

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
MAY 05, 2008

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 10:45 AM on May 05, 2008.

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

The Work Session was called to order by the Chairman at 10:47 AM.

Work Session Agenda

1. Consideration of a request to purchase security cameras for the Central Carolina Community College (CCCC) Pittsboro and Siler City Campuses
2. Discussion of the Sports Arena
3. Tax Collection/Foreclosure Status Report
4. Budget Presentation
5. Consideration of Environmental Review Board Comments on Burlington Sludge
6. Tour Chatham County Business Campus and New Hospital

CENTRAL CAROLINA COMMUNITY COLLEGE REQUEST

Consideration of a request to purchase security cameras for the Central Carolina Community College (CCCC) Pittsboro and Siler City Campuses

Dr. Karen Allen, Central Carolina Community College, Chatham Provost, stated they had recently discovered that the local school system was going through the process of outfitting the schools with security systems; that they believed that might be a unique opportunity to bring the cost down somewhat by bringing the schools and the Community College together and use the same system to enable law enforcement by all using the same system; that some joint training would be held administratively on the use of the systems; that the Community College had met with the local schools during the bidding process; that it had been ascertained at that time that the system would be adequate for the Community College as well as the schools; that bids had been obtained for both the Pittsboro and Siler City campuses; that the total for the two campuses was just under \$26,500; and, that they were requesting that they take advantage of this timely and unique opportunity.

Chairman Lucier stated the \$26,500 was the cost for the Community College in conjunction with the local schools, and it was his guess the cost would be twice that if done independently. Dr. Allen agreed.

Commissioner Vanderbeck stated that would be a savings for the Community College as well as to the Board of Education. He asked if they would be connecting to the Emergency Operations Center. Dr. Allen responded yes. Commissioner Vanderbeck asked had they contacted their insurance agent regarding any potential savings due to the improved security. Dr. Allen stated that was an excellent suggestion and they would follow up on that. Commissioner Vanderbeck suggested that the Siler City campus incorporate some sort of card swipe system for staff and others similar to what the Pittsboro campus used. Dr. Allen said that was a good suggestion, noting that one concern she had when looking at the new system was that since the Siler City campus was new, that the system be incorporated into the infrastructure, and the

architects were working on that. Commissioner Vanderbeck also suggested I.D. badges for teachers and staff.

Commissioner Thompson stated that the public school system was saving a significant amount of money by joining with the Community College, and believed it was a good move. He added that the Community College was used by a wide variety of people, and the security features would benefit the entire community.

Commissioner Vanderbeck moved, seconded by Commissioner Cross, to accept bids for the purchase of security cameras for the Central Carolina Community College (CCCC) Pittsboro and Siler City campuses in the amount of \$26,496.08.

Commissioner Cross asked if the contract included new cameras for the new library and the new bio-tech building. Dr. Allen responded no, that it included the two existing buildings and they would need to look at additional cameras for those two buildings at some later date.

Commissioner Vanderbeck suggested that they might be able to negotiate that now with the bid winner and that might help to further reduce the cost through a savings for quantity. Dr. Allen stated she would follow up on that.

Chairman Lucier reiterated that the motion to award the bid was amended to include that the Community College investigate whether the security equipment could be purchased for the two buildings under construction, the library and the bio-tech building, at a reduced rate. Commissioner Vanderbeck accepted the amendment as did Commissioner Cross.

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

SPORTS ARENA DISCUSSION

Chairman Lucier stated that apparently some issues had surfaced regarding the Sports Arena, and Commissioner Barnes had placed it on the agenda.

Commissioner Barnes stated that the entire Board had received a 2:00 AM phone call from a resident, Tracy Koch, regarding the noise emanating from the Sports Arena, and he had asked her to attend this meeting to reiterate what had taken place and to give the Commissioners her opinion. He stated he had also requested a representative of the Sheriff's Office attend as well.

Tracy Koch stated she resided approximately 2,000 feet from the Sports Arena; that she had gotten nothing but a "run around" for years regarding this issue; that she apologized for the late night call but had decided if she was awake, the Commissioners might as well be awake as well; that she had continually talked with the Sheriff's Department about this issue and had continually been referred to the Commissioners; that just fifteen minutes ago, she had again been told she needed to bring the issue before the Commissioners; that she was told over and over that the noise at her property was under the legal limit; that perhaps it was a misunderstanding on her part, but that she had thought when the Noise Ordinance was amended, that the officers had the right to do something immediately if residents were being disturbed; that Captain Allen had told her that his officers were doing everything that they were allowed to do under the law; and, that using the noise meter was useless.

Chairman Lucier stated he assumed what was bothersome to her was the bass. Ms. Koch agreed. She said that was a constant annoyance to her and rendered her unable to go to sleep at night until 2:00 – 3:00 AM, a condition the Commissioners did not have to share.

Chairman Lucier stated he had a lot of sympathy for Ms. Koch or anyone having to deal with that type of situation; that this was the first time he had heard about the problem as a Commissioner; that he understood now that this situation had been going on for quite some time; and, that he believed Ms. Koch was justified in bringing the issue to the Commissioners' attention but suggested the next time she call during the day. Ms. Koch stated she had not felt good about the late night call, but at that point she was so aggravated she felt she had no other choice. Chairman Lucier stated Ms. Koch had a right to come before the Board and voice her concerns, because to her they were real concerns; that the Board had recently zoned those highways and they would look into whether or not that gave them some additional authority in

regulating behavior at establishments such as the Sports Arena; and, that the Board should perhaps look at the Noise Ordinance to determine if there was something they could do to address Ms. Koch's concerns.

Commissioner Thompson asked were there other behaviors taking place at the Sports Arena that were of concern as well. Ms. Koch stated inebriated persons were allowed to leave the parking lot, and she was concerned about potential traffic accidents or dangers; that it would be interesting to see how many DUI's were issued on a Saturday night resulting from persons leaving the Sports Arena; that the people who lived there allowed their two young boys to run around the parking lot nude; and, that beer bottles were scattered everywhere.

Commissioner Thompson stated that perhaps the County Attorney could offer the Board some advice as to what if any legal means the County may have to address those types of nuisances, if indeed such incidents could be legally judged to be nuisances. Jep Rose, County Attorney, stated there were nuisance laws that could be applied if those rose to a certain level, adding that apparently in this situation the Noise Ordinance was not working. Commissioner Thompson said he would like to address the situation in any way that was appropriate.

Captain Roy Allen, Chatham County Patrol Commander, stated that the Noise Ordinance had been adopted about two years ago; that the reason the Commissioners were not notified of noise complaints was because such complaints were handled through an internal process based on the stipulations spelled out in the ordinance; that one nuance of the Noise Ordinance was language that addressed "unreasonable" noise, but the problem was determining if the music was unreasonable or if it was just disturbing; that the ordinance was applied to other situations including the Sports Arena; that every weekend for the last two years they had stationed at least two Deputies there with a noise meter; that every thirty minutes they took a reading of the noise level at the property line to make sure it was within the legal noise limits; than when they had received Ms. Koch's noise complaint last weekend the Deputies had visited her home and taken a noise reading, and the Sports Arena was in compliance; and, the Deputies had confirmed that the transfer trucks that traveled the roadway made more noise at Ms. Koch's house than the noise coming from the Sports Arena.

Captain Allen stated he was not implying that Ms. Koch could not hear the music, but the question was if it was unreasonable or was it so disturbing that she could not sleep; that it was his opinion that on that particular night there were other people in Ms. Koch's house who were already asleep; and, that in spite of the fact that they were in compliance, the Deputies had returned to the Sports Arena and alerted the owner that Ms. Koch had complained and asked them to turn the music down.

Captain Allen stated he was not sure what else the Sheriff's Department could do; that he believed they were being proactive and were doing the best job they could under the law; that the question was how much noise they wanted to allow and at what times they wanted to allow that noise; that based on the Noise Ordinance at present, they were doing a good job enforcing it; and, that their efforts were not making Ms. Koch happy and he was sorry for that.

Commissioner Vanderbeck asked were all complaints documented. Captain Allen responded that was correct. Commissioner Vanderbeck suggested that if that information was provided to the Commissioners, then perhaps they could detect a certain pattern that could give them a context in which to look at the Noise Ordinance. He said obviously Ms. Koch was concerned, and perhaps if the complaint statistics were provided they could determine how to better address that. Commissioner Vanderbeck suggested that Ms. Koch contact a university that would be willing to come out and do some independent testing as a project.

Chairman Lucier stated he believed Ms. Koch and some of her neighbors had purchased an instrument to measure the noise. Ms. Koch stated that was correct, but it did not read the level of the bass, which was the problem.

Chairman Lucier asked Captain Allen what his suggestion would be as to how the Board could address this. Captain Allen responded he believed they would have to unplug Ms. Koch from the equation and plug in all other residents of Chatham County, because they received Noise Ordinance complaints from all other the County due to parties and particular events; that part of the Noise Ordinance required that people obtain a permit; that if no permit was obtained then the party or event could be shut down; that the question would be how to treat those people

when officers arrive at their homes; and, just as with Ms. Koch, the answer was that they took a reading at the property line to judge compliance with the Noise Ordinance.

Captain Allen said the question was not how to help Ms. Koch, but how did they address similar situations for everyone in the County. He said he understood Ms. Koch's views, but there were many other citizens who lived close to noise pollution.

Chairman Lucier asked what the Board could do. Commissioner Vanderbeck suggested lowering the decibel limits in the ordinance.

Commissioner Barnes stated he believed they needed to establish a baseline, and asked if Captain Allen knew what level of hearing competency the Deputies had and had they undergone hearing tests; and, could those Deputies effectively judge what was unreasonable or disturbing.

Captain Allen reminded the Board that he had participated in the writing of the ordinance two years ago, but since that time he had felt uncomfortable with enforcing an ordinance that he had had a lot to do with writing; that the Sheriff's Office was the enforcement arm of the County Commissioners, and he was not sure the Sheriff's Office should be involved in writing ordinances or even reviewing such ordinances to determine if they were proper; and, that if the Board readdressed the Noise Ordinance, he believed it should be done by the County Attorney. He stated that if the Noise Ordinance was amended they would enforce it and treat everyone in the County in the same manner.

Chairman Lucier suggested that the County Attorney take a look at the ordinance, and afterwards to discuss it with the Board; that he had asked Mr. Megginson to look at the situation and determine what if any additional influence the Board might have to regulate noise or behavior in the zoned areas of the County, including the corridors recently zoned RA-40; and, the Board could then come back and revisit the Noise Ordinance to determine what else might be done to address this and other situations, including noise emanating from bass music.

Commissioner Vanderbeck asked could the Board receive a record of complaints, as well as a record of arrests or citations given to people leaving the Sports Arena. Captain Allen responded he could provide the information back to January fairly quickly, but the arrests and citations would have to come from the North Carolina State Highway Patrol. He commented that it was good to target areas of concern, but it was bad practice to target a business and bordered on illegal; and, that as long as Deputies were not targeting the Sports Arena, they could patrol the area and address any concerns. Captain Allen stated that this past weekend his Deputies had stopped six different vehicles all leaving the same party and everyone in the vehicles were intoxicated except for the drivers.

Chairman Lucier asked Ms. Koch to use the mounted map and indicate exactly where she lived. Ms. Koch did so, indicating it was approximately ¼ mile from the Sports Arena.

Commissioner Vanderbeck said he believed Shakori Hills had been proactive in arranging their stages and perhaps added some sound buffering, and asked had that been suggested to the owner of the Sports Arena or had the Sports Arena made any effort to do something similar. Captain Allen stated Shakori Hills had said they would be rearranging the stages, but he had attended the most recent event and the stages had not been changed. He said he believed they had put in some additional trees and hay bales to buffer the noise. Captain Allen said more importantly, they had placed a Deputy there with a sound meter and had patrolled the perimeter throughout the event.

Chairman Lucier assured Ms. Koch that the Board would continue to look into the issues, noting that Mr. Megginson and Mr. Rose would be reporting back to them and she would be notified when that was to take place. Ms. Koch suggested they look to Raleigh's ordinance that referred directly to bass sounds, noting she believed it had to be read with the C scale rather than the A scale, which measured the frequency level of the noise rather than the volume. She said Captain Allen had mentioned the noise level of trucks passing by, but those trucks were at least going by and not sitting in her driveway.

Chairman Lucier stated he believed she was absolutely right, and if there was something the Board could do to help her they would, including considering amendments to the Noise Ordinance; and, it made sense to include not just decibels but bass as well. Ms. Koch

commented that Captain Allen had remarked that the noise did not seem excessive to him, but she was trying to sleep and he was wide awake and at work, so that made a difference in perception of noise.

Chairman Lucier stated Ms. Koch would be notified when this issue was again placed on the agenda.

TAX COLLECTION/FORECLOSURE STATUS REPORT

Tina Stone, Chatham County Tax Administrator, provided the Board with a brief report on the foreclosures conducted by Zacchaeus Legal Services stating that they excluded all bankruptcies from the list; that they had excluded those making regular payments from the list; that they had excluded properties valued at \$1,000 or less, although those would be considered later on; that because of what Chatham County was now experiencing with layoffs and plant closings, pre-foreclosure letters were sent which indicated that if the taxpayer would contact their office, that they would assist them in setting up a payment schedule; that 100 parcels were sent to the attorney every other month; that as of May 2nd they had 243 property owners who had been sent pre-foreclosure letters; that that 243 may represent more than one property; that of that 243, they had 237 active cases; that 8 had been closed or paid in full; that to date payments of 2006 taxes as a result of pre-foreclosure letters was \$149,726.96; that the balance of 2006 taxes subject to foreclosure was \$124,618.64; that the balance of 2007 taxes subject to foreclosure was \$974,607.62; and, the total was \$1,099,226.26.

Ms. Stone stated that the percentage increase in collection of delinquent taxes from 2007 to 2008 for the time between March 3rd and April 30th of each year was 33.75%; that the number of accounts with foreclosures was 1,431; and, that the number of accounts remaining unpaid was 11.

Commissioner Vanderbeck asked how much time taxpayers were given to respond to the pre-foreclosure letters. Ms. Stone stated 30 days. Commissioner Vanderbeck said then that 30 days was added as additional time to the schedule already in place.

Commissioner Thompson asked did they have a policy where the Tax Office would accept a payment plan of whatever the taxpayer could give, or did it have to be a certain percentage of what was owed. Ms. Stone stated there was no criteria as to how much they should pay, noting they would take whatever the taxpayer could afford. She said once the account was turned over to the attorney there was a four to six month lag before the taxpayer was required to pay; however, additional attorney fees would be added to the debt.

Commissioner Vanderbeck stated he had discussed the process with staff and was happy to see that the extra time buffer had been added. He said the numbers showed that there had been a good response so the approach of working with the taxpayer was working.

Gerald Totten, Board of Equalization and Review Board Chairman, stated that during the time that Ms. Stone had been in charge, you could not ask for anyone who was more fair and compassionate than that office now was. He said that office was doing everything possible to help the taxpayers meet their obligations.

Chairman Lucier thanked Ms. Stone for the update, noting collecting back taxes was not an easy thing to do but was something that was necessary.

BUDGET PRESENTATION

The County Manager stated that the County was experiencing a lot of growth now with more coming, and they were trying to make preparations of how to manage that growth appropriately; that the economy was an issue, in that gas prices were soaring, food prices were rising, and homes were declining in value; and, in that environment, he was recommending a 5.5 percent increase in the budget for the next fiscal year. The County Manager, with the assistance of Renee Paschal, Assistant County Manager, provided the following highlights via a PowerPoint presentation:

Highlights

- Total property valuation is \$7.4 billion, a 5.6% increase

- A 5.5-cent increase in the tax rate is proposed; one penny generates \$722,266
- Increase in Solid Waste Fee is recommended to fund capital plan
- Defers a few 2009 capital plan (CIP) items to reduce fund balance appropriation

Major Funds

- General Fund: \$83,455,961, a 7.2% increase
- Water Fund: \$5,163,799, a 3.9% increase
- Waste Management: \$3,964,151, a 38.8% increase

Highlights

- 5.5 cents is earmarked as follows:
 - 1 cent for parks capital reserve
 - 1 cent for water capital needs (debt reserve)
 - 1.2 cents for school needs
 - 2.3 cents for other general fund needs, including new personnel
- All recommended expansion items are given in terms of effect on tax rate (pages 19-20) so that Commissioners have options for reducing the rate

Commissioner Priorities (Page 18)

- Direction at Budget Summit was to TRY to keep a tax-rate increase to four cents or less
 - Not possible with lower revenues (e.g., building permits, register of deeds and sales tax) and increased needs, particularly in public safety
- Does fully fund implementation of the economic development plan
- Also keeps capital plan (CIP) on track, with low-impact deferments

Mandated Services (Page 220)

- Service and funding, discretionary – 30% (included 911, animal control, and future supplements)
- Mandated services and dollars – 12%
- Mandates Services discretionary dollars – 58%

Fund Balance

- Staff estimates we will use approximately \$1.4 million in FY 2008
- Stated goal is 20 percent; should be at 26.7 percent at the end of FY 2008
- Recommending an appropriation of \$5.2 million in FY 2009; all earmarked for non-recurring expenses, including school capital outlay and CIP
- Staff estimates fund balance will drop to 23.4 percent at the end of FY 2009
- Long-range model shows fund balance will be above 20 percent until FY 2013

New Positions

- 18.35 new positions recommended
 - 7 officers in Sheriff's Office, including 4 detention, 2 civil process, and 1 narcotic
 - 2 positions each in health, MIS, recreation, and new community development department
 - Other positions in Manager's Office, Tax Office, Social Services, and Libraries
 - Also continues gang coordinator and family visitation services (grant funds run out in March 2009)

Chatham County Schools (Page 63)

- Staff from the County and school system worked closely to develop the recommended budget
- Fully funds school CIP
- 5% increase in capital outlay
- 7.3% increase in current expense, including funding for a 5% increase in the teachers' supplement

Non-profit Agencies (Page 106)

- Manager made minor changes in Panel recommendations
- Staff recommends designating one of your budget work sessions for non-profits
- Written recommendations from panels are ready for review

Administrative Priorities

- Making a Difference through Public Service:
 - Service to Customers and Residents

- Employee Development and Retention
- Resource Stewardship
- Vital Communications

Ms. Paschal stated they were keeping the CIP on track with low-impact deferments: they were postponing hiring the architect to do planning for the Manager's Office and Register of Deeds Office renovations; postponing the storage building at the EOC site; and, postponing a \$100,000 transfer for the electronic document management (scanning) system.

Chairman Lucier stated then the plans for the schools, the judicial building, and the Siler City CCCC campus would remain as they were. Ms. Paschal stated that was correct.

Chairman Lucier stated he believed the Board would have many questions once they went through the budget department-by-department in detail. He asked would the Board get the school budget as part of that. Ms. Paschal stated they had produced a summary of the School Board's request. Chairman Lucier stated he would appreciate receiving a copy of the school's budget submission. Ms. Paschal stated she would provide that.

Ms. Paschal asked if the Board was ready to set the dates for work sessions, and Chairman Lucier replied yes.

The County Manager stated the Board had two upcoming budget public hearings, one on the 19th and one on the 22nd; and, that they would like to have the public's feedback before that process began.

Chairman Lucier asked how many work sessions should they schedule, and when did the Board's work have to be completed. Ms. Paschal stated the budget had to be adopted by June 30th. The County Manager added their goal was to have the budget ready for adoption no later than the second meeting in June, which was the 16th.

Ms. Paschal suggested setting at least three dates. The Board briefly discussed their schedules and tentative dates. The County Manager noted that last year the Board had scheduled two sessions and set aside a third day if needed.

Chairman Lucier, after all discussion was completed, stated that the meeting dates had been determined as follows:

May 19, 2008	1:00 PM – 5:00 PM
June 2, 2008	To begin as soon as the regular meeting is completed until 5:00 PM
June 3, 2008	8:30 AM until 5:00 PM

Ms. Paschal asked if the Board wanted to designate a time for the non-profits to make their presentations.

The County Manager stated that the central budget item was the school system, so until that was solved the rest of the budget was undecided. He stated that could be discussed at the first meeting on May 19th.

Chairman Lucier stated that would be fine, but wanted to also get a detailed analysis at the beginning of the meeting on June 2nd. Mr. Totten stated that he would confirm that that date was good for the schools as soon as this meeting was concluded.

Commissioner Vanderbeck asked where in the schedule a session for the non-profits could be added. Ms. Paschal recommended including that in the meeting on June 3rd.

Chairman Lucier stated that was not a big ticket item and would not drive up the budget, so the larger ticket items should be discussed and decided first. He said hearing from the non-profits on the afternoon of June 3rd was acceptable to him, and asked what the total budget was for non-profit agencies. Ms. Paschal said it totaled about \$388,000.

Chairman Lucier asked when the tour of the new hospital was scheduled to begin. The County Manager stated in about thirty minutes.

BURLINGTON SLUDGE

Chairman Lucier stated that the Commissioners had received the prepared comments from the Environmental Review Board, and that Commissioner Cross had suggested having Holly Coleman, Health Director, with the Department of Health review the comments and offer a response. He recommended that the Board approve the comments in principle, hold the public hearing on May 13th, then after receiving comments from Ms. Coleman, he would make any necessary revisions and then email them to the Board.

Chairman Lucier stated that clearly they would have to prepare a cover letter from the Commissioners for the document, and that letter should indicate that they had requested a public hearing and were pleased one was being held, that the comments from the ERB were attached and then briefly summarize what the ERB was as well as its charge, and then indicate what the vote was on the comments. He said the letter should also say that this was a complex issue that was of interest to the agricultural community, and at the same time, they wanted to make sure that public health issues were adequately addressed.

Commissioner Cross moved, seconded by Commissioner Barnes, to approve the comments of the Environmental Review Board, in principle, to include a description of the role of the Environmental Review Board and its relationship to the Board of Commissioners, the vote of the Environmental Review Board and the Board of Commissioners, the public health risks of sludge applications and after the Chairman's conversation with the Health Director, the Chairman could make revisions as needed and email them to the Board of Commissioners prior to the public hearing to be held on May 13, 2008 at Alamance Community College Auditorium (1247 Jimmie Kerr Road, Graham, NC).

Commissioner Thompson commented he believed the Environmental Review Board had done an outstanding job in putting the recommendations together, noting they were very fortunate to have people with that kind of expertise volunteering their time.

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

RECESS

Commissioner Vanderbeck moved, seconded by Commissioner Cross, to recess to the bus for the tour of the new hospital. The motion carried five (5) to zero (0), and the meeting recessed at 11:58 AM.

TOUR OF CHATHAM HOSPITAL

The Board of Commissioners and staff toured the new Chatham Hospital led by Ms. Carol Straight, hospital staff, and the Chatham Hospital Board of Directors. A question and answer period ensued.

ADJOURNMENT

Commissioner Thompson moved, seconded by Commissioner Vanderbeck, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 1:19 PM.

George Lucier, Chairman

ATTEST:

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