

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
JANUARY 4, 2010

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 January 4, 2010.

Present: Sally Kost, Chairman; George Lucier, Vice Chair; Commissioners Mike Cross, Carl Thompson, and Tom Vanderbeck

Staff Members Present: Charlie Horne, County Manager; Jep Rose, County Attorney; Renee Paschal, Assistant County Manager; Vicki McConnell, Finance Officer; Sandra B. Sublett, Clerk to the Board; and Elizabeth Plata, Deputy Clerk to the Board

INVOCATION and PLEDGE OF ALLEGIANCE

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

CALL TO ORDER

The Chairman welcomed everyone present and called the meeting to order at 9:03 AM.

APPROVAL OF AGENDA and CONSENT AGENDA

Commissioner Vanderbeck asked that the December 14, 2009 Regular Meeting Minutes and the November 16, 2009 Work Session Minutes be removed from the Consent Agenda to be approved at a later date and that Item #5 Northwest Park Dining Hall Facility Rental Policy and Item #6 Northwest Park Pool Rental Policy be removed from the Consent Agenda and placed on the Regular Agenda for discussion.

Chairman Kost asked that Item #3 Chatham County Civil Rights Ordinance be removed from the Consent Agenda and placed on the Regular Agenda for discussion.

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to approve the Agenda and Consent Agenda with the noted requests.

1. **Minutes:** Approval of Board Minutes for Regular Meetings held ~~December 14, 2009~~ and November 16, 2009 and Work Sessions held December 07, 2009 and ~~November 16, 2009~~

The Board Minutes for the November 16, 2009 Regular Meeting and the December 07, 2009 Work Session were approved.

The Board Minutes for the December 14, 2009 Regular Meeting and the November 16, 2009 Work Session were removed from the Agenda to be approved at a later date.

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

2. **Agreement to Move Funds for ARRA (Stimulus) Project:** Approval of a Supplemental Local Agreement with NC DOT to move funds for ARRA (Stimulus) Project from Sidewalk Construction to Landscaping, attached hereto and by reference made a part hereof.

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

3. **Chatham County Civil Rights Ordinance:** Approval of the General Assembly of North Carolina Enabling Legislation for a Chatham County Civil Rights Ordinance

This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion.

4. **Armfield-Reeves Innovation Fund Grant Application:** Approval of a request to apply for a grant from the UNC-CH Armfield-Reeves Innovation Fund to provide money for the creation and display of posters on Chapel Hill Transit buses that will enable the Department of Social Services to expand foster and adoptive parent recruiting efforts

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

5. ~~**Northwest Park Dining Hall Facility Rental Policy:** Approval of the Northwest Park Dining Hall Facility Rental Policy~~

This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion.

6. ~~**Northwest Park Pool Rental Policy:** Approval of the Northwest Park Pool Rental Policy~~

This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion.

7. **Grant Acceptance for the Chatham County Libraries:** Approval of a request to accept the Library Services and Technology Act (LSTA) Strengthening and Academic Library Collections Grant in the amount of \$20,000 with a match of \$5,000 from the County. This grant will be used to purchase books about health-related topics for the Chatham County libraries.

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

8. **Naming of Private Road in Chatham County:** Approval of a request to name a private road in Chatham County as follows: Honeybee Lane

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

9. **Purchase of Emergency Response Vehicles Tax-Exempt Borrowing:** Approval of the North Chatham Volunteer Fire Department request to purchase two (2) emergency response vehicles, post notice of a public hearing, conduct a hearing, and secure financing thru tax-exempt borrowing

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

10. **Agreement with NC Department of Environment and Natural Resources (DENR) for Forestry Services:** Approval of agreement with NC DENR for forestry services, attached hereto and by reference made a part hereof.

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

11. **Notice of Award to Johnson Controls:** Approval of a request to approve and execute the Performance Contract and issue the Notice of Award to Johnson Controls, Inc., attached hereto and by reference made a part hereof.

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

END OF CONSENT AGENDA

COMMISSIONERS' PRIORITIES

Resolution Honoring the Strowd Family: Approval of Resolution in Honor of Land Donated to Chatham County in Memory of Carl H. and Margaret Atwater Strowd

Chairman Kost read the Resolution in Honor of Land Donated to Chatham County in Memory of Carl H. and Margaret Atwater Strowd and expressed appreciation for the Strowd's generosity on behalf of the Board of Commissioners and County.

Mr. Strowd stated that it was an honor to accept the resolution and an even greater honor to be able to serve the people of Chatham County.

Commissioner Lucier moved, seconded by Commissioner Cross, to adopt **Resolution #2010-01 In Honor of Land Donated to Chatham County in Memory of Carl H. and Margaret Atwater Strowd**. The motion carried five (5) to zero (0).

Employees of the Month: Presentation of December 2009 and January 2010 Employees of the Month

Carolyn Miller, Human Relations Director, stated that the Employee of the Month program was instituted in FY 2009 to honor Chatham County employees for exemplary service to citizens and their fellow employees. She presented the December 2009 and January 2010 Employees of the Month and presented an excerpt from their nomination forms as follows:

December:

The December 2009 Employee of the Month is Kristine Pelletier-Garcia of the Family Outreach and Support Services Division of the Chatham County Public Health Department. Kristine is a social worker with the division, and has been employed with Chatham County for three years. Since her hire, (both times) she has been providing Child Service Coordination to families with children ages 0-5. The Child Service Coordination Program provides services to 21 families with children ages 0-5 who may need assistance getting resources and services.

Kristine is bilingual English/Spanish and serves primarily our Spanish speaking population. Kristine works tirelessly to advocate for her clients with other public and private agencies in Chatham County. As a result of her efforts, her clients receive needed community resources as well as referrals to needed services. Kristine has worked with over 150 children and their respective families.

January:

The January 2010 Employee of the Month is a group of employees. Jamie Bazemore, Wandrika Borders, Laura Chintapalli, Patty Fox, Monica Goodwin, and Tara Parker all comprise the Foster Care Placement and Adoptions Unit at DSS. The placement unit organized a very successful Christmas Wishes program where over 200 children were sponsored for Christmas gifts. This involved soliciting wish lists from the workers in Children's Services, matching children with donors, arranging for gift drop-off and sorting through over 1,000 gifts to make sure that children received the gifts they asked for. This program is a very challenging undertaking that requires excellent organizational skills and must be done while maintaining all other work responsibilities. Our Christmas program has never run more smoothly before.

PUBLIC INPUT SESSION

James LoFrese, 22002 Turner, Chapel Hill, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

"A significant amount of silt was deposited into Cub and Partin Creeks (Blue line streams as designated by the North Carolina Department of Environment and Natural Resources – division of Water Quality) and the lower pond located in the Stone Brook section of the Governors Club. The environmental impact has been reported to Chatham County and North Carolina officials.

The source of the silt has been determined to be coming from a site off Governors Club property, specifically from Joes Road.

The Joes Road property was used as a fill dirt dump site which earth was taken from the UNC campus at a construction site on Mason Farm Road. Choate Construction is the general contractor, Falconer Construction is serving as the site preparation contractor (75,000 cubic yard of earth are being removed and relocated to sites in both Chatham and Orange Counties) and NRM Trucking is the trucking contractor which is distributing the earth from the project site.

The initial site on Joes Road was not given a permit to receive the fill dirt. The owner of the property did inquire with county officials if a permit was required and he was informed that he did not. Owner told officials that he would receive less than 20,000 sq. ft. of fill.

Owner and Falconer Construction installed over 360 linear feet of pipe in the stream bed covering the area approximately 20 to 30 feet in depth with fill dirt and approximately 1,200 linear feet of the stream was impacted by sediment deposition as a result of the earth disturbance activities.

The owner of the property has been given citations (via registered mail) from both the state and county; however, he has not responded.

This problem began on November 11 and continues to create an environment problem for the stream bed and the pond. Each time it rains, silt continues to be deposited.

Falconer Construction officials have visited and inspected the site and have begun to install silt fencing and covered the fill dirt with straw. The area continues to erode silt and there still remains a great deal of silt in the stream bed which continues to impact the pond.

Question: Why was there no oversight at the project and what can be done as soon as possible to remediate and restore the area?"

The Board asked that the Lead Sedimentation and Erosion Control Officer look into this matter.

COMMISSIONERS' PRIORITIES

Chatham County Civil Rights Ordinance: Approval of the General Assembly of North Carolina Enabling Legislation for a Chatham County Civil Rights Ordinance

Esther Coleman, Human Relations Director, presented her comments to the Board and provided them in their entirety for the record as follow:

"Good morning. And on behalf of the Human Relations Commission, we wish all of the Commissioners and all Chatham County citizens a happy, safe, and prosperous new year. In October, you directed us to work with the County Attorney to draft a proposal for enabling legislation and to bring it back to you for your consideration. For the awareness of members of the public, enabling legislation simply gives local officials the authority to enact laws. I want to reiterate that what we are presenting today is not a civil rights ordinance itself, but the enabling legislation that would allow us to consider and perhaps pass such an ordinance.

One of the things I do for planning and development is to gather qualitative data and information from written resources such as the websites of agencies, organizations, and groups. I decided in reviewing the websites of our local major political parties that they both express common beliefs about civil rights and that their actions with regard to the implementation of civil rights laws historically have been done largely in a bipartisan fashion.

For example in one way or another, both parties say they believe in:

- "Equal rights, equal justice, and equal opportunity for all, regardless of race, creed, sex, age, or disability"

- “Effective, responsible, and responsive government that is closest to the people”
- “Encouraging citizen education in all aspects of government”
- “Working to protect rights and liberties”
- Working “to provide a government that is competent, honest, and open to every citizen regardless of race, gender, religion, ethnicity, physical challenges, and economic status.”

One of the parties reminds us that they passed the civil rights acts of 1875 and 1957. The other reminds us that they passed the Civil Rights Act of 1964, which prevented discrimination in restaurants, hotels, and other businesses; the Voting Rights Act of 1965; and the Civil Rights Act of 1968 ending discrimination in the sale or rental of housing. So my point is that protecting citizens’ civil rights is important to many groups in our community including political parties.

This morning, my goal is to build upon these expressed beliefs by explaining how this enabling legislation is our first step toward being able to monitor and enforce civil rights laws and policies, as one party wrote, “closer to the people”, i.e., at the local level.

For the purpose of grounding my remarks in Chatham County community research historically, I want to call your attention to the fact that the Human Relations Commission conducted two needs assessments that were subsequently presented to the Board of Commissioners in 2004 and 2007 – prior to the office of human relations being established. Their research listed areas of concern.

I isolated the areas of concern from both the 2004 and 2007 study results that pertain to the enabling legislation we are proposing.

They include:

- Racial concerns
- Fair Housing
- The perception by minorities and the poor that government is not concerned with their problems
- Public accommodations issues
- Accommodations for people with disabilities

In May of 2007, the Board of Commissioners responded by voting to establish an office of human relations and a startup plan. One of the agreed upon goals of that plan was:

Goal 5, Objective 1 – Draft a civil rights ordinance, which protects inhabitants against discrimination in the areas of housing and public accommodations and allows for enforcement by the Chatham County Human Relations Commission of state and federal laws and regulations pertaining to these areas.

In 2008, I followed up with a year of qualitative research. I found similar concerns still lingering including the following that pertain to this enabling legislation:

- Racial and ethnic interrelationships in institutions
- Public accommodations
- Hate bias incidents and hate crimes
- Housing issues – a lack of a fair housing complaint system

So what we are doing here now in 2010 is a continuation of an exhaustive process that has a history based on years of research.

Being able to respond to the areas of concern on a local level or “closer to the people” is critical for the following reasons:

1. A certain segment of our population is reluctant to file complaints. It has been a common finding that people of color and low-income residents are often concerned about retaliation, or they have the belief that their complaints will not make a difference. This fear can be mitigated with a local ordinance.

2. An aim of complaint resolution across the nation and in North Carolina is toward conciliation of claims as opposed to going to court. Conciliation is considered a local remedy. Through conciliation, everyone wins; and a civil rights ordinance would outline how this happens.
3. Local claims processing professionals are in closer proximity to the site of the alleged discrimination. This leads to greater efficiency in case processing.
4. Chatham County residents who do wish to file discrimination claims are sometimes confused and end up calling Orange County.

Even if they do call our office, I can listen and advise and even refer them to another agency; but, due to the lack of a civil rights ordinance, I cannot investigate and ultimately conciliate their claims locally. In addition, the passage of a civil rights ordinance would enable Chatham County to apply for funding to enforce civil rights laws at the local level.

5. Since Chatham County receives Community Development Block Grant Funds, the County is required to affirmatively further fair housing. One of the challenges in housing and other areas such as public accommodations is that discrimination can happen to us without our recognizing it. That is why affirmatively furthering anti-discrimination laws through community outreach is so critical.

Hidden discrimination occurs. For example, a person in a protected class – perhaps a person with a disability or an African American – may visit or call a rental facility and be told that no units are available. Minutes later or hours later, someone else who is not in a protected class may call and ask the same question and be told that there are units available; because he or she is seen as more desirable. When this happens, the person in the protected class may have no idea that he or she has been the victim of discrimination.

6. This enabling legislation would make it possible to achieve substantial equivalency compliance with the Fair Housing Act making us eligible to apply for HUD reimbursements. A civil rights ordinance is required to achieve substantial equivalency. HUD reimburses 7 local North Carolina governments – all of which have demonstrated substantial equivalency – for cases investigated, for training and administrative costs, and for testing for discrimination.

Once again, this enabling legislation will permit Chatham County to enact a civil rights ordinance requiring the enforcement of fair housing and public accommodations at the local level. Furthermore, I have identified 3 additional North Carolina statutes including a State Fair Housing act, an Interference with Civil Rights Act, and Persons with Disabilities Protection Act; 10 federal civil rights laws; 6 Executive Orders; and 1 Chatham County resolution concerning hate crimes that may potentially be affected.

So, on behalf of people from all walks of life – people of all colors, people of different religions, people of all ages, men and women, people with disabilities, veterans, and all of those who would be protected from discrimination – thank you for your consideration of this enabling legislation that will ultimately enable us to respond to the concerns elicited in the needs assessments, to bring government closer to the people, to comply with federal and state discrimination laws, and to more effectively fulfill the mission of the Human Relations Commission, which is “to actively promote amicable relations and mutual respect among all groups within Chatham County and to discourage all manner and manifestation of discriminatory practices toward such groups, thus enhancing the general welfare of this community.”

Brian Bock stated that he supports the overall stated goal of an ordinance to promote fair housing for all of our citizens. Mr. Bock presented his comments to the Board and provided them in their entirety for the record as follows:

“At this time I'm not speaking in support of or against an ordinance, I just feel that some discussion is needed. My first question relates to the need for an ordinance at the local level. If the goal is to promote fair housing could we be better served with programs that would help people within the existing Federal and State laws. My second question is of more concern. The sample ordinance states that a new volunteer board may have subpoena power. That is a power that should not be granted lightly and I'm concerned about the ramifications. I am representing myself with these questions and not the Republican Party.”

Norman Clark, Commissioner Thompson, Delcenia Turner, Planning Board Member Turner, Heather Rodin, and Jeffrey Starkweather presented affirmative comments to the Board. Considerable discussion ensued.

Commissioner Vanderbeck stated that he would like to defer a decision on this request until the next Board of Commissioners' meeting. Commissioner Thompson stated that he would like to move forward today. Pittsboro Mayor, Randolph Voller, asked that the Town be allowed to be part of the process.

Commissioner Lucier stated that he would like to request enabling legislation from the State Legislature. He stated that if the State Legislature grants legislation, then Chatham County will draft the ordinance, hold a public hearing on the draft, and revise the draft ordinance based on the public hearing after which the Board of Commissioners would make a decision to approve or disapprove.

Commissioner Thompson stated that he had the opportunity to work with the Human Relations Commission, as the commissioner liaison, in drafting this Civil Rights Ordinance. He commended the commission, specifically Esther Coleman for her hard work and Heather Rodin, as Chair for offering her leadership. He stated that he had been a victim of hate crimes, just as recently as 2006, when his mail box was incinerated and racially derogatory language was written on the highway that goes by his home; that he cannot understate the importance of moving forward and taking the beginning steps towards Chatham County drafting a Civil Rights Ordinance that will effectively deal with the issue of discrimination of all kinds in this County.

He stated that it is clear to him what process we should follow, based on our attorney's answer to the question asked by Commissioner Lucier, that we are only asking today to approve the “Enabling Legislation” by the legislature that has been drafted by our attorney; that once and if the legislation is approved, we will have ample time to receive public input and draft a Chatham specific ordinance; that while he understands the concerns of Commissioner Vanderbeck and his request for delaying our approval, he is wholeheartedly in favor of moving ahead with our approval of this request to the legislature, and these concerns, as well as others can be addressed during the public input process.

After further discussion, Chairman Kost called the question.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to approve the enabling legislation to be submitted to the General Assembly of North Carolina permitting Chatham Count to adopt an ordinance - i.e., a local "Civil Rights Ordinance" or "Human Rights ordinance". The motion carried five (5) to zero (0).

Northwest Park Dining Hall Facility Rental Policy:

Tracy Burnett, Chatham County Recreation Director, explained that there is a dining hall and an activity center located at the Northwest Park on Woody Store Road in Siler City; that they have received requests from private groups and individuals about renting these facilities out; that for the dining hall rental, \$35.00/hour for a minimum of two hours and on the weekend \$50.00/hour was being considered.

A discussion ensued.

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to approve the Northwest Park Dining Hall Facility Rental Policy. The motion carried five (5) to zero (0).

Northwest Park Pool Rental Policy:

Ms. Burnett explained that there is a 30' x 50' swimming pool at the Northwest Park on Woody Store Road in Siler City; that the pool is not large enough to offer open public swimming; and that the Recreation Department received phone calls from private groups and individuals about renting out the swimming pool.

Van Der Wiele raised issues that would require legal review.

Considerable discussion ensued. The Parks and Recreation Department is to work with the County Attorney on these issues after which it will be returned to the Board of Commissioners.

BREAK

The Chairman called for a short break.

Non-Profit Allocation Process: Approval of non-profit allocation process

Renee Paschal, Assistant County Manager, explained that each year, County staff works to improve the non-profit allocation process. Both agencies and volunteer give the process high marks. However, staff is recommending on change for FY 2010-2011:

The certification process involves reviewing financial statements, 990s, and other management and financial data to ensure each agency is in compliance with the certification requirements. We sometimes have difficulty finding volunteers who have the necessary expertise, and we have caught mistakes in the past. Because this is simply a procedural process that ensures documentation is in place, the County Manager's Office recommends that volunteers no longer be utilized for this. In addition, it is sometimes difficult to find enough volunteers to cover both certification and review panels, and it is much more critical to have review volunteers.

Commissioners may want to make additional changes in the certification criteria. Each year, the Board of Commissioners establishes priorities for funding non-profits. Commissioners may want to change the priorities.

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to approve staff recommendation to discontinue utilizing volunteers for certification and to approve certification criteria. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

The County Manager reminded the Board of the following:

Legislative Delegation Meeting to be held on January 28, 2010, time and location to be determined and announced as soon as it is finalized.

The next regular Board of Commissioners' meeting will be held on Tuesday, January 19, 2010, due to the Martin Luther King, Jr. holiday on Monday, January 18, 2010.

COMMISSIONERS' REPORTS

The Commissioners had no reports.

ZONING BOARD OF ADJUSTMENT

Commissioner Vanderbeck moved, seconded by Commissioner Cross, to recess as the Chatham County Board of Commissioners and convene as the Chatham County Zoning Board of Adjustment. The motion carried five (5) to zero (0).

REGULAR MEETING

Commissioner Cross moved, seconded by Commissioner Vanderbeck, to recess as the Chatham County Zoning Board of Adjustment until January 19, 2010 and reconvene as the Chatham County Board of Commissioners. The motion carried five (5) to zero (0).

ADJOURNMENT

Commissioner Cross moved, seconded by Commissioner Vanderbeck, to adjourn as the Board of Commissioners. The motion carried five (5) to zero (0), and the meeting adjourned at 3:33 PM.

Sally Kost, Chair

ATTEST:

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