifier; that the filter arrangement is a little different than the one the County presently has; that these are more pleasing to the State and Public Water Supply; that the estimated project costs on the four million gallon plant are \$6.7 million; that the estimated project costs on the three million gallon plant are \$6.2; that for an additional half million dollars, the County could build a four million gallon plant instead of a three million gallon plant; that the County currently has an allocation of 6mgd from Jordan Lake; and that the raw water pump station will allow the County to draft up to ten million gallons per day provided the County has that allocation from the Water Resources and the Corps.

Bill Lowery, Chairman of the Water Advisory Committee, informed the Board that the committee had recommended the four million gallons expansion option.

After considerable discussion, Commissioner Emerson moved, seconded by Commissioner Barnes, to authorize the design phase of the larger four million gallon water plant. The motion carried five (5) to zero (0).

By consensus, the Board authorized the Chairman to sign the previously approved contracts.

RECREATION ADVISORY COMMITTEE

Alan Baddour, Recreation Advisory Board Chairman, made a presentation on the recreation capital request. He stated that a plan is needed for using the Recreation Exaction Fee; that most of the CIP recreation projects were put on hold including three community parks, the American Tobacco Trail, completion of the Southwest Park, and resurfacing the Pittsboro tennis courts; that the only legitimate use for the exaction fee is for recreation and parks facilities (capital improvements and new facilities); that funds should be spent within a reasonable time period; that the current balance is as follows (excluding interest):

Northwood:	\$435,081
Jordan-Matthews	14,888
Chatham Central	12,761 (to be used for Southwest Park)

Mr. Baddour stated that existing funds could complete Bells Landing, the County's portion of the American Tobacco Trail, and the Pittsboro tennis courts with \$165,081 left over; and that over the next ten years, the County should collect \$2.9 million in additional fees from already approved developments for the Northwood district

American Tobacco Trail:

A 4.5 mile section of the American Tobacco Trail located in Chatham County could be developed; that planning would occur in fiscal year 2006; that construction would occur in fiscal year 2007; that the project cost would be \$1,100,000; and that funding would come from a federal grant and recreation exaction fee.

Bells Landing Park:

The Bells Landing Park facility would include educational trails, roads, parking areas, entrance sign, and interpretive signage; that planning would occur in fiscal year 2005; that construction would occur in fiscal year 2006; that the project cost would be \$231,250; and that funding would come from the Recreation Exaction Fee and PARTF grant.

Southwest Community Park:

The Southwest Community Park estimated completion date would be June 30, 2005 at a cost of \$529,500; that it would be funded from a \$250,000 State grant, timber revenue, Recreation Exaction Fee, and \$250,000 general fund; that a restroom facility could be constructed in fiscal year at a cost of \$36,000; that basketball and tennis courts could be constructed in fiscal year 2007 at a cost of \$92,000; and that funding would come from the general fund.

System of Community Parks:

The Recreation Advisory Board recommends funding community parks in the remaining portions of the County: northwest, northeast, and southwest; that this is based on the 1999 Master Plan; that timing should depend on available land, etc.; and that funding would come from general fund (\$330,000 for northwest), Recreation Exaction Fee (\$1,092,000), and grants (\$750,000).

Pittsboro Court Restoration:

The Recreation Advisory Board recommends assisting the Town of Pittsboro in restoring its tennis and basketball courts; that funding would occur in fiscal year 2006 (requested in fiscal year 2005); that projected costs to the County would be \$35,000; and that funding would come from the Recreation Exaction Fee.

Mr. Baddour stated that an additional \$458,000 would have to come from the general fund (\$250,000 has already been spent for the Southwest Park); that the Recreation Exaction Fee and grants would cover the remaining costs; that they would urge the Board to commit no more funding to the Southwest Park until community fundraising is encouraged; that they would recommend proceeding with obtaining grants for community parks, but not approving the proposed schedule; and that the Pittsboro tennis courts project be held pending a joint meeting with the Town of Pittsboro. He stated that most grant sources view projects included in an approved CIP more favorably; that a plan is needed for spending the Recreation Exaction Fee; and recreation benefits the County in economic development and in the health of the community.

The Board asked for hard copies of the presentation.

WATER WITHDRAWAL AGREEMENT

Commissioner Emerson moved, seconded by Commissioner Outz, to approve an extension of the Water Withdrawal Agreement between Colvard Farms Development Company, LLC and Chatham County until May 15, 2005. The motion carried five (5) to zero (0).

BOARDS AND COMMITTEES

Adult Care Home Committee Appointments: Consideration of a request to appoint/reappoint two members to the Adult Care Home Committee by Commissioner Emerson (1) and the Board (1)

Commissioner Emerson moved, seconded by Chairman Morgan, to appoint Christine Degraffenreidt, 298 Emerson Cook Road, Pittsboro, NC, to the Adult Care Home Committee. The motion carried five (5) to zero (0).

Chairman Morgan moved, seconded by Commissioner Emerson, to reappoint Dr. Melyn Brockstein, 39525 Glenn Glade, Chapel Hill, NC, to the Adult Care Home Committee. The motion carried five (5) to zero (0).

Home and Community Block Grant Appointments: Consideration of a request to appoint/reappoint two members to the Home and Community Block Grant by Commissioner Outz (1) and the Board (1)

Chairman Morgan moved, seconded by Commissioner Emerson, to appoint Laura Young, 201 Cedar Run Road, Pittsboro, NC, to the Home and Community Block Grant Committee. The motion carried five (5)

to zero (0).

Commissioner Outz deferred his appointment until a later date.

Human Relations Committee Appointments: Consideration of a request to appoint/reappoint two members to the Human Relations Committee by Commissioner Outz (1) and Commissioner Barnes (1)

Commissioner Outz deferred his appointment until a later date.

Commissioner Barnes deferred his appointment until a later date.

Recreation Advisory Board Appointment: Consideration of a request to appoint/reappoint a member to the Recreation Advisory Board by Commissioner Outz (1)

Commissioner Outz moved, seconded by Commissioner Emerson, to appoint Jennifer Sipe, 225 Lake Stone Estates, Pittsboro, NC, to the Recreation Advisory Board. The motion carried five (5) to zero (0).

Rural Community Assistance:

Commissioner Emerson moved, seconded by Commissioner Cross, to commit matching funds in the amount of \$4,000 for the Rural Community Assistance. The motion carried five (5) to zero (0).

RECESS

Commissioner Cross moved, seconded by Commissioner Barnes, that the meeting be recessed to the regularly scheduled Board of Commissioners' meeting in the District Courtroom. The motion carried five (5) to zero (0), and the meeting was recessed at 4:59 PM.

Bunkey Morgan, Chairman

ATTEST:

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