

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING AND WORK SESSION**  
**MAY 05, 2003**

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The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in the Agricultural Auditorium Building, 45 South Street, located in Pittsboro, North Carolina, at 9:00 AM on May 05, 2003.

Present: Chairman Tommy Emerson; Vice Chair Carl Outz; Commissioners Margaret Pollard, Bob Atwater, and Bunkey Morgan; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Assistant County Manager, Paul Spruill; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

The meeting was called to order by the Chairman at 9:02 AM.

**PLEDGE OF ALLEGIANCE AND INVOCATION**

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

**AGENDA**

Commissioner Morgan moved, seconded by Commissioner Outz, to approve the Agenda. The motion carried five (5) to zero (0).

**CONSENT AGENDA**

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

The Chairman asked that Item #5, Consideration of a request to approve reversion of Smart Start funds in the amount of \$13,973 for two projects allocated to the Health Department, be removed from the Consent Agenda and placed under the Manager's Reports for discussion.

Commissioner Morgan moved, seconded by Commissioner Pollard, to approve the Consent Agenda with the noted request.

1. **Minutes:** Consideration of a request for approval of Board Minutes for meeting held Work Sessions held April 07, 2003, April 08, 2003, and April 21, 2003 and Regular Meeting held April 21, 2003

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

2. **Funds Acceptance to Provide Temporary Animal Care:** Consideration of a request to accept funds in the amount of \$2,100 for the Health Department to continue providing temporary animal care for Lee County through June 30, 2003

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

3. **Funds Acceptance in Smart Start Allocation:** Consideration of a request to accept funds in the amount of \$2,072 from Smart Start allocated to the Children's Resource Van Project in the Chatham County Health Department

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

4. **Funds Acceptance for Healthy Chatham Activities:** Consideration of a request to accept funds in the amount of \$7,500 awarded to the Health Department from the NC Division of Public Health for utilization in Healthy Chatham activities

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

- ~~5. **Funds Reversion of Smart Start Allocation:** Consideration of a request to approve reversion of Smart Start funds in the amount of \$13,973 for two projects allocated to the Health Department~~

This item was removed from the Consent Agenda and placed under the Manager's Reports for discussion.

6. **Resolution for the Addition of Streets or Roads to the North Carolina System of Secondary Roads – Lassiter Homestead Road:** Consideration of a request to approve **Resolution #2003-13 for the Addition of Streets or Roads to the North Carolina System of Secondary Roads – Lassiter Homestead Road off NC #751**, attached hereto and by reference made a part hereof.

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

#### **END OF CONSENT AGENDA**

#### **PUBLIC INPUT SESSION**

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

#### **SMALL BUSINESS CENTER**

**Small Business Center:** Presentation on the Small Business Center by Mr. Leon Tongret

Mr. Leon Tongret, President/CEO Director of the Small Business Center, updated the Board on what has transpired with the Small Business Center since his meeting with the Board a year earlier. He spoke about what had happened during the past twelve months, what is currently going on, and what is expected during the next year.

Mr. Tongret stated that the NC Arts Inc is located in historic buildings in the old commercial district of Siler City in Chatham County; that most of the buildings were built around 1900 and include an old hardware store, bank, warehouse, livery stable, Chevrolet dealership, furniture store, traveling musician's performance stage, and a church; that Siler City is strategically located in the center of North Carolina; that the NC Arts Inc began official operation in 2003 with seven buildings; that it is expected to take three to five

years to reach full implementation which is planned to include fourteen buildings with over 80,000 square feet of space; that this space will provide studio, office, storage, and warehouse space for sixty to one hundred twenty businesses; that it will include retail space and a grand display gallery; that spaces run from 150 square feet to thousands of square feet, have three-phase power, 14 foot ceilings; that loading docks are also available; and that services are also available for non-resident artists and other businesses.

He stated that they are planning to physically move into the first four buildings this month; that building is completely filled with tenants; that the next project is to continue work on the church; that they expect that it will be completed by early fall; that they are excited about the progress that has been made but even more excited about the forthcoming future progress; that a grand opening will be held sometime around August or September; and that he welcomes the Board's participation at the celebration which will be like none that the County has seen in a long time.

Chairman Emerson praised the efforts of Mr. Tongret, stating that he had seen him physically laboring to accomplish renovations on the buildings.

### **BUDGET PRESENTATION**

**FY 2003-2004 Manager's Recommended Budget:** Consideration of a presentation of the FY 2003-2004 Manager's Recommended Budget

County Manager, Charlie Horne presented and reviewed the FY 2003-2004 Manager's Recommended Budget.

He asked that consideration be given to set a date on which to hold the legally required public hearing on the FY 2003-2004 Recommended Budget.

**Budget Public Hearing:** Consideration of a request to set a date for the legally required public hearing on the FY 2003-2004 Recommended Budget

Commissioner Morgan moved, seconded by Commissioner Outz, to set May 19, 2003 as the date on which to hold the required public hearing to receive public comment on the FY 2003-04 Recommended Budget. The motion carried five (5) to zero (0).

A brief discussion ensued on the recommended budget. The Chairman asked the Finance Officer to prepare a historical track of fund balance recording the high and low points during the past three years and the projected high and low points for the next fiscal year and present it to the Board of Commissioners at their next meeting.

### **Board of Education Budget:**

The Manager informed the Board of the meeting with the Board of Education which has been set for Tuesday, May 13, 2003, Administrative Offices, at 7:00 PM.

### **MANAGER'S REPORTS**

The County Manager reported on the following:

#### **Funds Reversion of Smart Start Allocation:**

After discussion, Commissioner Morgan moved, seconded by Commissioner Atwater, to approve the

reversion of Smart Start funds in the amount of \$13,973 for two projects allocated to the Health Department. The motion carried five (5) to zero (0).

## **COMMISSIONERS' REPORTS**

There were no Commissioners' Reports.

## **PUBLIC INPUT SESSION**

**Bill Bussey**, 344 Roberson Creek Road, Pittsboro, NC, on behalf of the Triangle Rail to Trails Conservancy, thanked the Board for voting for the Chatham County lease of the American Tobacco Trail (ATT) acquired from the North Carolina Department of Transportation. He stated that this continues to demonstrate the support that Chatham County has given toward this regional transportation/recreational trail project; that that this project had its beginnings in 1989 when Al Capehart suggested saving the abandoned rail quarter for future use; that in the interim, the quarter can be used for a recreational trail as well as for non-motorized transportation needs; that the project began in earnest in 1992 with the development of the American Tobacco Trail Master Plan; that the North Carolina Department of Transportation purchased the Chatham County portion of the ATT from Norfolk Southern Railroad in 1998; that Commissioner Pollard represented the Board at that event; that in 2000, the first three and one half miles of the ATT were opened in Durham with an additional 3.2 miles opening last year; that Congressman Price helped dedicate this portion and dedicated his support for completing the ATT in Chatham as well as the other two counties; that in 2001 the funding for the Chatham County Master Plan was approved for the ATT; that the Master Plan was presented last December, that negotiation of the lease was approved in January, and the lease was approved last month; that steady progress is being made in Chatham County; that next month Wake County, weather permitting, will open its 3.5 (Phase A) mile portion of the ATT; that other than the airport and the Triangle Transit Authority's Commuter Rail Project, the American Tobacco Trail is only regional concrete gravel, asphalt, and steel construction project going on in the Triangle; that Chatham County is right in the thick of it; that everyone has a right to be proud of it; that it is more than regional; that is very much local; that a vast majority of the users of the ATT are families who live adjacent to or nearby the corridor in Chatham; that they use it before and after dinner for their strolls, to walk their dogs, jog, or hit some seldom-touched fishing holes on Northeast and Panther Creeks; that at this time they are trespassing on DOT property; that they are using it in an unmanaged and potentially unsafe manner; and that development of the ATT in Chatham County will make it not only legal but safe as well as a pleasant experience.

## **WORK SESSION**

The Chairman called the Work Session to order.

### ***Work Session Agenda***

1. Water System Follow-up by Fred Hobbs
2. Solid Waste Presentation
3. Planning Issues – Keith Megginson

## **WATER SYSTEM FOLLOW-UP**

Fred Hobbs and Tim Carpenter, with Hobbs, Upchurch & Associates, P.A., gave updates on Chatham County Water System Projects.

Commissioner Pollard moved, seconded by Commissioner Outz, to reaffirm the Board's commitment to proceed with the Group "B" Projects including expanded additions called "the three pronged" transmission lines to wit the Highway #64 line, the Highway #902 line, and the Pittsboro-Goldston line herewith viewed on the attached map. The motion carried five (5) to zero (0).

A copy of the summary of total projects for transmission mains and estimated construction costs is attached hereto and by reference made a part hereof.

### **Industrial Park Master Plan:**

Mr. Hobbs explained that his firm had completed the Industrial Park Master Plan and related cost estimates. He stated that they were presently waiting for the Chatham County Economic Development Director to review same.

### **BREAK**

The Chairman called for a ten-minute break.

### **SOLID WASTE BUDGET PRESENTATION**

Bob Holden, Solid Waste Manager, summarized the Feasibility Study, reviewed options for funding, reduction options, and who pays for what. A summary of the Feasibility Study, prepared by HDR Engineering for Chatham County, is as follows:

- 1) Explore options to continue "transferring" waste out-of-County
- 2) Investigate MSW composting
- 3) Determine means to fund program
- 4) Secure Long-Term Landfill Capacity

Mr. Holden also presented four options for funding the Waste Management Division (WMD) budget shortfall for Fiscal Year 2004. He stated that the County is only mandated by the State (GS 130A309.09A) to have one site for the collection of white goods, scrap tires (currently 13 locations), and sufficient capacity for waste collection and disposal. The four options that were presented to the Board are as follows:

- 1) Reduce expenditures by the entire shortfall (No fee increase)
- 2) Reduce expenditures by half the shortfall (\$25 fee increase)
- 3) Reduce expenditures by \$100,000 (\$45 fee increase)
- 4) Increase fees to maintain the current program (\$50 fee increase)

For each of the options, several different synopses were given for each amount of shortfall. Some examples were: no equipment replacement, no education program, no training for the staff, closing or reduction in hours of operation at the Collection Centers, etc.

The last slide presented showed a table of the amount that unincorporated citizens pay with and without a private hauler. The table also showed that town residents only pay for curbside pick-up of trash and recycling. This led to a discussion of the many County services provided by the WMD that town residents have access to yet do not contribute any funds toward.

After a brief question and answer period, Chairman Emerson thanked the WMD staff for their presentation and recommendation, stated that the Board would review the information that had been

presented, and stated that they would take their comments under consideration before making their decision regarding the WMD budget.

## **PLANNING & ZONING ISSUES**

Keith Megginson, Planning Director, reported on the following:

### **Planning Board Appointments:**

The terms for several Planning Board Members expire the end of June. Commissioners making appointments should check with the appointment now serving to see if they wish to continue to serve. If they do not seek reappointment or if a new appointment is desired, that person should be contacted to see if they are willing to serve in this capacity.

### **Junk Yard Enforcement:**

An issue of non-compliance with regard to the Chatham County Junk Yard Ordinance is to be appealed. A date to hear that matter by the Chatham County Zoning Board of Adjustment is requested.

Commissioner Morgan moved, seconded by Commissioner Outz, to set June 2, 2003 as the date on which to meet as the Zoning Board of Adjustment to hear the Pilkington appeal on the Junk Yard violation enforcement. The motion carried five (5) to zero (0).

### **Stream Buffers:**

The Planning Board requested direction from the Board of Commissioners concerning the timing of the advertisement for stream buffers and other watershed regulation related issues.

Commissioner Morgan moved, seconded by Commissioner Outz, to recommend to the Chatham County Planning Board to delay advertisement on stream buffers until after all watershed related issues concerning Compact Communities have been addressed. The motion carried five (5) to zero (0).

## **RECESS**

The Chairman recessed the meeting to the Henry H. Dunlap, Jr. Classroom for a lunch presentation with the Chatham County Affordable Housing Coalition at 12:08 PM.

## **CHATHAM COUNTY AFFORDABLE HOUSING COALITION**

Joshua Prokopy, Program Manager of the Chatham County Affordable Housing Coalition, gave a brief presentation of findings from the Chatham County Affordable Coalition's Housing Needs Assessment, reviewed the affordable housing portion of the proposed Compact Communities Ordinance, and reviewed the Coalition's recommendation to form an Affordable Housing Commission.

A question and answer period ensued.

Commissioner Atwater asked that the Chatham County Affordable Housing Coalition prepare a letter outlining the difficulty with receiving USDA, as well as federal, grant support for housing and that it be

endorsed by the Board of Commissioners prior to it being sent to Chatham's Legislative Representatives.

Commissioner Pollard asked that the Coalition list the duties of the Housing Coalition.

Commissioner Morgan informed the Board that Congressman Etheridge was to be in Harper's Crossroads, stating that he represented three fourths of the entire County, and that if anyone could attend the night's meeting, he felt certain that he would be happy to address the housing issue.

A copy of the Chatham County Affordable Housing Needs Assessment is attached hereto and by reference made a part hereof.

## **BREAK**

Chairman Emerson called for a short break.

## **PLANNING & ZONING ISSUES**

Keith Megginson, Planning Director, continued his reports on the following:

### **Fiscal Impact as Related to Compact Communities:**

Staff addressed the three parts updating fiscal impact information. Tischler and Associates have been in discussion with staff with regard to the following: 1) The update of student generation by housing type; 2) Total impact fee study update; 3) Computer model to estimate various fiscal impacts of development within the County.

The first two parts were estimated to cost approximately \$30,000. The model was estimated by the consultant to cost an additional \$50,000. The Board discussed each of the different aspects of the studies and model as well as related costs.

The Board discussed methods with the County Attorney regarding paying for the study. It was the County Attorney's opinion that impact fees already collected could not be used for an update of the existing fee study because they were not capital improvements.

The Board was interested in having the LUPIC recommendations include language to require such studies, when needed, to be paid for by the developer.

The Board was not inclined to discuss the model further at this time.

By consensus, the Board agreed that the first two portions of the study need to proceed and should be paid for by the developer and conducted by an unbiased, neutral third-party consultant.

### **Board of Adjustment:**

The Planning Director discussed alternatives with the Board of Commissioners to their scheduling of meetings and acting at the Zoning Board of Adjustment. The issues of having the Zoning Board of Adjustment meetings during the Board of Commissioners regular day meetings at a separate meeting altogether was discussed. The Board also discussed with the staff pros and cons of having a separate body serve as the Zoning Board of Adjustment. The Board decided to discuss the issue in depth at a later date.

Staff expressed concern that any new body assuming the duties be familiar with regulations and that some portion of the Planning Board may serve in this capacity. Staff stated that due to the lack of frequency of meetings having a separate, new body may not be beneficial.

Chairman Emerson asked that the matter be deferred for study until a later date.

### **Subdivision Review Process:**

The Planning Director advised that the Board of Commissioners did not previously review subdivisions at all three steps. He described the process and suggested that the Commissioners participate in the sketch design review and allow the Planning Board to make a determination for preliminary and final approval. He suggested that if this procedure was to be used, that there be an appeal process from the Planning Board to the Commissioners for preliminary and final review.

Chairman Emerson suggested that the Planning Director return to the Board with language to amend the ordinance to this effect.

### **Pittsboro Volunteer Fire Department:**

The Chairman explained that at the last meeting, a motion was made to allow the Pittsboro Volunteer Fire Department to hold a public hearing on the question of filing for a tax exemption on the interest of the loan obligation which would be incurred by the purchase of land on which to build a new fire station. He stated that the fire department also wished to purchase a new fire truck and suggested that the Board reaffirm their previous motion to include permission to conduct the public hearing on the question of filing a tax exemption on the interest of the loan obligation which would be incurred by purchasing a new fire apparatus truck.

Commissioner Morgan moved, seconded by Commissioner Atwater, to appoint Kenneth Perry to conduct a public hearing on the question of filing for a tax exemption on the interest of the loan obligation which would be incurred by the purchase of land and a new fire apparatus truck in the name of the Pittsboro Volunteer Fire Department in accordance with the requirement of HR4333. The motion carried five (5) to zero (0). A copy of the letter is attached hereto and by reference made a part hereof.

### **Water Lines:**

Bill Lowry, stated that the water lines are "trunk" water lines; that the Board should be prepared to say "no" to "off shoots" as they are not going to work; that on the trunk lines they need to make sure that they are going where they want them to go; and that there should be no politicking of the trunk lines with regard to off shoots. He also stated that the Board must address whether water lines will serve both sides of the road in the Extraterritorial Jurisdictions (ETJs).

Commissioner Atwater asked the Staff to make sure that the written policy directs "iron ductile pipe" at all appropriate places in order to reduce potential liability of repair costs relative to the use of PVC pipe.

### **ADJOURNMENT**

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Commissioner Atwater moved, seconded by Commissioner Pollard, that there being no further business to come before the Board, the meeting be adjourned. The motion carried five (5) to zero, and the meeting was adjourned at 2:47 PM.

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Thomas J. Emerson, Chairman

ATTEST:

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