

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**FEBRUARY 05, 2007**

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The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Agricultural Building Auditorium, 45 South Street, located in Pittsboro, North Carolina, at 9:00 AM on February 05, 2007.

Present: Chairman Carl Thompson; Vice Chair, George Lucier; Commissioners Patrick Barnes, Mike Cross, and Tom Vanderbeck, County Manager, Charlie Horne; Assistant County Manager, Renee Paschal; Interim County Attorney, Jep Rose; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

**INVOCATION AND PLEDGE OF ALLEGIANCE**

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

**CALL TO ORDER**

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The meeting was called to order by the Chairman at 9:04 AM.

**AGENDA AND CONSENT AGENDA**

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

The Chairman explained that he had previously asked that Item #6, Consideration of a request to award the service contracts for mowing of County-owned properties: 1) Phil Marsh d/b/a/ G. G. Marsh for Waste Management Properties and; 2) Collins Landscape and Maintenance for public building properties and water utilities properties, be removed from the Consent Agenda for consideration at a later date; that at that time, he thought he had legal questions and some questions of possible unfairness in contract bidding a year prior; that he wanted the County Manager to answer some questions based on a complaint that he had received from a citizen in his district that he felt obliged to investigate; that he feels that this was his duty as a Commissioner to do so; that the reason that he didn't go into detail that day was because if any allegations were untrue, he did not want names unnecessarily put forth publicly and a controversy created that could be avoided; that the County Manager did a thorough job of investigating the matter; that it had taken additional time because when the initial questions were answered, there were more questions; that he went back and sought further explanations; that he is satisfied, after obtaining his investigative report, that the County did act fairly; that this is an issue that should be moved forward; and that he did what he did in integrity and diligence as a Commissioner; that if there were any hurt feelings in the process, he would like to be the first one to apologize for it; and that he would like to move the issue forward and move on with County business.

Commissioner Lucier asked that an appointment to the Solid Waste Advisory be added to the Agenda as Item #17.

Commissioner Vanderbeck asked that an appointment to the Home Community Development Block Grant be added to the Agenda as Item #19.

Commissioner Barnes asked that an appointment to the Ag Advisory Committee be added to the Agenda as Item #20 and that a full Board appointment to the Appearance Commission be added as Item #21.

Commissioner Lucier moved, seconded by Commissioner Barnes, to approve the Agenda and Consent Agenda with the noted requests:

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held January 16, 2007 and work session held January 16, 2007, Board Summit Minutes for meeting held January 8, 2007 and January 9, 2007 and Informational Water Meeting held January 29, 2007

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

2. **North Chatham Hydraulics Improvements Telemetry Upgrade:** Consideration of a request to authorize the purchase of the Telemetry System covering the full spectrum of the system for the water treatment system, the new Jack Bennett Road Booster Pump Station and tank, the control valve vault at the Governor's Club, and the Governor's Club Tank in the amount of \$87,998.00. The contract attached hereto and by reference made a part hereof.

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

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

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

4. **Recreation Advisory Board Appointment:** Consideration of a request to appoint Dave Roberson, 889 River Forest Road, Pittsboro, NC, to the Recreation Advisory Board by Commissioner Lucier

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

5. **Recreation Advisory Board Bylaws:** Consideration of a request to adopt the Chatham County Recreation Advisory Board Bylaws, attached hereto and by reference made a part hereof.

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

6. **Mowing Services Contracts for the 2007-08 Growing Season:** Consideration of a request to award the service contracts for mowing of County-owned properties: 1) Phil Marsh d/b/a/ G. G. Marsh for Waste Management Properties and; 2) Collins Landscape and Maintenance for public building properties and water utilities properties

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

7. **Chatham Trades, Inc.:** Consideration of a request to appoint Becky Loflin, 499 Ronald Scott Road, Bear Creek, NC, to the Chatham Trades Board by the full Board

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

8. **Human Relations Board:** Consideration of a request to appoint Roy Barnes, PO Box 1101, Pittsboro, NC, to the Human Relations Board by Commissioner Vanderbeck

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

### END OF CONSENT AGENDA

### PUBLIC INPUT SESSION

**Bob Knight**, 406 Chimney Rock Lane, Sanford, NC, stated that a lot has come to light since the election; that most of it should have been brought out or owned-up to by those running for Commissioner; that the Chairman spoke after being sworn in of morality, integrity, but left out ethics; that it was wrong to ask the County Recreation Department for assistance to start a park for his church; that no County money should be used for churches; that a business and family members have expressed their displeasure to him about his filing bankruptcy and never paying them; that it was immoral for him to call a former Commissioner and ask for scholarship money for the Chairman's niece; that the Chairman's tax records show that wages have been garnished and payments are consistently late; that he cannot believe that the Chairman can properly represent the taxpayers when he cannot even properly manage his own financial affairs; that since he ran as a team calling themselves the Integrity Party, he thinks that the Chairman should refrain from voting on money matters.

Chairman Thompson responded that he was debating about whether to comment about this allegation, stating that most of it was innuendo.

### BOARD OF COMMISSIONERS MATTERS

**Raw Water Withdrawal Request:** Consideration of a contract for raw water withdrawal from Jordan Lake by Jeff Hunter

The County Manager explained that Jeff Hunter has requested a water withdrawal from Jordan Lake which is part of the County's allocation. He stated that this is Mr. Hunter's third withdrawal; that they will do all the pumping at their cost; that it will not exceed twenty-seven million gallons in a period of approximately sixty days; that will withdraw only at levels full pool levels at 216 elevation; that the amount the County has received is \$8,100.00; and that the staff recommendation is to allow Mr. Hunter to withdraw the water.

Jeff Hunter stated that the water will be withdrawn on the main body of the Jordan Lake intake area between Deep Creek and Crooked Creek; that the cost was based on County calculations on raw water; and that it was estimated at \$ .30 per thousand.

Commissioner Lucier stated that he had no problem granting the request because it would not affect the County's allocation, but that he would recommend a little higher cost.

Mr. Hunter stated that Colvard Farms was one of the communities where they have invested in a dual system in that it includes a private drinking water system and a private wastewater system; that in

2005 they installed a separate private irrigation system; that one of the biggest taxes on their drinking water is in-ground irrigation; that similar homes can use up to three to four times per year the amount of water for drinking; that the benefit for the overall community is that they are going to continue to invest in what they have already set out; that they are investing in a new approach to harvest rain water which entails an overall concept of conservation; that they are making modifications to both of their facilities in order to have additional capacity; that after Thanksgiving, they captured two and one half million gallons in two days; that they are investing in something that is of long-term value to the County; that since their request is for raw water, it is not costing the County anything; that he encourages the Board to consider their investment that will benefit the community in terms of minimizing the long-term impact on the County's drinking water; and that he is currently using reuse water for irrigation and other areas.

Mr. Hunter answered questions from the Board. Chairman Thompson recommended proceeding with the contract approval with the understanding that if there were any future requests, the County Manager make a recommendation of costs and criteria on which those costs are based.

After further discussion, Commissioner Barnes moved, seconded by Commissioner Vanderbeck, to approve the contract for raw water withdrawal from Jordan Lake by Jeff Hunter and that the County Manager research the matter for future allocations. The motion carried five (5) to zero (0). The contract is attached hereto and by reference made a part hereof.

**Amending the Planning Board Ordinance:** Consideration of a request to amend the Ordinance Establishing the Planning Board

The County Attorney suggested the following changes from the proposed amendments to the Chatham County Planning Board Ordinance and change of Planning Board appointees:

Section 1D: Strike the first sentence of the provision requiring that the Planning Director advertise the positions available in the local newspaper. The wording "shall" will be changed to "may" so that it reads "Any person interested in serving as a member of the Planning Board may provide the County Planning Department with a current resume or summary of personal data."

Section 4: Annual Report of Activities. Suggest wording change as follows: Change the "may" appearing in the draft to "shall". The Planning Board shall, in January of each year, submit in writing to the Board of Commissioners a written report of its activities, and an analysis of trends and issues with which it has dealt with in the previous year, as well as issues that may be forthcoming, pursuant to this Ordinance.

Commissioner Lucier read the following statement in its entirety:

**"Amendments to the Chatham County Planning Board Ordinance and Change of Planning Board Appointees—February 5, 2007**

The Chatham County Board of Commissioners amended the ordinance that established the Planning Board at their meeting today. The amended ordinance allows the Commissioners to replace current Board members and it changes the terms of office for Planning Board members so that they will run concurrent with the terms of the Commissioners. This has the effect that appointees nominated by Commissioners Thompson, Lucier and Vanderbeck would have four year terms while those nominated by Commissioners Cross and Barnes would have two year terms. After the initial round of appointments, all terms would be for four years. Therefore, appointments would be staggered so that new appointments would be made to the Planning Board every two

years.

In addition, the Commissioners established that the Planning Board would be comprised of 11 members. The 11<sup>th</sup> member would be selected by the full Board of Commissioners for a term of four years.

The decision to amend the Planning Board Ordinance was based on the Board of Commissioners' intent to:

1. Implement the Land Use Plan
2. Have the Planning Board engage in public education on planning and zoning issues
3. Develop effective interactions with municipal governments in Chatham County as well as neighboring governments on planning and zoning issues
4. Prepare an annual report of accomplishments, goals and priorities of the Planning Board

These elements along with others are explicit responsibilities that were assigned to the Planning Board in the ordinance that established it. However, the former Planning Board had a different philosophy. Therefore, the Board of Commissioners felt it necessary to make substantial changes in the membership of the Planning Board. Moreover, the Commissioners need to rely heavily on the recommendations of the Planning Board so they need to have a Planning Board in place that shares their stated intent to implement the Land Use Plan and to revise it, if necessary.

The Commissioners recognized and expressed their appreciation for the public service of the former Planning Board members. The fact that they had a different view of their responsibilities should not detract from their service and dedication to Chatham County.

The new Planning Board is now comprised of the following members:

<b>Chris Walker</b> ----- Barnes	<b>Karl Ernst</b> ----- Vanderbeck
<b>Sally Kost</b> ----- Barnes	<b>Judy Sharman</b> ---- Vanderbeck
<b>Evelyn Cross</b> ----- Cross	<b>Delcenia Turner</b> -- Thompson
<b>Clyde Harris</b> ----- Cross	<b>Jim Hinkley</b> ----- Thompson
<b>Barbara Ford</b> ----- Lucier	<b>Warren Glick</b> ----- Full Board
<b>David Klarmann</b> --Lucier	

#### **What Does the Board of Commissioners expect of the Planning Board?**

1. Rigorous review of applications for development and conditional zoning in relation to the lawfully established ordinances and zoning regulations of Chatham County.
2. Be consistent with the vision of the Land Use Plan and to apply the principles contained in it.
3. Propose revisions to the Land Use Plan when necessary in order to address changing conditions in Chatham County.
4. Propose new and amended ordinances based on the Land Use Plan.

5. Work with Siler City, Pittsboro, Goldston and with neighboring governments to seek common solutions to regional problems and issues.
6. Communicate effectively with the Chatham County Board of Commissioners and the citizens of Chatham County on planning and zoning issues including the development of strategies for enhancing public dialogue.
7. Prepare reports to the Board of Commissioners stating the reasons for any recommendations that can be considered major and/or controversial.

### **Some Current Board of Commissioner Priorities on Planning and Zoning**

1. Enactment of amendments to the Watershed Ordinance to increase protection of the rivers and streams that are essential to the future of Chatham County.
2. Review and recommend revisions to the process for receiving public comment on planning and zoning issues to insure that all voices are heard and considered.
3. Enact a lighting ordinance that recognizes yet protects against the consequences of our explosive growth.
4. Propose amendments to the subdivision ordinance consistent with our growth and the challenges associated with that growth.
5. Work with the Major Corridor Ordinance Task Force and the Economic Development Corporation to stimulate economic development in Chatham County.
6. Work with the Environmental Review Board (yet to be established) to insure that residential and economic growth is accomplished in harmony with our natural resources.”

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to adopt the **Ordinance Establishing the Chatham County Planning Board**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0). The motion carried five (5) to zero (0).

Commissioner Lucier moved, seconded by Commissioner Barnes, to adopt **Resolution #2007-03 Appointing Members of the Chatham County Planning Board** with the following amendments, the appointed Planning Board members, and their replacements and the copy of the statement previously read. The motion carried five (5) to zero (0). The resolution is attached hereto and by reference made a part hereof.

### **BOARDS AND COMMITTEES**

**Board of Equalization and Review:** Consideration of a request to appoint/reappoint members to the Board of Equalization and Review

Chairman Thompson nominated Tom Glendinning, PO Box 12, Pittsboro, NC, to the Board of Equalization and Review.

Commissioner Barnes reappointed Ralph Klevenow, 30071 Benbury, Chapel Hill, NC, to the Board of Equalization and Review.

Commissioner Barnes moved, seconded by Commissioner Lucier, to approve the nominations to the Board of Equalization and Review. The motion carried five (5) to zero (0).

**Human Relations Committee:** Consideration of a request to appoint a member to the Human Relations Committee by the full Board

This item was deferred until the March Board of Commissioners' meeting.

**Ag Advisory Committee:** Consideration of a request to appoint a member to the Ag Advisory Committee by Commissioner Vanderbeck

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to appoint Judy Lessler, 97 Plantation Road, Pittsboro, NC, to the Ag Advisory Committee. The motion carried five (5) to zero (0).

**Green Building Task Force:** Consideration of a request to appoint members to the Green Building Task Force

Commissioner Lucier nominated Michael Jacobs, 265 Holly Ridge Road, Chapel Hill, NC; Austin Lybrand, 1078 Rock Rest Road, Pittsboro, NC; and Martha Pearson, 2300 Redbud Drive, Pittsboro, NC, to the Green Building Task Force.

Commissioner Barnes nominated Ted Bindrin, 60142 Davie Road, Chapel Hill, NC, to the Green Building Task Force.

Commissioner Barnes moved, seconded by Commissioner Lucier, to approve the nominations to the Green Building Task Force. The motion carried five (5) to zero (0).

**Major Corridor Task Force:** Consideration of a request to appoint members to the Major Corridor Task Force

Commissioner Vanderbeck nominated Michael Gapin, 1037 Fearington Post, Pittsboro, NC, and Travis Blake, 10700 US #15-501, Chapel Hill, NC, to the Major Corridor Task Force.

Commissioner Barnes nominated Dennis McKenna; 41001 Carr Drive, Chapel Hill, NC, to the Major Corridor Task Force.

The Board asked that the Planning Director, Keith Megginson, serve as an ex-officio member of the Major Corridor Task Force.

**Mid Carolina Workforce Development Board:** Consideration of a request to appoint a member to the Mid Carolina Workforce Development Board

Commissioner Lucier nominated Jeffrey Starkweather, 590 Old Goldston Road, Pittsboro, NC, to the Mid Carolina Workforce Development Board.

**Solid Waste Advisory Board:** Consideration of a request to appoint a member to the Solid Waste Advisory Board

Commissioner Lucier nominated Bruce Alexander, 5534-B Castle Rock Farm Road, Pittsboro, NC, for reappointment to the Solid Waste Advisory Board.

**Community Development Block Grant Committee:** Consideration of a request to appoint a member to the Community Development Block Grant Committee

Commissioner Vanderbeck nominated E. T. Hanner, 436 Hanner Town Road, Bear Creek, NC, for reappointment to the Community Development Block Grant Committee.

**Appearance Commission:** Consideration of a request to appoint a member to the Appearance Commission

Commissioner Barnes nominated Julie Trotter, 942-B Roads End, Pittsboro, NC, as a full-Board appointment to the Appearance Commission.

**Ag Advisory Committee:** Consideration of a request to appoint a member to the Ag Advisory Committee

Commissioner Barnes nominated Clarence Durham, 470 Andrews Store Road, Pittsboro, NC, for reappointment to the Ag Advisory Committee

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to approve the nominations for appointment/reappointment to the Ag Advisory, Green Building Task Force, Major Corridor Task Force, Mid-Carolina Workforce Development Board, Solid Waste Advisory Board, Community Development Block Grant Committee, and the Appearance Commission. The motion carried five (5) to zero (0).

## **MANAGER'S REPORTS**

The County Manager had no reports.

## **COMMISSIONERS' REPORTS**

### **New Commissioner's Luncheon:**

Commissioner Cross reminded the Board that the North Carolina Association of County Commissioners is hosting a mentoring luncheon for new commissioners on February 15, 2007; that the entire Board is invited; that it will include Orange, Alamance, Person, and Chatham Counties; that it will be held at the Southern Human Services Center in Chapel Hill from 11:00 AM until 1:00 PM.

### **Land Transfer Tax:**

Commissioner Cross stated that a lot of conversations were being held with regard to the one percent land transfer tax efforts; that he would like the Board to come to a consensus or a vote so that they may start stating that they would retire the school impact fee when and if the one percent land transfer tax was approved and enacted; that

Commissioner Cross moved, seconded by Commissioner Barnes, that the school impact fee would be retired upon approval and enactment of the one percent land transfer tax. The motion carried five (5) to zero (0).

Commissioner Vanderbeck thanked Commissioner Cross and Debra Henzey for fliers they have prepared on the one percent land transfer tax proposal.

The Planning Director asked how repealing the school impact fee might impact the one percent land transfer tax.



The County Attorney stated that those previously approved would be “grandfathered”; that today’s motion regarding support of the land transfer tax was more a show of political support; and that more formal action will be taken once the authority is given and the one percent transfer tax is levied by the County.

Commissioner Cross asked if the Board would consider hiring a lobbyist for the one percent land transfer tax.

After considerable discussion, Chairman Thompson asked that the Board be given time to consider this and make a decision within the next thirty days.

### **Potassium Iodide Pills:**

Commissioner Lucier stated that he had been asked by a few people about the availability of potassium iodide pills for those living in close proximity to the Shearon Harris Nuclear Plant; that they are distributed free of charge to those living within ten miles of the plant; that he thinks that they are available for purchase for those living outside of the ten mile radius; that some have tried to get them through the County’s Health Department; that the Health Department had no information on them; that he asked if the Health Department could get the information and partner with a local pharmacy to make them available.

### **Notices of Contaminated Water:**

Commissioner Lucier stated that he had received even more notices from citizens regarding contaminated water; and that he was curious as to whether it was County or town water.

Roy Lowder, Utilities Director, stated that the public notice was to let citizens know where the County began numerous testing through the system; that it began in February, 2006; that it explained the TTHMs; that it explained that they were retracing it to the plant; that they were doing all of the flushing; that the problem was total organic carbons (TOC); that the County was not meeting the required limit; that the required limit was 45% removal; that they have taken data, had chemical sales representatives come in, and State representatives helping them to correct the problem; that they asked them to start looking at other areas of feeding into the raw water; that they started feeding of potassium permanganate; that they are now averaging 45% removal up to 56.7% removal for the TOC; that that in return is helping them for the removal of TTHMs.

Commissioner Lucier inquired about the recent notices sent to County water customers stating that the water had been periodically contaminated with an excess of trihalomethanes (TTHMs). Commissioner Lucier and Roy Lowder discussed the underlying reasons for the contamination and what is being done to prevent recurrences. Mr. Lowder stated that the problem was a consequence of organic materials in the raw water prior to disinfection; therefore, the raw water is now being treated with potassium permanganate which removes the organic compounds from the raw water which should lessen the chance of excess TTHMs in the future.

Mr. Lowder stated that the County would probably receive another notice due to the yearly annual continuance of TTHMs; that four quarters of the year, they are required to take samples which are the average of the quarter; that with the numbers just received in the month of December, 2006, and with what they will take the next day, they will receive those in March; that hopefully, they will pass their TTHMs in April, then there should be no further notices sent out to the public; that notice went out in Siler City, Pittsboro, Gulf-Goldston, and their purchased water; that with the County purchasing water

from other entities, they have to adhere to their rules as they are their customers; and that being their customers, they have to, in return, notify their customers. He stated that Debra Henzey and he had worked on a letter explaining this matter.

The Board asked to have the letter placed on the County's web site.

**Zoning Enforcement of Chatham Downs:**

Commissioner Vanderbeck stated that he had had a lot of feedback regarding the zoning enforcement, particularly Chatham Downs.

**Animal Control/Wolf Hybrids:**

Commissioner Vanderbeck stated that he would like to have further discussions with Animal Control regarding wolf hybrids; that he would like to review options; and that they will try to follow up on those options.

**ADJOURNMENT**

Commissioner Lucier moved, seconded by Commissioner Barnes, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting adjourned at 10:11 AM.

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Carl Thompson, Chairman

ATTEST:

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