

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
JANUARY 03, 2006

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 January 03, 2006.

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

Commissioner Barnes entered the meeting at 9:21 AM.

The meeting was called to order by the Chairman at 9:01 AM.

PLEDGE OF ALLEGIANCE AND INVOCATION

-

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

AGENDA AND CONSENT AGENDA

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

Commissioner Emerson moved, seconded by Commissioner Cross to approve the Agenda and Consent Agenda as follows:

1. **Minutes:** Consideration of a request to approve Board minutes as follows:

December 12, 2005 Regular Meeting
December 12, 2005 Work Session

The motion carried four (4) to zero (0).

2. **Road Names:** Consideration of a request from citizens to approve the naming of private roads in Chatham County as follows:

A. Emory Drive
B. Scotten Matthews Drive

The motion carried four (4) to zero (0).

3. **Chatham County Grazing Card Policy:** Consideration of a request to approve the Chatham County Grazing Card Policy, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

4. **Replacement of Compactors at Four Collection Centers:** Consideration of a request to award bid for replacement compactors at four (4) collection centers, bid attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

5. **Water Advisory Committee:** Consideration of a request to reappoint Mr. William (Bill) Lowery, 189 Pleasant Court, Pittsboro, NC, to the Chatham County Water Advisory Committee by Chairman Morgan (1)
The motion carried four (4) to zero (0).

6. **Resolution for Addition of Roads to the North Carolina System of Secondary Roads:** Consideration of a request to approve a **Resolution #2006-01 for the Addition of Streets or Roads to the North Carolina system of Secondary Roads – Crew, Bost, Grier, Boyd, Webb, Larkins, Pharr and Ruffin in the Governors Village Subdivision**, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

There was no one present who wished to make public comments.

BOARD OF COMMISSIONERS' MATTERS

- **Discoveries:** Consideration of a request to approve/deny discoveries and/or penalties for Jesse Lynn Mann, Manco Farm, Inc., Donald & Teresa Stevens, Nelson & Sharon Bowers, and Benner Stinson

Chairman Morgan opened the floor to Commissioners for comments.

Commissioner Outz stated that he felt that the Board should be more friendly with farmers and industry; that the industries should be encouraged to expand; that he didn't feel that there was a clear understanding as to how the taxes should have been listed; that he felt that some of it should be waived due to the way it was explained when listing, particularly on farm machinery; and that he thought the Board should wait to make a decision.

Chairman Morgan stated that he is worried with regard to the case pending in Raleigh which includes twenty-five pages of penalties and tax listings.

Commissioner Emerson stated that he has empathy for the farmers; that he feels that the County should bear some of the responsibility with regard to lack of communications and instructions about which there has been an attempt to correct; that one of the biggest mistakes he ever made was trying to practice law without a license and not following the advice of retained counsel; that he has confidence in the County Attorney; that he would like to do what Commissioner Outz suggested, but that he doesn't think that he can based upon the advice of retained counsel.

Chairman Morgan asked if the Tax Administrator had exhausted every possibility in her department to adjust any of the numbers for citizens.

The Tax Administrator stated that they had exhausted the appeals process; that they had made adjustments to the audit findings/values; and that the tax payers accepted the tax values and had no objections to paying the tax dollars. She stated that they had held a meeting with the accountants in the

Siler City area; that a meeting had also been held with the Lee County Tax Office; and that another meeting has been scheduled for the upcoming week (January 10, 2006) with a group of accountants in the Governors Club.

Commissioner Cross stated that the tax rule is based on sharing the expense; that if it is dropped on one section it has to be picked up elsewhere; that the fact that they have had depreciations to their advantage on the federal income tax tells him that either they or their accountants knew that they had the property; that if they have a problem, it should be with their accountants and not with the Board of Commissioners; and that he would like to help them but that if they can't do it for everyone, he doesn't feel that they should do it.

Commissioner Cross moved, seconded by Commissioner Emerson, to deny the request for release of discovery penalties and uphold the penalties imposed by General Statute 105-312(h). The motion carried three (3) to one (1) with Commissioner Outz opposing.

MANAGER' S REPORTS

The County Manager reported on the following:

Recreation Fee Refund:

The County Manager explained that it is the opinion of Attorney Paul Messick, Jr. with Gunn & Messick, LLP, that it does not appear that Colvard Farms has paid any recreation fees under protest with a demand for a refund; that Mr. Hunter seemed to articulate a request for an adjustment to reflect the same tax value as the area of the Governor's Club development; that they are of the opinion the assessment of a fee in lieu of the dedication of land for recreation is authorized by law; that the formula for the calculation of the fee based upon the post-development tax value of the land that would have been dedicated is reasonable; that the fact the base land values used in the calculation of the recreation fee, effective July 1, 2005, reflect the current quadrennial tax values is not unreasonable; and that he believes that the County has done no wrong and there is therefore no obligation to refund or otherwise adjust any recreation fee previously paid by a subdivision developer.

Commissioner Barnes entered the meeting at 9:21 AM.

Commissioner Emerson moved, seconded by Commissioner Cross, to deny the request to refund or otherwise adjust any recreation fee as previously paid by Jeff Hunter. The motion carried five (5) to zero (0).

Summit/Retreat:

The Commissioners' scheduled summit will begin at the close of the regularly scheduled Board of Commissioners' meeting.

COMMISSIONERS' REPORTS

Historical Society Houses:

Chairman Morgan stated that the Chatham County Historical Society is interested in the three houses owned by the County; that the process to move the houses is very involved; that they all fit within the criteria of the State Preservation Office; and that since it will be a major undertaking, they would like to have the Board appoint a committee that would consist of John Salmon, Cindy Edwards, Walter Harris, Hugh Montgomery, Jane Powell, Paul Cromburg, and a couple of members from the other society association members that they see fit.

Chairman Morgan moved to appoint John Salmon, Cindy Edwards, Walter Harris, Hugh

Montgomery, Jane Powell, Paul Cromburg, and a couple of members from the other society association members that they see fit to a special committee to oversee the moving of the three historical houses.

Commissioner Emerson amended the motion to state that the additional members be appointed at the Chairman's discretion to the committee.

Commissioner Cross seconded the motion.

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

Chatham County Affordable Housing Taskforce (CCAHTF):

Commissioner Cross reviewed statistics of the Chatham County Affordable Housing Taskforce (CCAHTF). He stated that when Briar Chapel was approved, there were 120 builder-ready lots as a contribution to affordable housing; that there are two non-profit, affordable housing organizations in Chatham County, EmPOWERment, Inc. (60 mixed, builder-ready lots) and Chatham County Habitat for Humanity (\$1.1 million to the Chatham County Affordable Housing Fund), that are capable of managing and developing it; that access to water and sewage are paramount to the ability to provide affordable housing; that the contributions from Newland would come at the final subdivision plat approval of each phase; that they have agreed to make their first installment of \$100,000 in May to help the Taskforce get the program started; that they are trying to make sure that the \$1.1 million goes where it was intended to go; that with the County making some land purchases and working with the Town of Pittsboro and then gifting the property Habitat for Humanity in phases, Ms. Powell, Director of Habitat, had already come up with the figures within the first phase that will leverage the money to an additional \$1.14 million through HUD and the Federal Home Loan Bank and the NC Housing Finance; and that the County can get a lot of help with this.

Commissioner Cross reviewed the map that would give the County a good mix of housing levels. He asked that the Board designate Habitat for Humanity under Amy Powell's leadership to go forward with seeking acquisition of all four pieces of property. He stated that the money coming in from Newland and Briar is going to come more slowly than is needed for the project; that the County will need to back them to get going on the infrastructure with the understanding that the money coming from Briar Chapel will repay the County; that they do not see any expense to the Town of Pittsboro nor the County; that the project will take approximately ten to fifteen years to complete; that they are looking for a mix of affordable housing; that they are trying to have some different houses so that everything will not look the same; that they are asking for Board approval to contact the owners of the four properties to try to work out the details to purchase it; and that Mayor Voller, also on the Taskforce, has offered to assist Ms. Powell in negotiating property costs.

Commissioner Emerson moved, seconded by Commissioner Barnes, that they be authorized to proceed with negotiations. The motion carried five (5) to zero (0).

Chairman Morgan asked what the Board had to do in its official capacity to be able to take the funds and put them toward the project.

The County Attorney stated that he would like to reserve comments on the matter until after he has had an opportunity to discuss it with the Finance Officer. He stated that he felt that it could be done, but that as far as the mechanics, he would like to study the matter further.

Commissioner Cross stated that they would like for the Board to set aside \$200,000 per year for the Affordable Housing Fund, much like the water fund. He stated that he would bring this up during budget deliberations.

He further stated that a joint meeting was needed with the Town of Pittsboro.

The Chairman asked the County Manager to set up a meeting with the Town of Pittsboro to discuss items of interest to both Boards.

Commissioner Cross stated that the Pittsboro Town Board was also given copies of the plan on December 20, 2005; that they authorized Mayor Voller to work with their committee; and that this issue will not be a surprise to the Town of Pittsboro.

January 17, 2006 Board of Commissioners' Meeting:

The next Board of Commissioners' meeting will be held on Tuesday, January 17, 2006 due to the Martin Luther King, Jr. holiday.

ADJOURNMENT

Commissioner Emerson moved, seconded by Commissioner Cross, to adjourn the regular meeting to the scheduled annual summit/planning session. The motion carried five (5) to zero (0), and the meeting was adjourned at 9:44 AM.

Bunkey Morgan, Chairman

ATTEST:

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