

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**WORK SESSION**  
**OCTOBER 17, 2005**

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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 3:00 PM on October 17, 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 3:00 PM.

*Work Session*

1. Conservation Easement Discussion

***Planning issues for discussion – No action to be taken:***

2. Public hearing on November 21, 2005 to consider proposed text amendments to the Chatham County Zoning Ordinance to replace conditional use zoning with conditional zoning
3. Public hearing on November 21, 2005 to consider proposed text amendments to the Watershed Protection Ordinance to include the 10/70 provision in the WS-IV Protected Area

**Other:**

4. Ag Advisory Presentation

- The County Manager reviewed the Work Session agenda stating that Item #4, Ag Advisory presentation, was deferred until the November 07, 2005 Board meeting.

**CONSERVATION EASEMENT DISCUSSION**

Kevin Brice, Executive Director of the Triangle Land Conservancy, stated that the Triangle Land Conservancy (TLC) is a local charity incorporated as a non-profit in 1983; that its mission is to protect important open-space including farms, forests, fields, and natural areas to help keep the region a healthy place in which to live and work; that all the money that TLC raises for conservation stays in the community; that there are very generous conservation-minded supporters that have contributed thousands of dollars to protect

land in the triangle and in Chatham County; that Chatham is one of their most active counties; that TLC has been able to attract millions of dollars from the State in conservation funds for conservation in Chatham County particularly along the Deep River; that one of which they are especially proud is the White Pines Nature Preserve at the confluence of the Deep and Rocky Rivers; that Tandy Jones, a Chatham County resident and cattle farmer, is a valuable member of TLC; that having a person like Mr. Jones is a great benefit to the kind of work that TLC attempts to do; that they are based in Raleigh but are rarely found there as they are usually out in the various counties working with land owners; that he wanted to thank the Board for their decision to form a committee within the Ag Advisory Board that will explore ways to keep productive farms and forests as part of Chatham's landscape; that the TLC shares the Commissioners' position that working farms and forests have a place in the County's economic base; that forests and farms generate wealth from the food and fiber produced on them and support a web services as equipment sales, etc. that provide services and products to farms and forestland owners; that it is also a relatively inexpensive way to keep water and air clean; that there is an option to either protect the clean waters or clean up the dirty waters produced; that protecting land with productive farms and forests is a great way to keep air and water at a high quality in not having to spend the money to clean them up afterward; that protecting farms and forests cultivates a quality of life that attracts people to the community; that people enjoy the kinds of things that farms and forests provide including local produce and the views as one drives through the area; that this generates a workforce that attracts more businesses; that they want to strike a balance; that they want to grow and have places where they can live and work and achieve things important to them; that in order to do that, they need a balance for those things that conservation provides; that he is very happy to see that with the committee looking at ways to keep farms and forests in Chatham County, that balance can be achieved; that in keeping productive farms and forest as part of Chatham's landscape, has broad policy implications that may include having to look at the way that conservation easements are viewed from the property tax side of things; that he would like to offer and pledge Triangle Land Conservancy's support as local land trust to help the County navigate some of those waters and address some of those broader County-wide policy implications. He thanked the Board for the opportunity to speak with them and asked for any questions that they might have.

Mr. Tandy Jones distributed caps to the Board.

After considerable discussion, Commissioner Emerson moved to have a board certified general appraiser to look at the property.

The County Attorney explained that the appraiser would determine the value of the property. He stated that it is a question of valuation; that it is not a question of whether it is exempt; that the procedure is, that if one does not agree with the value of the Tax Assessor, it is carried to the Board of Equalization and Review; that if one does not agree with the Board of Equalization and Review, they have the right to go to the State Property Tax Commission for a hearing; that it is his understanding that in the proceedings this issue is now on the Phillips' land; that it is in another jurisdiction at this time on the question of valuation; that he feels that the land with the conservation easement on it would not bring as much as it would if a subdivision were built on it; that those are valuation issues; that it is not a question of whether it is taxable or whether it is exempt; that that is an open and shut question; that he feels that the County is in the proper location to get that decision from the Property Tax Commission; that many times the Property Tax Commission staff will contact local officials and land owners and attempt to reach a mutual agreement on values prior to their being an official hearing with the Property Tax Commission; that he is satisfied that that will be what happens; that he doesn't feel that anyone can say that the property in question is worth nothing; and that the laws and resolution of the Board put the burden on the Phillips to establish the value in accordance with established principals and guidelines. He stated that he feels that there is an orderly way to resolve the issue and it is being pursued; that several years ago the County valued some land and other property at less than its fair market value and the Utilities Commission said that since the County was charging taxes based on a percentage of the value, they were entitled to the same percentage because the Constitution states that all

property will be taxed equally; that if a policy is made and someone challenges it, the County might be in the same boat; that the statute states that it has to be valued at its fair market value.

After further discussion, Commissioner Emerson withdrew his motion.

## **BREAK**

The Chairman called for a short break.

## **PLANNING AND ZONING ISSUES**

The Planning Director reviewed the proposed text amendments to the Chatham County Zoning Ordinance to replace conditional use zoning with conditional zoning and the proposed text amendments to the Watershed Protection Ordinance to include the 10/70 provision in the WS-IV Protected Area.

The Board directed the Planning Department to proceed with the public hearings to be held on November 21, 2005.

## **AMERICAN MOULDING UPDATE**

The County Manager updated the Board on American Moulding stating that they were involved in a court proceeding filing Chapter 11. He stated that for the County, it means that the sewer lines which the Board had planned for that business and for Goldston in the future is at a standstill; that commerce will not continue to match the County's money to get the line in place until such time that American Moulding becomes stable and out of bankruptcy; that the question is, since this is a million dollar project, does the Board wish to pursue it as a Chatham County project to get sewer to the area or do they want to see what unfolds with American Moulding or some other company that might come.

Chairman Morgan stated that he had received an update that the court had approved their Chapter 11 plan; that both Sanford and Goldston would be in operation by the coming Friday; that their economics say that they are going to need the plant at Goldston; that they will still have their Goldston employees and will continue to grow as anticipated; that they will probably come out stronger after having been through Chapter 11; that the question is since the Department of Commerce is going to pull their portion of the grant, does the County want to continue; that they could possibly indemnify American Moulding for the 75 employees; that if American Moulding maintains at least 72 employees throughout, it would take until approximately spring or summer to finish, the County could be liable if American Moulding did not maintain the 75 employees; and the court has approved their total operation as of last Friday.

The County Manager stated that the County would have to borrow money if it was done; and that the County is very close to the funding process as it meets with the LGC this coming Wednesday.

Commissioner Emerson asked if they would be adding another \$750,000 to the total debt funding which might make the difference on the bond funding and the rating. He asked if the Board had to make a decision on the matter today stating that it would have to be financially feasible and that he would like to see some performance before the matter is decided.

Chairman Morgan stated that if the County does not participate in getting the line to Goldston, then Goldston will never be able to afford having waste water run.

The County Manager stated that there was now a "pump and haul" permit which would not last forever.

Commissioner Cross stated that even if the American Moulding effort falls through, the County is fortunate to have the four-lane highway which will be completed in approximately eighteen months; that he does not think that investing that money in the sewer would be a bad idea; and that it may be the only opportunity that there will be to have sewer along that road.

Chairman Morgan stated that he had talked with Tim Cunnup and asked him about the possibility that, if the County invested the money in the sewer lines, if Goldston could pay back a portion of the money.

Commissioner Cross asked if the Board might want to take on the project as an Economic Development area and have a chance to get sewer that would be financially feasible.

Chairman Morgan stated that there had been some talk with regard to a joint industrial park venture between Lee and Chatham Counties.

Commissioner Barnes stated that two things that govern Economic Development are water and sewer. He stated that the Board might have a hard time explaining why an additional three quarters of a million dollars in funds would be obligated to American Moulding when they had filed bankruptcy; and that he would want some recourse.

Chairman Morgan stated that when the owner returns from California, they will definitely talk with him so that they can have some further information by the next Board of Commissioners' meeting. He suggested that Mr. Cunnup meet with his board to pursue the matter.

Commissioner Emerson asked if the County Attorney could obtain copies of the financial papers filed with the court.

Commissioner Outz asked if the County could use their politicians in this matter.

## **BOARDS AND COMMITTEES**

**Recreation Advisory Board:** Consideration of a request to appoint two members to the Recreation Advisory Board by Commissioner Emerson (1) and Commissioner Barnes (1)

Commissioner Emerson moved, seconded by Commissioner Outz, to appoint Art Kennedy, 1005 Parkwood Drive, Siler City, NC, to the Recreation Advisory Board. The motion carried five (5) to zero (0).

Commissioner Barnes deferred his appointment until a later date.

**Human Relations Board:** Consideration of a request to appoint a member to the Human Relations Board by Chairman Morgan (1)

Chairman Morgan moved, seconded by Commissioner Emerson, to appoint Kerri Bryant Erb, 105 Durham Eubanks Road, Pittsboro, NC, to the Human Relations Board. The motion carried five (5) to zero (0).

**Appearance Commission:** Consideration of a request to appoint a member to the Appearance Commission by Commissioner Outz (1)

Commissioner Outz stated that Mr. Phil Dark had agreed to serve on this committee if it does not meet on Wednesday nights. He is to check to see when the board meets and report back to the Board of

Commissioners.

**Affordable Housing Committee:** Consideration of a request to appoint a member to the Affordable Housing Committee as per the Planning Board recommendation

This appointment was deferred until a later date.

**OTHER:**

**Sheriff's Office Vehicles:**

Commissioner Outz asked about the Sheriff's request to purchase seven vehicles for the Chatham County Sheriff's Office from Capital Ford under State contract totaling \$106,885.38. He asked how they received such a deal.

He was informed that the purchase was made on State contract and saved a lot of money on them.

**Recreation Fees:**

Commissioner Outz asked if the County could change the recreation fee so that they could get at least 25 or 30% to use as they see fit in other areas on recreation.

The County Attorney stated that he would research the matter.

**MPO Meeting:**

Commissioner Cross stated that the American Tobacco Trail was the only Chatham County topic on the MPO agenda at their meeting during the prior week. He stated that Durham felt that they should receive all of the money and wanted more from Chatham; that he told them that Chatham had no more to give; and that if they would like for the trail to stop at the Durham-Chatham line, that he was not going to be "hung" spending tax payers money on the American Tobacco Trail when Chatham does not have any citizens living close to it.

**ADJOURNMENT**

Commissioner Barnes moved, seconded by Commissioner Cross, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 4:59 PM.

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Bunkey Morgan, Chairman

ATTEST:

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