

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
OCTOBER 19, 2009

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the District Courtroom, 12 East Street, located in Pittsboro, North Carolina, at 6:00 PM on October 19, 2009.

Present: Chairman George Lucier; Vice Chair, Sally Kost; Commissioners Mike Cross, Carl Thompson, and Tom Vanderbeck, County Manager, Charlie Horne; County Attorney, Jep Rose; Assistant County Manager, Renee Paschal; Clerk to the Board, Sandra B. Sublett; and Deputy Clerk to the Board, Elizabeth Plata

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Thompson delivered the invocation after which Chairman Lucier invited everyone present to stand and recite the Pledge of Allegiance.

CALL TO ORDER

The meeting was called to order by the Chairman at 6:05 PM.

AGENDA AND CONSENT AGENDA

Commissioner Vanderbeck asked that the October 05, 2009 Board of Commissioners’ Minutes be removed from the Consent Agenda and returned to the Board at their next meeting for approval.

Commissioner Vanderbeck moved, seconded by Commissioner Kost, to approve the Agenda and Consent Agenda with the noted request as follows:

1. **Minutes:** Approval of Board Minutes for ~~Regular Meeting held October 05, 2009, Work Session held October 05, 2009, and~~ Amended Minutes for Regular Meeting held September 21, 2009

The October 5, 2009 minutes for the Regular Meeting and Work Session were removed from the Consent Agenda and will be returned to the Board for approval at their next Board of Commissioners’ meeting.

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

2. **Funds Acceptance for Health Department:** Approval of a request to accept Federal funds in the amount of \$20,772.48 awarded to the Health Department for the American Recovery and Reinvestment project (ARRA) to conduct influenza clinics in public and charter schools

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

3. **Funds Acceptance for Health Department:** Approval of a request to accept additional funds in the amount of \$9,200 from the State for H1N1 Phase I planning activities and funds in the amount of \$5,800 for H1N1 Enhanced Surveillance

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

4. **Bynum Community Garden:** Approval of a request to approve lease for Bynum Community Garden, attached hereto and by reference made a part hereof.

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

5. **Grant Acceptance for Grand Trees of Chatham:** Approval of a request to accept grant funds for the Grand Trees of Chatham from NC Forest Resources in the amount of \$2,700.00

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

6. **JOCCA Appointment:** Approval of a request to appoint Mildred Brooks to the Joint Orange-Chatham Community Action Board by Commissioner Thompson

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

7. **Human Relations Commission 2009 Annual Report:** Receipt of Human Relations Commission's 2009 Annual Report, attached hereto and by reference made a part hereof.

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

8. **Resolution for the Addition of Streets or Roads to the North Carolina System of Secondary Roads – Wilder Ridge Road:** Approval of a request to adopt **Resolution #2009-65 for the Addition of Streets or Roads to the North Carolina System of Secondary Roads – Wilder Ridge Road**, attached hereto and by reference made a part hereof.

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

9. **Designate Fair Housing Officer to the Existing Chatham County Fair Housing Plan:** Approval of a request to designate Fair Housing Officer to the Existing Chatham County Fair Housing Plan and adopt **Resolution #2009-66 of Commitment to Further Fair Housing, Chatham County, North Carolina**, attached hereto and by reference made a part hereof.

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

10. **Tax Assessor Reappointment:** Approval of a request to reappoint Tina Stone as the Chatham County Tax Assessor

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.

BOARD OF COMMISSIONERS' MATTERS

Public Hearing:

Quality School Construction Bonds: Public hearing to receive public comments on issuance of Quality School Construction Bonds to fund roof replacements and restroom repairs

The County Manager explained that the American Recovery Reinvestment Act of 2009 established the Qualified School Construction Bonds (QSCB) Program to assist school districts in funding the construction, rehabilitation, or repair of public schools or the acquisition of land for such facilities. He explained that the Chatham County Board of Education submitted applications to the North Carolina Department of Public Instruction seeking QSCB authority to fund eligible restroom renovations and eligible roof replacements for County schools. The State approved the application and the County is in the process of seeking buyers for the proposed bonds. As part of the process of borrowing funds, the County must hold a public hearing to receive public comments on the proposed execution

and delivery by the County to pay the capital costs of the roof replacements and restroom renovations and a Deed of Trust and Security Agreement to create a security interest in real property. The County will be using the Silk Hope Elementary School property as collateral for the loans. The successful issuance of QSCBs will have the following budgetary impact:

Bathrooms: Over the next four years, the county planned to spend \$968,000 for bathroom renovations from the CIP and operating budget. Instead, the county will borrow \$1.6 million over 10 years at up to 2% interest. Although the county is borrowing more than it planned to spend, the county's cash position will be positive through FY 2015. Debt service payments will be approximately \$179,000 per year.

Roofs: Replacing roofs is not currently in the county's CIP. In order to make the debt service payment, estimated at \$247,000 per year for 10 years, the county will eliminate \$305,051 in CIP projects scheduled for FY 2011 and will reduce the schools' capital outlay appropriation by the amount of annual debt service for the following nine years.

Together, the projects will have a positive impact on cash through FY 2015.

The Chairman opened the floor for public comments.

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

The Chairman closed the public comments session.

Budget Increase and Award Bids for Exterior Repairs of Superior Courthouse:
Approval of budget increase and award bids for exterior repairs of Superior Courthouse

David Hughes, Public Works Director, explained the scope of work for the repairs to the Superior Courthouse. He stated that they had a very rigorous selection process for pre-qualifying contractors who specialize in this type of renovations.

The architect agreed to provide estimated, calculated cost savings for replacing all the windows with exterior clad units to minimize future maintenance costs and increase energy efficiency of the building.

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to increase the budget for the renovations of the Superior Courthouse to \$488,000 from the current \$300,000; to approve and award a \$415,395 construction contract to Progressive Consulting Company; and upon review by the County Attorney, to authorize the County Manager to sign the contract on behalf of the County. The motion carried five (5) to zero (0).

PLANNING AND ZONING

Conditional Use Rezoning on Old Farrington Road Parcel: Consideration of a request by Brian Sawyer for a conditional use rezoning on Parcel #82735, located at 525 Old Farrington Road, Williams Township, from R-1 Residential to Conditional Use Neighborhood Business (CU-NB), on approximately 1.16 acres

Conditional Use Permit On Farrington Road Parcel: Consideration of a request by Brian Sawyer for a conditional use permit on Parcel 82735, located at 525 Farrington Road, Williams Township, for multiple uses as stated in the application and as allowed in the Table of Permitted Uses for the Neighborhood Business District

The Chairman administered the oath to those in attendance who wished to make public comments.

Jason Sullivan, Interim Planning Director, explained the specifics of the requests.

The Chairman opened the floor for public comments.

Brian Sawyer, 30024 Village Park Place, Chapel Hill, NC, explained his requests for a conditional use rezoning and for a conditional use permit on Parcel #82735. He addressed the Boards previous concerns from the September 21, 2009 Board of Commissioners'

meeting regarding the area reserved for outside storage of materials and/or equipment, driveway permit, wastewater hookup approval from Aqua North Carolina, parking areas, lighting of sign, retention pond, etc.

Jeffrey Starkweather, 590 Old Goldston Road, Pittsboro, NC, stated that this was a follow-up from his previous comments when he was representing his daughter and son-in-law who live in Randleman's Court in the Governor's Lake Subdivision and that his concern was that the permit be limited to the specific use for which the applicant has requested.

Mr. Sawyer answered questions from the Board of Commissioners, Planning Board Members, and audience. He indicated that he may have to place stormwater retention ponds on the property.

Mr. Sullivan explained to the Board that, upon further review based on the site plan, the County Stormwater Ordinance would apply to this project. He recommended that the public hearing be continued so that Mr. Sawyer could contact Fred Royal, Chatham County Environmental Resources Director, to determine stormwater requirements for the site.

Commissioner Cross moved, seconded by Commissioner Vanderbeck, to continue both public hearings on Mr. Sawyer's items at the November 16, 2009 Board of Commissioners' meeting. The motion carried five (5) to zero (0).

MANAGER'S REPORTS

The County Manager reported on the following:

Moore County Elementary School Water Main:

Pricing for the taps on the Moore County installed waterline in the Southwest Water District is as follows:

Pricing for installation of Long & Short Side Services:

Long Side: \$1,157.80
Short Side: \$866.25

Price includes tapping main, installing meter service to R-O-W (Owner Provided Meter), restoration, and installing 1-2" CTS PE tubing sleeve for long side services (two attempts). It does not include roadway bore in rock.

By consensus, the Board approved an adjustment to the homeowner's price as follows:

Long Side: \$1,200.00
Short Side: \$ 900.00

Chatham County/Town of Cary Joint Plan:

Jason Sullivan updated the Board on the joint planning with Cary stating that they had been working with Cary staff to set up a public workshop to present Joint Plan #5; that a tentative meeting has been set for November 18, 2009, 7:00-9:00 PM, North Chatham Elementary School Multipurpose Room; and that a second meeting at Cary has been discussed which may be held at the Carolina Preserve from 4:00-6:00 PM.

CMAC Funds:

Mr. Sullivan explained to the Board that there had been a misunderstanding between County Staff and Paul Black with the Triangle J Council of Governments regarding the requirements for a resolution of support from the Triangle Area Rural Planning Organization; that the resolution presented at the RPO meeting last week was not approved because it did not include specific projects for the grant; that County Staff thought that the resolution did not need to include specific projects; that the deadline for submitting the grants is the end of October; and that the RPO will not meet before that date. Chairman Lucier requested that a

letter be forwarded expressing the interest of the County and using those funds for future projects.

COMMISSIONERS' REPORTS

MPO:

Commissioner Kost stated that the Metropolitan Planning Organization (MPO) meeting was last week where the group considered expanding the jurisdictional planning boundaries within Chatham County. The Board of Commissioners had requested that any expansions of the boundaries wait until after the 2010 census. The MPO voted to approve this request and unanimously agreed not to consider expansion at this time.

H1N1 (Swine Flu):

Commissioner Thompson expressed concern with regard to the H1N1 (swine flu) outbreak and asked to have representatives from the Chatham County Health Department and/or the Chatham County School System attend the November 2, 2009 Board of Commissioners' meeting to give an update of epidemic procedures.

Fireworks:

Commissioner Thompson asked that possible consideration be given to having a fireworks display in Chatham County on the 4th of July. He asked that staff look into County financing, liability issues, locations, and other things involved stating that it would be an activity that would draw the community closer together.

Composting Program:

Commissioner Vanderbeck stated that he met with Brooks Contractors, composters, to determine what would be required to get into their program regarding the school system; that he received information which he passed along to Dr. Logan and David Moody and gave them the materials; that he talked with them about the possibility of setting up a pilot program to deal with recycling in the schools; that they discussed information that would be needed to help them make a decision; and that they were expecting to contact Brooks Contractors today.

Chatham Conservation Partnership:

Chairman Lucier stated that on Thursday, he will be talking with the Chatham Conservation Partnership and giving an update on Chatham County. He stated that he will present "State of the County" address materials.

Western Wake Transmission Line:

Chairman Lucier stated that he had received a letter in response to the Board's letter to Cary asking them to make a request to the Chatham County Board of Commissioners if they want to run a transmission line across Chatham County to the upper Cape Fear; that the letter he received from Cary asked that the Board of Commissioners support their acquiring of easements for that line; that the line will run through 8 ½ miles of Chatham County; that the Board needs to have a discussion about that and he suggests placing it on the November 2, 2009 Work Session Agenda.

Briar Chapel County Park:

Chairman Lucier explained that on November 19th, the Board will be negotiating with Briar Chapel for the acquiring of sixty-two acres for a County park. He stated that a community meeting will be held on November 19th for the adjacent landowners; and that it will include the users of the park, Chatham Football League, Chatham Soccer League, East Chatham Baseball League, etc., so that everyone attending will be receiving the same information.

Route 64 Meeting:

Commissioner Kost stated that the Department of Transportation scheduled a meeting for the stakeholders of the 64 Corridor but somehow excluded Chatham County; that the invitation was extended to those in Wake County; that she contacted Mr. Wasserman and let it be known that there would be a Chatham County representative in attendance; and that she will represent the County at the meeting on November 22, 2009.

751 Project:

Commissioner Kost stated that she attended the public hearing a week ago on the 751 project in Durham County. By a 3 to 2 vote, the Durham Board of Commissioners voted to accept the developer's survey and shift the normal lake pool boundaries to the east. This is a project that she feels the Board of Commissioners will want to monitor and provide input to Durham.

ADJOURNMENT

Commissioner Vanderbeck moved, seconded by Commissioner Kost, to adjourn as the Chatham County Board of Commissioners. The motion carried five (5) to zero (0), and the meeting adjourned at 7:07 PM.

George Lucier, Chairman

ATTEST:

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