

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING, OCTOBER 07, 1996

The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in regular session in the District Courtroom, located in the Courthouse Annex, Pittsboro, North Carolina, the regular place of meeting, at 10:00 A.M. on October 7, 1996.

Present: Chairman Uva Holland, Vice Chair Betty Wilson; Commissioners Margaret Pollard, John Grimes, and Henry Dunlap; County Attorney, Robert L. Gunn; Assistant County Manager, Renee Dickson; and Clerk to the Board, Sandra B. Lee

The meeting was called to order by the Chairman at 10:05 A.M.

AGENDA

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

Commissioner Pollard asked that a waiver of inspections fees for repairs as a result of disasters be discussed during the Commissioners' reports.

Renee Dickson asked that Item #4 on the Consent Agenda be amended to read, "Consideration of a resolution to designate..."; that Item #6 be considered as an item of information only, as the Commissioners will not be approving the Federal reduction; and that under Item #19, Flood Insurance Program, the Commissioners will be asked to consider adoption of a Resolution of Intent requesting that they participate in the National Flood Insurance Program.

Commissioner Wilson moved, seconded by Commissioner Pollard, to approve the Agenda with the noted requests. The motion carried five (5) to zero (0).

CONSENT AGENDA

The Chairman directed the Clerk to the Board to read the Consent Agenda.

Commissioner Grimes moved to remove Item #10, Right-of-Entry Resolution, from the Consent Agenda to be considered at a later time during the meeting and to approve the items listed on the Consent Agenda as read by the Clerk. Commissioner Pollard seconded the motion.

1. **Minutes:** Consideration of approval of Board Minutes for Regular Meeting held September 16, 1996

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

2. **Tax Releases:** Consideration of a request to approve Tax Releases, attached hereto and by reference made a part hereof.

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

3. **Solid Waste Disposal Fees and Regular Tax Bills Paid in Error:** Consideration of approval of Refunds for Solid Waste Disposal Fees and Regular Tax Bills paid in error, attached hereto and by reference made a part hereof.

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

4. **Resolution #96-32 to Designate Agent for Disaster Relief Act:** Consideration of a resolution to designate an agent for the purpose of obtaining Federal financial assistance under the Disaster Relief Act, attached hereto and by reference made a part hereof.

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

5. **Bad Debt Write-Off For General Health Services and Home Health Divisions of the Health Department:** Consideration of approval for bad debt write-off for the General Health Services and Home Health Divisions of the Health Department in the amount of \$10,180.63

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

6. **Reductions in Federal Funding for Maternal, Child Health, and Family Planning:** Consideration of approval of reductions in Federal funding for the Maternal, Child Health, and Family Planning Programs, **Budget Amendment #7**, attached hereto and by reference made a part hereof.

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

7. **Notification of Changes in Medicaid Reimbursement Rates for Home Health Aide Visits:** Notification of changes in Medicaid reimbursement rates effective July 1, 1996 for Home Health Aide Visits

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

8. **Notification of Change in Medicare Rates for Flu and Pneumonia Vaccinations:** Notification of change in Medicare rates effective October 01, 1996 for flu and pneumonia vaccinations

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

9. **Uncollectable Water Department Accounts for Fiscal Year 1994-95:** Consideration of approval of uncollectable Water Department accounts for fiscal year 1994-95, a copy attached hereto and by reference made a part hereof.

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

10. ~~**Right of Entry Resolution #96-33:** Consideration of Right of Entry Resolution granting permission to enter in and onto all private roads located within the County of Chatham within a 90 day period in order to remove construction and demolition debris, attached hereto and by reference made a part hereof.~~

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

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

CABLE TELEVISION

Public Hearing

Cable Franchise: Public hearing to receive public comment on Cable Franchise

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Renee Dickson, Assistant County Manager, explained that the public hearing was one of two public hearings required as part of the County's cable refranchising process and that it was an opportunity for citizens to voice concerns that they may have with regard to the current cable companies, Charter Communications and TimeWarner Cable.

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

COUNTY HIGHWAYS/ROADS UPDATE

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Update on County Highways/Roads: Update on County Highways and Roads by Marty Tillman, DOT County Maintenance Engineer

Marty Tillman, Department of Transportation Maintenance Engineer, stated that anyone asking for clean-up on private roads or subdivisions write him a letter requesting cleanup by the homeowner's association or by a letter signed by each of the property owners on the road. He stated that his crews are doing nothing at this time except cleaning up debris left due to Hurricane Fran devastation; that it would require several more weeks and possibly several more months of clean-up; that the work is slow and dangerous; that the public has been very positive and supportive; that due to the attention given the hurricane aftermath, paving of potholes has been left undone. He asked that if anyone sees any potholes that they let him know at which time he will pull a clean-up crew off their work to repair the pothole. He stated that the weather has not been cooperative for the grading and paving of secondary roads; that the Lee Emerson Road was scheduled to be paved but work had to be halted; that October is normally a dry month but he is uncertain how the weather will affect road work this month.

James Roberson, a resident of Pete Roberson Road, Pittsboro, NC, stated that he had signed a paper giving permission to widen his road with the understanding that the old road bed would be dug up and replaced by topsoil. He asked when he could expect the work to be completed and that a fence torn down on his property be replaced.

Mr. Tillman stated that all of the fence had been reinstalled; that the road was plowed up but dirt was replaced and the area reseeded. He stated that he would check the records when he returned to his office.

A Mr. Brady in the audience asked the paving status of Road #2324.

Mr. Tillman stated that he had not seen anything in written form confirming that this road was to be paved.

PUBLIC WORKS DIRECTOR

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Renee Dickson introduced Jeff Hughes as the new Chatham County Public Works Director and stated that he was formerly an International Public Works Advisor at Research Triangle Institute where he specialized in solid waste management and water and waste water treatment infrastructure finance.

The Commissioners welcomed him to the staff!

Commissioner Grimes asked the new Public Works Director to check into the scrap tire disposal funds received from the State which is based upon the County's last census count. He stated that since the last census was taken, there has been a large influx of the Latino population into the County, and that he was wondering if the State could adjust the census which would increase the scrap tire disposal funds received from the State.

Commissioner Pollard stated that, with the help of the Health Department and the Cooperative Extension Service, the County had been looking into wastewater alternative systems and wastewater treatment. She asked the new Public Works Director's help, with

his international experience in those areas, in moving the County along in using some of the soils in Chatham County that have not previously been deemed usable.

PUBLIC WORKS

Solid Waste/Recycling

Stationary Compactor/Precrusher Contract Award: Consideration of an award of a contract for a stationary compactor/precruasher

Commissioner Pollard moved, seconded by Commissioner Wilson, to award contract to Waste Industries, Garner, NC, for purchase of a new stationary compactor/precruasher in the amount of \$34,327, a copy of the contract attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

LIBRARY

Library Automation Project Funds Request: Consideration of a request by the Library to apply for Federal 1996 Library Services & Construction Act (LSCA) Title I Funds for Library Automation Project

Commissioner Grimes moved, seconded by Commissioner Wilson, to approve the Library's request to apply for federal LSCA Title I grant funds to pursue the Library Automation Upgrade and Enhancement Project. The motion carried five (5) to zero (0).

Library Electronic Reference Services Project Funds Request: Consideration of a request by the Library to apply for Federal 1996 Library Services & Construction Act (LSCA) Title I Funds for Electronic Reference Services Project

Commissioner Grimes moved, seconded by Commissioner Wilson, to approve the Library's request to apply for federal LSCA Title I grant funds for Electronic Reference Services Project. The motion carried five (5) to zero (0).

RECREATION DEPARTMENT

"Chatham Alive!" Quarterly Newsletter Presentation: Consideration of a presentation on the "Chatham Alive!", a Chatham County Recreation Department quarterly newsletter

Commissioner Grimes moved, seconded by Commissioner Wilson, to approve the Chatham County

Recreation Department's quarterly newsletter, "Chatham Alive!" The motion carried five (5) to zero (0).

BOARD OF COMMISSIONERS' MATTERS

Bennett Water Tank Construction Contract Award: Consideration of the Bennett Water Tank Construction Contract Award

Commissioner Pollard moved, seconded by Commissioner Wilson, to award Contract #1 to Fisher Tank Company in the amount of \$92,900.00 and Contract #2 be awarded to RMH, Inc. in the amount of \$53,400.00 for a total of \$146,300.00. The motion carried five (5) to zero (0).

Resolution of Intent - Flood Insurance Program: Consideration of a Resolution of Intent - Flood Insurance Program

Commissioner Grimes moved, seconded by Commissioner Pollard, to approve the **#96-34 Resolution Of Intent**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Payment of Overtime for Hurricane Fran: Consideration of payment of overtime for Hurricane Fran

Commissioner Wilson moved, seconded by Commissioner Grimes, to approve payment of overtime for all employees (including FLSA exempt and non-exempt) at a rate of time and one-half for hours worked on the night of Thursday, September 5, 1996 and all day on Friday, September 6, 1996. The motion carried five (5) to zero (0).

Commissioner Wilson moved, seconded by Commissioner Grimes, to approve the payment of overtime for all employees (including FLSA exempt and non-exempt) at a rate of time and one-half for hours worked on Saturday, September 7, 1996 and Sunday, September 8, 1996, for those employees who were not regularly scheduled to work. The motion carried five (5) to zero (0).

Commissioner Wilson moved, seconded by Commissioner Grimes, to approve the granting of compensatory time for FLSA exempt employees at an hour-for-hour rate for those employees who worked during the emergency Foodstamp application process. The motion carried five (5) to zero (0)

Triangle J Council of Governments Land Use Plan Agreement: Consideration of Triangle J Council of Governments Land Use Plan Agreement

Renee Dickson stated that the agreement with Triangle J Council of Governments has been successfully negotiated for \$35,000 but has not been drawn up. She explained that Triangle J had requested that Chatham County's Cooperative Extension Service assist them in performing some land use work with the farmers in the County, which they have agreed to do.

Board of Commissioners' Meeting Dates Resolution: Consideration of the 1997 calendar for the Board of Commissioners' meeting dates

Commissioner Pollard moved, seconded by Commissioner Wilson, to adopt **Resolution #96-35 Fixing the Meeting Time and Place of Its Regular Meetings for Calendar Year 1997**. The motion carried five (5) to zero (0).

Utilization of the Pittsboro Town Hall Facilities: Discussion of the utilization of the Pittsboro

Town Hall facilities

After a discussion regarding a facility study, Commissioner Wilson moved, seconded by Commissioner Grimes, to authorize the Clerk of Court to temporarily use the room, formerly known as the Pittsboro Town Board Meeting Room, until a decision is made by the Board of Commissioners to allocate permanent offices in that facility. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

The Assistant County Manager informed the Commissioners of the following:

Hurricane Fran Update

(1) Hurricane Fran Update - The Assistant Manager stated that there will be a mobile FEMA office coming into the County; to be located at the school administrative

offices; October 8, 9, 1996; 9:00 AM - 8:00 PM and on October 10, 1996 at Best Foods Shopping Center in Siler City during the same hours

Performance Benchmarking Program

(2) Performance Benchmarking Program - The Assistant County Manager informed the Commissioners that the County Manager and she had met at the institute of Government on Friday; that they have had a Performance Benchmarking Program in place, which started out with larger jurisdictions, in 1995 where they are designing performance measures so that units of government can compare how well they carry out certain services; that they are now extending it to smaller, medium-sized units of government; that they feel it will give them a lot of data on the services that are included and will also give them the ability to compare themselves with other jurisdictions; and that it will give them a model to extend cost accounting to other departments; that there will be more detailed information in the future, and that the cost will be between \$2,000-\$3,000.

Strategic Plan Development Committee (SPDC) Update

(3) SPDC Update - Jeannie Garten, SPDC Coordinator, stated that the SPDC would like to meet with the Commissioners one evening in October for about one and one-half hours to seek their guidance regarding appropriate future SPDC work steps.

It was decided by consensus that the Commissioners would meet before their regular Board meeting on October 21, 1996 at 5:00 PM; location to be announced; dinner to be brought in.

COMMISSIONER'S REPORTS

- **North Central Piedmont Resource Conservation & Development Council Alternate Appointment:**

Commissioner Holland informed the Board that she had received a letter from Mary C. McClure

stating that she had been elected as chairperson for the North Central Piedmont Resource Conservation and Development Council for this year and asking that the Board appoint an alternate for her for this committee. Her recommendation was Mrs. Ellie Freund, a resident of Carolina Meadows.

Commissioner Pollard moved, seconded by Commissioner Wilson, to appoint Mrs. Ellie Freund to serve as an alternate to Mary McClure on the North Central Piedmont Resource Conservation and Development Council for this year. The motion carried five (5) to zero (0).

Inspection Fees Related to Disaster:

Commissioner Pollard stated that she had received a call from a resident who had just built an addition to her home and that a tree fell on it during Hurricane Fran; that she had to apply at Inspections for a permit; that she was charged for the permit; that this troubled her in that the County has been declared a disaster area. Commissioner Pollard asked if the inspection fee could be waived related to the disaster and would there be a way for the County to recover the fees through FEMA (Federal Emergency Management Agency).

The Finance Director explained that the fee could not be waived because the County would not be eligible to be reimbursed from FEMA, but that the individual property owner could perhaps recover their expenses by applying directly to FEMA

Long-Term Employee Benefits:

Commissioner Pollard asked that payment of health insurance be investigated as a benefit for long-term, retired employees.

Water Line Extensions:

Commissioner Pollard stated that Jackie McLamb from the Community Development Office had previously spoken to the Commissioners regarding loans and grants available for extending water lines to residents of the County. Commissioners Pollard asked where the County stands in the process of requesting funds for the extension of water lines.

The Assistant Manager stated that there are loans available but that the County would not likely meet income guidelines/requirements.

Commissioner Pollard stated that the Division of Water Quality controls some water related money. She asked that the issue be researched.

Impact Fees:

Commissioner Wilson stated that she was interested in finding out where the County stands with regard to Impact Fees.

The Assistant Manager stated that the issue may come up at the next meeting.

Right-of-Entry Resolution:

Right-of-Entry Resolution #96-33: Consideration of Right-of-Entry Resolution granting permission

to enter in and onto all private roads located within the County of Chatham within a 90 day period in order to remove construction and demolition debris, attached hereto and by reference made a part hereof.

Robert Gunn, County Manager, advised that as part of the resolution, the staff be instructed to, upon delivery of the resolution, advise the Corps that whomever acts on the resolution proceed into those areas that have been first cleared with the County and from which the County has obtained written permission.

Commissioner Grimes moved, seconded by Commissioner Pollard, to adopt **Resolution #96-33 Right-of-Entry**, and that the staff be instructed to advise the Corps that whomever acts on the resolution proceed into those areas that have been first cleared with the County and from which the County has obtained written permission. The motion carried five (5) to zero (0).

\$25.00 Tap Fees Collected From Certain Individuals: Consideration of refunds in the amount of \$25.00 for tap fees collected from certain individuals

Robert Gunn, County Attorney, stated that the \$25.00 tap fees paid to the County were originally promoted as a means of encouraging participation in the newly organized County water system; that since the County system was originally composed of pre-existing private systems, it was felt that citizen support for future extensions was important to assure self-sufficiency; that a subscription program was instituted for planned extensions; that those payments were believed to have been attributable to that program; that the "tap fee" in the water context is more accurately a connection charge and that the \$25.00 does not begin to cover the actual costs of making a connection to the County's system; that the County has the authority to require mandatory connections to water distribution lines for many years, but that option has never been utilized by Chatham County; and that the existence of these \$25.00 payments received more than ten years ago is troublesome.

He stated that from a legal standpoint, he is of the opinion that the \$25.00 fees paid do not constitute an enforceable obligation on the part of the County to provide water service nor should they be construed as a prepaid "tap fee" or connection for such

service; that the County is not legally obligated to provide water service and in these situations, it is not contractually obligated; that it has been more than ten years since these payments were made; that the receipts indicated that the payments were for "Deposits for Water"; that as a matter of contract law, there does not appear to have been a binding enforceable contract between the County and those persons who merely made a \$25.00 payment; that if there was a limit on the connections available, the payment of the \$25.00 may have entitled an owner to some sort of priority, but when the current charge for making a connection is \$2,000.00, it should not preclude the County from recovering its costs.

Attorney Gunn stated that, in his opinion, in order to resolve the issue, all \$25.00 payments received by the County should be refunded to the payers who have not already connected to the system and that for those whose whereabouts are unknown or who cannot be located after appropriate public notice, the payments should be escheated.

Commissioner Pollard moved, seconded by Commissioner Wilson, to make the refund to those presenting receipts who paid the \$25.00 tap fee and that a legal notice be advertised and those persons who paid the fee whose identities are unknown, that the fee be placed in escheats. The motion carried five (5) to zero (0).

Commissioner Dunlap moved, seconded by Commissioner Grimes, to give anyone the tap for the

\$25.00 they paid if they have a copy of a water user agreement that they can present and a receipt for \$25.00 in conjunction with it that they entered during the early 1980s in connection with the County building water project and in those cases that their tap fee would be the \$25.00 for which they have already paid and that they must have water line in front of their house and must apply for the tap by or before December 31, 1996. The motion carried five (5) to zero (0).

ADJOURNMENT

- Commissioner Grimes moved, seconded by Commissioner Wilson, that there being no further business to come before the Board, the meeting be adjourned. The motion carried five (5) to zero (0), and the meeting was adjourned at 12:07 P.M.

Uva R. Holland, Chairman

ATTEST:

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