

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
DECEMBER 18, 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 2:00 PM on December 18, 2006.

Present: Chairman Carl Thompson; Vice Chair, George Lucier; Commissioners Patrick Barnes, Mike Cross, and Tom Vanderbeck; 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 2:08 PM.

The County Manager reviewed the Work Session agenda.

Work Session

1. Presentation by architect for the library/CCCC classroom building
2. Bids for DSS by Hobbs Architects
3. Ag Advisory Request by Charlie Bolton
4. Adequacy of proposed high school site off Jack Bennett Road with Chair Norman Clark and Dr. Ann Hart
5. Planning Issues (tentative)
6. Juvenile facility request regarding access road to site
7. Set Summit Agenda
8. Poyner & Spruill, Attorneys-At-Law Agreement
9. Local Bills
10. Other
 - * Job Descriptions of County Attorney and Public Works Director

VOLUNTARY AGRICULTURAL DISTRICT SIGNS

Charlie Bolton, Ag Advisory Board Chairman, explained that the previous Board of Commissioners approved a request from the Ag Advisory Board for one-sided signs; that the request was supposed to be for two-sided signs; that they are requesting an increase in funding from the previously approved \$6,147 to three hundred Voluntary Agricultural District Signs; that they can get double-sided signs for an additional \$8.20 per sign for a total increase of \$2,460.00; that the double sided signs would give more display options and increase the program’s visibility; and that they did not know about the double-sided option when the initial request was made.

Commissioner Cross voiced concern with regard to the posts on which the signs are to be placed.

Mr. Bolton explained that they would encourage the sign recipients to hang the signs from posts, rather than trees, for better visibility.

Commissioner Barnes moved, seconded by Commissioner Lucier, to add \$2,460.00 to the initial

request for Voluntary Agricultural District double-sided signs. The motion carried five (5) to zero (0).

DEVELOPMENT RIGHTS OR DENSITY TRANSFER FEE PROGRAM

Charlie Bolton stated that the previous Board had a study done on the transfer of development rights or density transfer fee programs. He stated that they recommend that working lands in Chatham County be protected via a transfer of development rights (TDR) program or a density transfer fee program and that a citizen committee be appointed to develop the structure of the program; that they believe that this *Working Lands Protection Committee* would require technical assistance from a consultant who has knowledge of the legal and operational aspects of transfer of development and density transfer fee programs; that their committee discussed preservation of various types of land (i.e. natural areas, historic areas, farms, forests) and have agreed that working lands (defined as farms and forestland) should receive the highest priority in Chatham County; that a TDR or a density transfer fee program would provide incentives for landowners to keep their land in farms or forestry while also providing incentives for developers to build compactly in Chatham County.

Mr. Bolton provided a two-page summary and stated that they hoped, with the Board's guidance, start-up again sometime after the New Year begins to study this issue and related topics.

PRESENTATION ON THE LIBRARY AND CCCC CLASSROOM BUILDING

The Board heard a presentation from Louis Cherry, Cherry Huffman Architects on the Chatham County Library and Central Carolina Community College proposal for architectural and engineering services addition and renovations.

The architects answered questions from the Board.

Commissioner Barnes moved, seconded by Commissioner Lucier, to authorize staff to negotiate a contract with Cherry Huffman Architects for design and construction administration for the Joint-Use Library and Central Carolina Community College Classroom buildings. The motion carried five (5) to zero (0).

Chairman Thompson read a Resolution Honoring the Friends of the Library.

Commissioner Barnes moved, seconded by Commissioner Lucier, to adopt **Resolution #2006-77 Honoring the Friends of the Library**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

BOARD OF EDUCATION

Commissioner Lucier moved, seconded by Commissioner Barnes, to set January 29, 2007 as the date on which to hold a joint meeting between the Board of Commissioners and the Board of Education at 7:00 PM with agenda and place to be determined. The motion carried five (5) to zero (0).

Chairman Thompson asked that each Board member contribute one item for the agenda.

HOBBS ARCHITECTS

Grimsley T. Hobbs, Jr. and G. Taylor Hobbs, III, Hobbs Architects, gave an overview of the site plan for the Department of Social Services (DSS) building. Assistant County Manager, Renee Paschal, presented amendments to the project ordinance and stated that costs had increased because the size of the building and greater construction costs as follows:

	Original Budget	Amendment	Total Budget
Construction	3,005,240	1,626,760	4,632,000
Contingency	289,048	(34,096)	254,952
Equipment	300,524	0	300,524
Furnishings	300,524	0	300,524
Planning	312,000	0	312,000
Total	\$4,207,336	1,592,664	\$5,800,000
Certificates of Participation	\$4,207,336	\$1,592,664	\$5,800,000

Hobbs presented the bid tabulations for DSS and recommended that Commissioners accept the low bid from HM Kern Corporation of Greensboro, NC as follows:

Base bid: \$3,365,000
 Alternate G1: \$ 423,000
 Alternate G2: \$ 820,000
 Alternate G6: \$ 4,000

Mrs. Betty Wilson, Department of Social Services Board Chairman, explained that the Board of Commissioners approved this project ten years prior; that to date, the building has still not been built; that the current building was built twenty-three years ago; that at that time, DSS had approximately 25 employees and 450 come monthly for services; that to date, DSS has 80 employees and over 1,300 people who use the building monthly; that many services have been “farmed out” in other locations; that this makes it difficult to coordinate family services; that records were stored in hallways which was discouraged by the Chatham County Fire Marshal; that the records have now been moved off-site; that she, being so committed to the project and the need, is now in her seventh year on the DSS Board; that they have come a long way in providing services; that one of the last letters from the State has asked that the County indicate to them their plans to rectify their problems; that the State is pleased to hear that the County is moving forward; and that she asks that the Board of Commissioners continue their plans for DSS expansion.

The architects answered questions from the Board.

Commissioner Barnes moved, seconded by Commissioner Vanderbeck, to approve the Chatham County Department of Social Services Project Budget Amendment, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Lucier moved, seconded by Commissioner Cross, to accept the low bid with HM Kern Corporation of Greensboro, NC with a low Base Bid of \$3,365,000.00 and award of the Bid Alternate #1 which includes the up-fit of the ground floor of the addition, Bid Alternate #2 which includes the renovation of the existing building, and Bid Alternate #6 for overlay paving of the existing parking lot that is not affected by the new work. The motion carried five (5) to zero (0).

BREAK

The Chairman called for a short break.

GREEN BUILDING TASK FORCE

Commissioner Lucier moved, seconded by Commissioner Barnes, to form a Green Building Task Force (GBTF) to review and advise the Board of Commissioners on economically feasible and technically viable green building strategies for all Chatham County public buildings (including schools, libraries, etc.) and renovations of existing buildings, to advise the Board of Commissioners on green building specifications and opportunities for residential buildings for use by appropriate County departments, and

to be comprised of 7-9 members appointed by the full Board of Commissioners. The motion carried five (5) to zero (0).

PLANNING ISSUES

Public Hearing Process:

Commissioner Lucier moved, seconded by Commissioner Barnes, to postpone the public hearings for the public hearing process and the Lighting Ordinance. The motion carried five (5) to zero (0).

Cell Tower Ordinance:

Commissioner Lucier moved, seconded by Commissioner Barnes, to not have a public hearing on the Cell Tower Ordinance. The motion carried five (5) to zero (0).

Commissioner Cross stated that he would like, in addition to the \$500.00 application fee, a significant dollar amount for assurance that a cell tower will be built.

The County Attorney explained that this might be handled by coupling the approval with a condition that it be constructed and operative within a certain length of time.

This matter will be discussed further at the Board summit.

Major Corridor Ordinance Task Force:

Commissioner Lucier explained the specifics of the Major Corridor Ordinance Task Force on the night's Consent Agenda.

Planning Board:

Commissioner Lucier stated that there seemed to be some ambiguity in establishing the number of members on the Planning Board and that he would like to hold a public hearing to make it clear that there will be eleven members on the Planning Board.

Commissioner Lucier stated that they all want the Land Use Plan implemented; that in order to do it, a Planning Board is needed that is going to clearly work with the Board of Commissioners to accomplish it; that he is not certain that that can happen with the current make-up of the Planning Board; that he wants to hold a public hearing that would allow the Board of Commissioners with or without cause to terminate the membership of any Planning Board member and appoint a successor to that position.

Commissioner Lucier moved, seconded by Commissioner Barnes, to hold a public hearing on January 16, 2007 regarding the number of members on the Planning Board and the process that would allow the Board of Commissioners, with or without cause, to terminate the membership of a Planning Board member and to appoint a successor to that position. Each Commissioner will appoint two members and the full Board will have one appointment. The motion carried five (5) to zero (0).

JUVENILE FACILITY REQUEST

Commissioner Barnes moved, seconded by Commissioner Vanderbeck, to approve the request to partner with the Juvenile Justice Facility (Dwayne Patterson) for the access road to Alston Bridge and to the juvenile facility site to be prepared with a ten foot wide fabric underlay with adequate stone for getting the heavy equipment trucks in and out of the site. The County's contribution is \$10,000.00 to be taken from contingency. The motion carried five (5) to zero (0).

BOARD SUMMIT

The County Manager distributed a tentative agenda for the Annual Summit scheduled for the afternoon of January 2, 2007 to be continued on January 8-9, 2007.

The Chairman asked that additional items of interest for discussion at the summit be submitted to the County Manager no later than Thursday, December 21, 2006.

BOARD OF COMMISSIONERS' MATTERS

Job Descriptions:

Carolyn Miller, Human Relations Director, reviewed the proposed job advertisements for the Public Works Director and County Attorney positions. She outlined advertising options highlighting the area and diversity of the search. She explained that positions such as these would typically be open for at least one and one-half months to allow for a large pool of applicants.

Commissioner Barnes moved, seconded by Commissioner Cross, to advertise for the Public Works Director, to be left up to the discretion of the staff.

Commissioner Vanderbeck asked to postpone the matter until the January 2, 2007 Board of Commissioners' meeting to give the opportunity to a couple of citizens groups to review the descriptions.

The Human Resources Director explained that if the advertisement was done the first of January given the scope of the advertisement, she would not recommend reviewing applications until the middle to the end of February.

After further discussion, Commissioner Vanderbeck stated that this would be satisfactory.

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

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to advertise for the County Attorney. The motion carried five (5) to zero (0).

Legislative Delegation Meeting:

The County Manager reminded the Board of the Legislative Delegation Meeting to be held on Wednesday, December 20, 2006 at the Flamingo Restaurant, 964 East Street, Pittsboro, NC, at 5:30 PM. He stated that there is a period of time when local bills can be filed; that there is a cut-off date; and that there is still some time to send those requests in.

Commissioner Lucier asked about Statute 113A requiring an environmental impact assessment and the adequate Public Facilities Ordinance to be applied to the County's un-zoned areas.

The County Attorney is to look at all planning issues.

Consent Agenda:

The County Manager stated that on the Consent Agenda, there was an item to amend the bylaws of the Economic Development Corporation; that he wanted to point out that the bylaws of the corporation is subject to the Board of Directors; that the Commissioners can not amend the bylaws; that he has prepared a Resolution Concurring with Certain Revisions to the Bylaws of the Chatham County Economic Development Corporation which would need to be fleshed out.

The County Manager explained that the County Attorney was correct on the bylaws; that the Economic Development Corporation typically asks that the Board concur with the changes. The County Manager will follow-up on this matter.

Planning Issues:

The Planning Director explained that the joint meeting between the Board of Commissioners and the Town of Cary on the Land Use Plan will be held sometime the middle of January-February; that they need to start working on a format as to when, where, and how; that the location needs to be determined; and that he needs to know if they prefer a meeting with a meal.

By consensus, the Board decided to hold a “no-eating” meeting in Chatham County.

The Board is to let the County Manager know of their available dates on which they can hold the meeting.

Budget/Fees/Violations Fees:

The Planning Director asked if the Board was willing to hold the public hearing on the various fees and fee violations at their January 16, 2007 Board of Commissioners’ meeting.

Commissioner Lucier moved, seconded by Commissioner Barnes, to add to various fees and fee violations to the Board’s public hearing docket at their January 16, 2007 Board of Commissioners’ meeting. The motion carried five (5) to zero (0).

Mobile Home Ordinance:

The Planning Director stated that the Mobile Home Ordinance mirrors the Subdivision Regulations; that they both are County-wide regulations addressing subdivisions and mobile homes; that the lot size for subdivisions was increased but it was not increased at the same time for the Mobile Home Ordinance; and that they are recommending having a public hearing on January 16, 2007 to make the Mobile Home Ordinance reflect the Subdivision Regulations as far as the size of lot depending on whether public infrastructure of water and sewer are there.

Commissioner Barnes moved, seconded by Commissioner Vanderbeck, to hold a public hearing on January 16, 2007 to reflect the lot size of the Subdivision Regulations. The motion carried five (5) to zero (0).

The Planning Director explained that some time ago, citizens in the Pea Ridge Road area between Old US Highway #1 and Allied Chemical, approached the Planning Department regarding the zoning of their property; that when it was zoned in 1990, most of the area was zoned Heavy Industrial due to the existing industry, railroad, and close proximity to US Highway #1; that many of those people wish to use their land for residential use; that earlier in the year, they went to the Economic Development Commission and asked them about changing the zoning; that their opinion was to leave the industrial land zoned for industrial use; that much of this land is along the river and there are creeks going through it that have large flood areas; that they told the citizens that they could probably convince the Board of Commissioners to hold a Board initiated hearing on whether to change the land to residential/agricultural; that he needs to know if the Board is of that same mind set; and if not, they need to tell the individuals that they need to apply individually for zoning changes to their property.

Commissioner Cross stated that many of the folks were never notified of the rezoning of their property in 1990 until they tried to do something with their property that it had been rezoned; that there has been no industrial request since that time; that most of it has family houses; that it can be rezoned back from Heavy Industrial to RA-40 and not tie all of the folks property up; that there are developers now looking for land in that area; and that he is in favor of returning it to RA-40.

Commissioner Cross moved, seconded by Commissioner Barnes, to hold a public hearing on returning the land from Heavy Industrial to RA-40. The motion carried five (5) to zero (0).

Poyner & Spruill Agreement:

The Chairman asked that, in the interest of time, the matter of Poyner & Spruill be delayed until Wednesday, December 20, 2006 at the Legislative Delegation meeting.

Budget Notebooks:

The Assistant County Manager distributed budget notebooks briefly explained the contents. She asked that the Board use the guidelines to set budget priorities.

BOARD OF ADJUSTMENT

Angela Birchett, Land Use Administrator II, administered the oath for the Chatham County Board of Adjustment to the new Board of Commissioners members to Commissioners Thompson, Lucier, and Vanderbeck. Copies of the oaths are attached hereto and by reference made a part hereof.

RECESS

Commissioner Lucier moved, seconded by Commissioner Cross, to recess the Work Session until December 20, 2006 for the Legislative Delegation Meeting to be held at the Flamingo Restaurant, 964 East Street, beginning at 5:30 PM at 5:07 PM.

Carl Thompson, Chairman

ATTEST:

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