

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
APRIL 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 9:10 AM on April 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

The meeting was called to order by the Chairman at 9:10 AM.

Work Session

1. Presentation by David Wasserman with NCDOT regarding US #64 functional design
2. Water (Availability Fees)
3. Conditional Use Permit Rules/Legislative Hearing Rules
4. Tax Department Resolutions: 1) Delegating to the County Manager and Finance Officer the Authority to Determine Requests for a Release or Refund of Tax; and 2) Delegating to the Chatham County Board of Equalization and Review the Authority to Waive Certain Penalties
5. Presentation by Human Relations Committee
6. Fee Waiver Request by John Gray

WATER AVAILABILITY FEE

The County Manager explained that the Board had discussed an up-front payment on developments stating that when a developer came in and made application for “x” amount of homes, that they had to be removed from the County’s water capacity in the system; that it has since been learned that the State does this in phases; that they have come to “one mind” that it should be done consistent with what the State is doing so it would be done as a “phase” process; but that it is the Board’s call.

Chairman Morgan moved to charge developers in phases with the understanding that it will be revisited after the Water Advisory Board meets later in the month.

Commissioner Barnes stated that the Water Advisory Board had recommended that the matter stay the same and that if it was a one-hundred home unit development, and that they pay all of the fees up-front.

After further discussion, Chairman Morgan rescinded his motion.

The County Manager read specific proposed changes in the ordinance.

Bill Lowery, Water Advisory Board Chairman, stated that he believes that phases is the way it is

going and has resigned himself to it.

Chairman Morgan moved, seconded by Commissioner Outz, to adopt an **Ordinance Establishing a Water System Availability Fee**, attached hereto and by reference made a part hereof. The motion carried four (4) to one (1) with Commissioner Barnes opposing.

Bill Lowery asked if the County's consulting engineer had the final authority for what is going to go in the ground and that the only ones who can change what he does is the Board of Commissioners. By consensus, the Board stated that it was.

Chairman Morgan advised the Interim Utilities Director to check with the engineers on the Chapel Ridge project and advise them that it is to be done under the County's specs.

Tim Carpenter, Hobbs, Upchurch & Associates engineer, stated that he wanted to clarify at the time Chapel Ridge submitted their first phase, the County's standard at that time was 12" and larger ductile pipe, anything smaller was C900; that that was transmitted via e-mail when the plan review was done; that it has changed since then to an all-ductile specs; that the districts do not really have anything to do with subdivisions outside of the districts and that it is really not an issue for developers to be dealing with; that the current spec is ductile; that the last set of plans that came across showed all ductile in the subdivision with the exception of 2" PVC; and that that is the way they were approved.

BREAK

The Chairman called for a five-minute break.

PRESENTATION BY HUMAN RELATIONS COMMITTEE

Gabriel Soltren, Chairman, gave an overview and history of the Chatham County Human Relations Commission (HRC). He stated that the mission of the HRC is to actively promote amicable relations and mutual respect among all groups within Chatham County and to discourage all manner and manifestation of discriminatory practices toward such groups, thus promoting the general welfare of this community.

Mary Harris, a member of the HRC, reviewed reported crimes in neighboring counties. She stated that there had been no reports of related incidents in Chatham County, but that did not mean that they were not happening in Chatham. She talked about other good things happening in the County.

Carrie Bryant Erb, a member of the HRC, reviewed the accomplishments of the Human Relations Commission.

Mr. Soltren continued by reviewing balanced growth in the County. He advised of the brochure that had been developed to inform citizens of the Human Relations Commission's benefits.

Commissioner Emerson stated that he was privileged the prior week to go to the Sage Academy; that he took a tour of the building and talked with the people; that they are to be commended for what they are doing for Chatham County; that he was very impressed with the dedication and job the folks are doing with Sage Academy.

TAX DEPARTMENT RESOLUTIONS

Kim Horton, Tax Administrator, stated that in March, 2001, the Board of Commissioners set up a special Board of Equalization and Review which was to hear all the appeal arising from revaluations; that the resolution establishing the board gave all the specified powers (GS 105.322); the Board of Equalization and Review usually adjourns some time in May; that when that board adjourns, any penalty issues, evaluation issues, etc. go to the Board of Commissioners; that in May, 2001, there was an

addendum allowing the Board of Equalization and Review to meet periodically throughout the year after their adjournment date to hear appeals relating to discoveries, valuations of motor vehicles, and any issues resulting from audits of land use or exemption properties. She asked the Board to clarify their position in that they would like the Board of Equalization and Review to include the duties that were added to GS 105.322 in May, 2001.

Commissioner Emerson moved, seconded by Commissioner Outz, to adopt **Resolution #2006-16 Delegating to the Chatham County Board of Equalization and Review the Authority to Waive Certain Penalties**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Barnes moved, seconded by Commissioner Emerson, to adopt **Resolution #2006-17 Delegating to the Chatham County Manager and Finance Officer the Authority to Determine Requests For A Release or Refund of Tax**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

PRESENTATION ON US #64 FUNCTIONAL DESIGN

David Wasserman, P. E. Project Manager, NCDOT Transportation Planning Branch, gave a presentation on a proposed Phase 2A study of US Highway #64 from the Pittsboro Bypass to US Highway #1 in Cary. He stated that this section of US Highway #64 is approximately ten miles with two miles crossing Jordan Lake; that Phase 1 of the study was completed in 2005 and included US Highway #64 and NC Highway #49 from Raleigh to Statesville and Raleigh to Charlotte, respectively; that Phase 1 was an improvement master plan and Phase 2A takes the areas identified as having first priority to a further level of study; that the significance and proximity of I-540 in Wake County was identified as the major reason for listing the section at a higher priority; that the Phase 2A study end products will be a functional design, traffic forecasts, environmental analysis, systems linkages, community involvement, short-term plan of improvements, phasing plan, land use strategies, and cost estimates; that it is hoped that an agreement to participate in the study can be reached with the County and a Memorandum of Understanding to follow the study executed at its completion; that several jurisdictions and organizations have agreed to financial commitments, including NCDOT, CAMPO, Apex, Cary, and Wake County; and that it is NCDOT's desire that Chatham County also offer a financial commitment.

A general discussion followed. Commissioner Morgan stated that this was a good time to bring this up since budget discussions would soon begin for next year's budget. He stated that the County should know sometime in May if any funding will be available.

A copy of the presentation is attached hereto and by reference made a part hereof.

CONDITIONAL USE PERMIT RULES/LEGISLATIVE HEARING RULES

Keith Megginson, Planning Director, explained the minor revisions to the Conditional Use Permit rules and legislative hearing rules.

After considerable discussion, Commissioner Outz moved, seconded by Commissioner Cross, to approve the legislative public hearing rules of procedure as proposed in Section 2.A. The motion carried five (5) to zero (0).

After further discussion, Commissioner Emerson moved, seconded by Commissioner Outz, to accept the proposed rules for evidentiary hearings as specified in Section 2.B.

The Chairman asked for input from a CCEC representative. Ms. Loyse Hurley stated that they had a problem with the definition of "interested parties" and a discussion ensued.

The Chairman called the question and the motion carried five (5) to zero (0).

Commissioner Emerson moved, seconded by Commissioner Cross, to adopt the document in its entirety, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

FEE WAIVER REQUEST BY JOHN GRAY

Environmental Health Fee:

Mr. John Gray, 123 Cub Creek Extension, Chapel Hill, NC, stated that there was some discussion about authority to modify the latest fees; that, in his opinion, there is no fee required. He asked that Ms. Coleman present to the Board after which he be allowed to return for closing remarks.

Holly Coleman, Environmental Health Director, stated that in 2005, John Gray applied for some improvement permits/site evaluations in a small subdivision that he owned; that the applications were received on August 29, 2005; that improvement permits were issued on September 21, 2005; that on February 8, 2006, Mr. Gray brought two applications to them that were related to two of the lots on which they had permits; that those were lots #9 and #10 requesting site evaluations because he planned to subdivision lots #9 and #10 into two lots each; that they accepted the applications, Mr. Gray paid the fee, and the Environmental Health Staff went out to do the soils work; that once a piece of original lot #9 and #10 have been cut off, the improvement permits that were written for #9 and #10, according to the State wastewater sewage rules, a Notice of Intent to Revoke is to be issued because the lots have changed; that they have issued his permits for #9A and #10A; that #9 and #10 remain; that those improvement permits will not be valid; that at this point, until Mr. Gray applies for them, should he want to wait until after July 1st to see if the fee for this service is reduced, they can wait on the Notice of Intent to Revoke until he is ready to apply for it, but with current fee schedule, the new Improvement Permit application fee is \$250 each for lot #9 and lot #10; that Mr. Gray has expressed that he believes this to be an unfair fee and that it is too much; that Ms. Coleman stated that they are considering in their budget cycle a reduction in this fee if there is no soils work done; that when people change lot lines, they have to go back out to issue another improvement permit because it is no longer the original acreage the permit was issued for; that the State rules require that the improvement permit match the property that is issued; and that the fee is a local fee that was approved in the budget cycle.

Ms. Coleman explained that she had done a study of surrounding counties; that Chatham County's fee is based on the number of bedrooms; that that fee in their office is anywhere from \$120-360 depending upon the site; that the more soils they have to evaluate, the larger the fee; that they don't think that they will have to do further soil testing on Mr. Gray's property, but it depends on where the site is located; that what they were looking at, by virtue of checking with some of the other counties current fees, that it would cost approximately \$100 to make a change in Wake or Orange Counties if there was no soils work required; and that was the proposal in the upcoming Environmental Health Proposed Budget.

Mr. Gray explained that in order to issue the permit for lot #9A and 10A, it had to be clear evidence by direct observation in the field that the site that had been approved on the original lot #9 and #10, were not infringed or encroached upon; that the line of demarcation has to be identified between lots #9 and #9A and lots #10 and #10A in order for the permits to be approved for those lots; that the sites originally identified on #9 and #10 were clear with distinct boundaries; that he knows it was done because he was there when the field work was done on all the lines; that the fee is not required; that he has been in the business for over thirty-three years and knows the State rules; that he assures the Board that the State agrees with their own rules; that there is no reason to charge an additional fee or revoke the permit that was validly issued and continues to be validly in place; that he is asking the Board to consider it a no-fee required.

After considerable discussion, Chairman Morgan moved to reduce the fee to \$125.00 per lot for a total of \$250.00 for the two lots.

The County Attorney cautioned the Board that if they were going to waive the fee for one citizen that they would have to waive it for everyone that has paid it under this rule and go back and refund them. He stated that the motion gave Mr. Gray a special emolument which is strictly prohibited by the State Constitution.

The motion died for lack of a second.

After further discussion and by consensus of the Board, Mr. Gray, and Ms. Coleman, agreed that a reduced fee will be reflected by a reduced amount of work involved in the process and on the assumption that the Board of Commissioners approves the reduced fee in the FY 2006-07 budget, and on the assumption that Mr. Gray does not apply for a further permit on the property construction, that if he or the owner walks into the office on July 1, 2006 and pays whatever fee that is approved by the Board, then the matter would be resolved. Ms. Coleman stated that at that time, they would simultaneously issue Mr. Gray new permits and revoke the old permits.

The issue was tabled until July.

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CHATHAM COUNTY ALCOHOLIC BEVERAGE COMMISSION BOARD

The County Manager stated that the Chatham County Alcoholic Beverage Control Board was requesting authorization to withhold funds.

After discussion, Chairman Morgan moved to ask the ABC Board to submit the funds to go into a special revenue fund and for them to return to the Board of Commissioners through proper channels.

Chairman Morgan stated that there are two issues at stake; 1) The ABC Board has not followed procedure as they should have; 2) The funds can be taken and escrow it for them for a period of time to help them.

The County Manager stated that the other way this could be achieved is to get the funds to be held in a special account and have a representative of the ABC Board review their plan with the Board of Commissioners. At that time, the Board could decide what they wish to do with the funds.

Chairman Morgan's motion died for lack of a second.

Commissioner Barnes asked the Finance Officer for a history of the ABC Board payments.

This matter was tabled for consideration at a later date.

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CENTRAL CAROLINA BUSINESS CAMPUS

The County Manager explained that since the transfer of the Central Carolina Business Campus to the Economic Development Commission (EDC) was first discussed, a significant issue has arisen with respect to the financing of the multiple capital projects to be undertaken by the County, including infrastructure improvements and the new Central Carolina Business Campus. The County's bond counsel in New York has suggested that the transfer to the EDC be deferred until such time as those financing issues can be resolved. Bond counsel also suggested that if the hospital needed to close on its property soon, the County should perhaps deal with that matter on its own; and that in the event that option is desired, a Notice of Public Hearing has to be prepared for consideration by the Board of Commissioners.

The Finance Officer asked for a two-week delay until the financing issues are resolved.

Chairman Morgan asked that someone be at the next Economic Development Commission meeting in order to explain this matter to them.

By consensus, the Board agreed to postpone a decision on this matter until the next Board of Commissioners' meeting.

ADJOURNMENT

Commissioner Cross moved, seconded by Commissioner Barnes, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 12:12 PM.

Bunkey Morgan, Chairman

ATTEST:

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