

**MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
NOVEMBER 20, 2006**

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 3:00 PM on November 20, 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 Paschal; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

The meeting was called to order by the Chairman at 3:09 PM.

The County Manager reviewed the Work Session agenda.

Work Session

1. Agriculture Advisory Committee Update Request by Charlie Bolton
2. Chatham Habitat Request
3. Briar Chapel Request/Lease Agent for Elevated Tank
4. Homeland Security/Chatham County Viper Fund
5. Hobbs, Upchurch & Associates: Contract Amendment and Project Updates

AGRICULTURE ADVISORY COMMITTEE UPDATE

Charlie Bolton, Agricultural Advisory Committee Chairman, stated that they would like to request funding for three hundred “Voluntary Agricultural District” signs. He stated that the signs would be purchased from the North Carolina Department of Corrections, Prison Enterprises, at a cost of \$20.49 per sign for a total of \$6,147.00; that shipping would be free from Bunn, NC; that Chatham County currently has over 230 farms and 25,600 enrolled in the Voluntary Agricultural District program; that the signs would help advertise the importance of agriculture in the County as well as inform new neighbors of the presence of working farms and forests.

Commissioner Emerson moved, seconded by Commissioner Outz, to approve the funds necessary to purchase one sign for each farm enrolled in the program and leave the signage at the discretion of the Voluntary Ag Committee. The motion carried five (5) to zero (0).

Clarence Durham thanked the Board for their support of their committee. He stated that they had enjoyed working for the Board and look forward to working with the new incoming Board.

CHATHAM HABITAT REQUEST

Commissioner Cross explained that the County entered into the affordable housing business with the Briar Chapel-Newland contribution of \$1.1 million dedicated to Habitat homes and sixty lots on-site for Empowerment homes; that as a result of a grant request submitted by Chatham Habitat, there has been

an anonymous donor who has viewed the program and is challenging the County with a grant of \$750,000.00 for matching funds; that the foundation wishes to remain anonymous at this time; that they are trying to buy the property close to Horton Middle School; that with the price that they recently had to pay for four acres, they need the contribution; that this will further leverage USDA Rural Development Funds and North Carolina Housing Finance Agency funds; that the details of the application are being considered at this time and the indications are that funds will be earmarked for land acquisition and infrastructure which is exactly what is needed at this point; that he and the County Manager met with officials of the Habitat Board and agreed that they could do a reimbursement match and spread it over several years; that this would mean the foundation would contribute \$750,000.00 directly to Habitat's bank account; that when Habitat got a project, they would draw on the foundation money and present the County with an invoice at which time they would be reimbursed 50% of what was spent at that time; that as things progress and they get on the last purchase on Cornwallis Street, Habitat would present each land purchase to the Board of Commissioners to keep them informed of the progress. He stated that he would be presenting the same information to the Board at the night's meeting and will ask for support when he makes a motion on the request.

BRIAR CHAPEL REQUEST FOR ELEVATED TANK

Jennifer Andrews, attorney representing NNP-Briar Chapel, stated that the purpose of approaching the Board was to clarify and seek agreements regarding a condition of the Conditional Use Permit adopted February 15, 2005 for the build-out of the Briar Chapel Compact Community; that portions of Conditions #13 and #14 require her client to, at its own expense, build a water tower on a portion of its property to supplement the County's system and to insure the rate of flow and pressure in Northeast Chatham as homes from the Briar Chapel community are brought on line; that further, these conditions require NNP-Briar Chapel to deed the water tower and the parcel of real estate on which it is located to the County once built.

She stated that as the construction plans for the water tower are nearly complete and the developer contemplates the start of such construction, they are seeking to reach agreement with the County to propose that her client retain certain rights to the property to be deeded to the County; that more specifically, they are requesting that NNP-Briar Chapel either retain, per reservations in the deed or per an agreement such as a long term lease, the right to market, install, maintain and benefit from the location of commercial radio mobile services and commercial satellite and communication services on, or about, the water tower property. She stated that they believe that locating commercial cellular and satellite communications facilities on or about the water tower is most appropriate as it alleviates the need for additional structures built into the airspace; that in addition, they believe that fully utilizing the water tower for communication antennae fulfills the stated goals of the County's Compact Communities Ordinance by contributing to the services provided to the citizenry without negatively affecting the appearance of the compact community or the community at large; that her client intends for the proceeds from location of cellular or satellite services on the property to subsidize the Briar Chapel Community Homeowners Association; that for this right, her client would cooperate with the County so that its emergency radio communications (E911) and other critical services could co-locate on the water tower; that in addition, any formalized agreement would indemnify the County from any and all liability for the retained or leased use; that any request to locate communications facilities would conform to the County's ordinance regulating communication towers; and that she believes that their request is reasonable and timely in light of the construction schedule and hope that the Board will consider execution of such an agreement. She thanked the Board for their time and consideration of their proposal and requests.

Commissioner Emerson moved, seconded by Commissioner Outz, that Briar Chapel be the lease agents for the elevated water tank that Briar Chapel will build for the County's water system. They want to be able to manage and get the revenue associated with companies that desire to place telecommunication's equipment on the structure. The revenue gained would be earmarked for the Briar Chapel Homeowner's Association. A letter of intent outlining the concept will be developed and reviewed by the County Attorney prior to final approval of the Board of Commissioners. The motion carried five (5) to zero (0).

HOMELAND SECURITY-CHATHAM COUNTY VIPER FUND

Tony Tucker, Chatham County Emergency Operations Director, stated that he had been notified by the State Administrative Agent (SAA) for Homeland Security, that North Carolina's investment justification for interoperable communications has been selected to receive funding under the Department of Homeland Security (DHS) FY 2006 grant program; that as part of the planned, phased State effort to enhance interoperable communications through the development of the Voice Interoperability Plan for Emergency Responders (VIPER), the County's jurisdiction has been identified to receive FY 2006 VIPER funding in the amount of \$300,000.00.

He stated that in 2004, the County applied for and received funds to build the tower built for VHS and UHS frequencies for fire, rescue, and law enforcement at Harper's Crossroads; that in addition to that, the contract provided for VIPER location on the tower, that it might be a possibility; that in 2006, the funds will hopefully be used by the State to purchase 800mega hertz radios; that the North Carolina Highway Patrol is the overall program management agency for this project; and that in real disasters, the higher powered radios would be needed.

Commissioner Emerson stated that he is a member of the Citizens Corps Council and that the Board would need to make arrangements for his Commissioner replacement.

WATER PROJECTS UPDATE – CONTRACT AMENDMENT

Fred Hobbs, Hobbs, Upchurch & Associates, explained that when they originally planned the Central Carolina Business Park, there were two phases for the construction; that about midway through the design, blue-line stream issues, and avoidance issues with regard to federal and environmental permitting; that they modified the design that led to the construction of the improvements in the Business Park in the first phase; that the realignment to avoid conflicts with blue-line streams and the service of property, particularly to the hospital and to the juvenile justice drove the decisions; that at that time, the original contract time for the implementation of the park was estimated to be 240 calendar days; that the actual bid project had a completion time of 380 calendar days due to the addition of other items of work; that since that time, based on construction, they know that Sanford Contractors is going to return asking for an additional 60 days on top of the 380 to complete the project; that delays have primarily been a result of building the bottomless culverts to avoid wetland impacts; that the end walls for the bottomless culverts are on the edges of the wetland boundary and the blue-line stream; that it is very difficult to build them very quickly because sediment cannot be deposited in the wetlands; that it also requires a significant amount of oversight by their employees and environmental consultants to ensure that they are not overstepping their bounds with the Corps of Engineers or with the State; that to do, they have been very successful in accomplishing it; that the original inspection fee was estimated to be \$140,000.00; that inspection is now occurring at the rate of \$20-30,000.00 per month based on the number of people they have there; that to date, the County has been invoiced for approximately \$90,000.00 with ongoing construction since July; that they estimate approximately eight months to completion; that at that rate, he estimates that it will cost an additional \$200,000.00 for added inspections and \$8,000.00 in design changes; that there is an inexactitude of how much time it is going to take to complete the project; that whatever is done, he would suggest that it is done on a "time and materials" basis; that if good weather prevails, the job may be finished sooner; that the Project Ordinance does not authorize this level of expenditure; and that he has been remiss in not getting it to the Board to discuss it sooner. He stated that it was not a matter that had to be dealt with during the afternoon work session, but that it does need to be addressed.

The Finance Officer stated that there was \$100,000.00 left in contingency, but that the County also has to build the sewer for the Ed Stone property; and that she thinks the County may be short approximately \$300,000.00.

Mr. Hobbs stated that there is another change; that the Business Park road will be a Department of

Transportation (DOT) road; that they wanted and designed it as a park-like road (buried the sewer in the center of the road) as most municipal roads are; that DOT agreed to that concept because of the park-like setting; that when final approval from DOT was received on the connections to US Highway #64 and Alston Bridge Road, they stated that they did not want the sewer in the center of the road; that they engaged Senator Atwater to lobby on the County's behalf because they did not want the manhole covers out on the shoulder of the road; that they did not prevail in that argument and DOT demanded that the manholes be along the shoulder of the road; that the sewer had to be redesigned; that he thinks it will be harder to maintain the shoulders of the road because of the manholes; that DOT's point is that anything buried under the road runs the risk of sinking over time; and that they wanted it to be more like a residential street with the campus setting, landscaping, etc.

Mr. Hobbs also explained that the juvenile justice facility wants to discuss access to their site; that one of their proposals is that the contractor would have to maintain another alignment on the old farm road for them; that juvenile justice, in conversation, has acted as though it will be the County's responsibility; that their response has been that if it accommodates them, it is their responsibility; that they never discussed the maintenance of things over and above what they are using to get in their equipment and personnel; and that they were supposed to have had a meeting with juvenile justice last Thursday but it was postponed due to the weather.

Chairman Morgan reminded the Board that Mr. Ed Stone gave the property for the business park easement; that part of the agreement was that he would have water, sewage, and access into the property; that the drawings shown had two driveways to his property; the wastewater is going to come up in between them; that there is another engineering drawing that must be done for Mr. Stone; that he has requested an up-to-date drawing showing the sewage; that the new drawing is showing that the sewer line will be coming from behind Wal-Mart and would probably be a forced main; that the only way that DOT will permit a forced main over their right-of-way is for someone else to accept responsibility for it; that Siler City has said that they will accept it but only if Mr. Stone's property is annexed into the town; and that Mr. Stone agreed to that and to the higher taxes that he will incur.

Mr. Hobbs informed the Board of the following:

Western Transmission Mains:

The County will accept bids for the Western Transmission Mains on Tuesday, December 19, 2006; that this project features approximately thirty miles of 16" and 12" water mains, one elevated storage tank, and one booster pump station to provide for the transportation of potable water from the water treatment plant to the Siler City and Gulf-Goldston area; and that all regulatory permits are in place except the Authorization to Construct from Public Water Supply which should be forthcoming at any time.

Chatham-Harnett Interconnection – 24" Water Main:

This project features approximately 63,000 feet of 24" water main to allow the transportation of water from Harnett County to Chatham County; that the time-limiting issue with this project is the completion of an Environmental Assessment; that scoping documents for the Environmental Assessment (EA) have been mailed to the NC State Clearinghouse and a draft EA will be completed upon receipt of the intergovernmental comments.

The surveying for this project has been completed and design sheets are being compiled; that Hobbs, Upchurch & Associates (HUA) is currently developing the best methods for crossing US Highway #1 and the CSX Railroad rights-of-way; that HUA will be finished with the project's design and should have NCDOT and Land Quality permits in hand before the EA is approved; and that preliminary design, ready for permitting, is scheduled to be completed by the end of January, 2007.

Chatham-Harnett Interconnection – Elevated Tank and Pump Station:

The tank and pump station portion of this project will be constructed before the water mains portion, as these two items do not trigger an Environmental Assessment; that the 1.0 MG elevated tank will be constructed at the corner of New Elam Church Road and Pea Ridge Road; that the elevated tank will be used as a pumping chamber for the Western Transmission Mains project and will provide Chatham County with much needed additional storage.

The booster pump station will be constructed on Moncure-Pittsboro Road and will pump from the New Elam Church Road tank west towards the Siler City and Gulf-Goldston areas.

Plans and specifications for these projects are being finalized currently, and property owners are being contacted for the two sites; that HUA will submit these plans to Public Water Supply once they are complete and the tank and pump station will be constructed simultaneously with the Western Transmission Mains; and that this general plan for implementation of this project has been discussed with Utilities Director, Roy Lowder.

Southeast Chatham Water District:

Surveying for this project is 80% complete and HUA is completing the project design as the surveying files are delivered; that the design is expected to be finished by the first of the year, at which point all permits will be applied for and the project will be submitted for USDA-Renee Dickson, Assistant County Manager approval; and the project should be ready to receive bids by February 01, 2007.

Regional Sewer Study:

The County was awarded a Rural Center grant to evaluate regional sewer service; that the first step in this process has been to establish a meeting with the Department of Environment & Natural Resources and their NPDES Permit branch; that Mike Templeton has set that meeting date as December 13, 2006 at 1:30 PM; that the County Manager and interested Commissioners are invited to attend; that the anticipated discussion will involve discharges to the Deep and/or at the confluence of the Haw and Deep Rivers for regional participation.

Southwest Chatham Water District:

While this projects bond referendum passed, sufficient sign-ups have not been obtained to initiate design and/or implementation; and that sign-up is continuing.

Reuse Water Line to 3M:

This project has been revised after some period of debate between the County and the Town as to its proceeding; that the current status is that revised plans and specifications have been submitted to Construction Grants & Loans, initial comments have been received and replied to and they anticipate bidding early next year with implementation immediately following.

North Chatham Hydraulic Improvements:

The 500,000 gallon elevated tank is 100% complete; that the Booster Pump Station is 80% complete; that the project is on schedule to be completed in January, 2007 as per the contract documents; and that the contractor is on CBI-NACON.

Silk Hope Road Water Main:

The remaining work for this project is the bridge attachment; that the NCDOT Project Services Unit has approved the attachment construction drawings and traffic control plan; and that the executed encroachment agreement should be forthcoming at any time.

ZONING BOARD OF ADJUSTMENT

Commissioner Emerson moved, seconded by Commissioner Outz, to recess as the Board of Commissioners. The motion carried five (5) to zero (0).

See minutes of the Zoning Board of Adjustment for action taken.

REGULAR SESSION

Commissioner Emerson moved, seconded by Commissioner Outz, to reconvene as the Chatham County Board of Commissioners. The motion carried five (5) to zero (0).

SOUTHEAST CHATHAM WATER DISTRICT BOARD

Commissioner Emerson moved, seconded by Commissioner Outz, to recess as the Board of Commissioners. The motion carried five (5) to zero (0).

See minutes of the Southeast Chatham Water District Board for action taken.

REGULAR SESSION

Commissioner Emerson moved, seconded by Commissioner Barnes, to reconvene as the Chatham County Board of Commissioners. The motion carried five (5) to zero (0).

APPOINTMENTS

Commissioner Outz moved, seconded by Commissioner Emerson, to appoint David Roberson, 889 River Forest Road, Pittsboro, NC, to the Recreation Advisory Board. The motion carried five (5) to zero (0).

CHRISTMAS PARADES

A discussion was held as to whether the incoming Commissioners or the outgoing Commissioners would ride in the 2006 Chatham County Christmas parade.

By consensus, it was decided that the new, incoming Board members would ride in the 2006 Christmas parades.

CENTRAL CAROLINA COMMUNITY COLLEGE

As previously discussed, Commissioner Barnes stated that he would like to have the Board's approval to purchase a new riding lawnmower for maintenance of the Central Carolina Community College campus in Chatham County. He provided two quotes for the mower.

Commissioner Barnes moved, seconded by Commissioner Cross, to give Central Carolina Community College \$7,713.96 to purchase a lawnmower for the Chatham County Campus. The motion carried five (5) to zero (0).

RECESS

The Chairman recessed the Work Session at 4:52 PM.

Carl Thompson, Chairman

ATTEST:

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