

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
FEBRUARY 15, 2010

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Agricultural Building Auditorium, 45 South Street, in Pittsboro, North Carolina, at 6:00 PM on February 15, 2010.

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

Staff Members County Manager, Charlie Horne; County Attorney, Jep Rose; Assistant County Manager, Renee Paschal; Finance Officer, Vicki McConnell; 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 Chair Kost invited everyone present to stand and recite the Pledge of Allegiance.

CALL TO ORDER

Chair Kost welcomed those in attendance and called the meeting to order at 6:01 PM.

AGENDA AND CONSENT AGENDA

The Chair asked if there were additions, deletions, or corrections to the Agenda and Consent Agenda. She stated that she had had a request to remove Item #8, Resolution to Encourage Governor Perdue to Authorize the Release and Use of Certain Conservation Money Which Has Been Embargoed Due to the State’s Budgetary Situation, from the Consent Agenda and place it on the Regular Agenda for discussion.

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

1. **Minutes:** Approval of Board Minutes for Regular Meetings held February 01, 2010 and January 04, 2010, and Work Session held February 01, 2010 and Legislative Delegation Meeting held January 28, 2010

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

2. **Tax Releases and Refunds:** Approval of tax releases and refunds, attached hereto and by reference made a part hereof.

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

3. **State Appropriations Reduction:** Approval of a request for a reduction of funds in the amount of \$2,100.00 for Community Focused Eliminating Health Disparities Initiative (CFEHDI) for the Chatham County Health Department

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

4. **Funds Acceptance for Health Department:** Approval of a request to accept one-time bonus funds in the amount of \$1,250.00 to the Chatham County Health Department from Federal Title X (Family Planning)

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

5. **Celebrating Service Proclamation:** Approval of a request to adopt **Chatham County 2010 Celebrating Service Award Honorees #2010-10 Proclamation**

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

6. **Funding Plan for Juvenile Crime Prevention Council (JCPC):** Approval of Juvenile Crime Prevention Council (JCPC) Funding Plan as recommended by the Juvenile Crime Prevention Council, plan attached hereto and by reference made a part hereof.

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

7. **Consent to Subdivision of Chatham Hospital Parcel:** Approval of Consent to Subdivision of Chatham Hospital Parcel in the Central Carolina Business Campus, attached hereto and by reference made a part hereof.

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

8. ~~**Resolution to Encourage Governor Perdue to Authorize the Release and Use of Certain Conservation Money Which Has Been Embargoed Due to the State's Budgetary Situation:**~~ Approval of a ~~**Resolution to Encourage Governor Perdue to Authorize the Release and Use of Certain Conservation Money Which Has Been Embargoed Due to the State's Budgetary Situation**~~

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Guy Loeffler, 2006 Jerimouth Drive, Apex, NC, principal of Horizon Cellars in Siler City and of the Vineyards at South Pointe, stated that, in addition to the Silk Hope Winery and Starrlight Meadery, Chatham County is about to have four full-time wineries; that "agritourism" is the "new" farming; that the State has put forth many new initiatives to help farmers track the public out to their locations to have an agricultural experience; that in his case, his winery is an agritourism entity; that 90% of the revenue generated by the winery is on-site; that with small wineries such as the one in South Pointe, there normally are not distributions so it is important to bring the general public out to their locations; and that Chad Meadows will address specifics regarding zoning and ordinances.

Chad Meadows, 101 Market Street, Chapel Hill, NC, thanked the Board for the opportunity to talk with them. He stated that he is attending the meeting as a friend of Mr. Loeffler, whom he has known for a decade, and it is a pleasure to help him bring a text amendment to the Board to address agritourism and wineries in Chatham County. He stated that it is his intent to do some research on agritourism and come with a model ordinance for localities in the South to regulate these kinds of things; that he would like to share it with the Board and staff and figure out a way, if possible, to modify that model ordinance for Chatham County; that he is not being paid for his efforts as it is strictly for his own professional capacity; that he would appreciate the opportunity to work on it with the Board; that he has been a planner for fifteen years and a primary author of Fayetteville, Jacksonville, Mooresville, managed a Cary project, Currituck County, and also read the codes in Rock Hill, Portsmouth, Falls Church, Henderson, NV, and several others across the country. He stated that he is very familiar with ordinance drafting especially in North Carolina and that he looks forward to having a discussion with the Board.

Chair Kost asked Mr. Meadows if he could be little more specific with regard to what the ordinance does not do that he wants it to do.

Mr. Meadows stated that Mr. Loeffler's experience speaks to this; that he has a winery in Siler City; that unfortunately the zoning creates zoning to protect property but it allows development; that the Siler City winery had a shingle plant (quarry) proposed which basically would have destroyed the environmental character/ambiance which he was trying to

create; that they see similar kinds of problems in the County with respect to wineries and their need to be located in industrial districts; that they also know that the comprehensive plan is calling for these kinds of businesses which make sense given the rural heritage of the County, everyone's push for sustainability, greater food protection, etc.; that there are a lot of reasons that people are coming back to the land and doing more farming and wanting to bring some more clientele out to locality for the farm and/or agricultural experience; that unfortunately, there are no specific standards for wineries; that they would like to take the next steps, bring some specialized use specific standards for these kinds agricultural uses; that they are looking more for agritourism coordinates that they can integrate into existing regulations; and that they would share them with the Board in anticipation that they would need to be adjusted to the County.

Commissioner Lucier stated that, as mentioned, the Siler City winery is located in the Siler City ETJ; that that is the Chatham County Board of Commissioners has no jurisdiction over; that there is no doubt that agriculture has and will be a centerpiece in the County in terms of agribusiness and agritourism; that the first annual Hall of Fame dinner for agricultural excellence was held last week; that six individuals/groups were inducted into the Hall of Fame and that this will be an annual event. He suggested two groups that might be interested in doing this: Economic Development Corporation and Sustainable Agriculture; that he would advise them to talk with the Economic Development Corporation; that when it comes to ordinances, they rely on the Planning Board to give them advice; that he feels there would be people interested in moving this forward; that they need to make sure it is consistent with existing ordinances; and that he feels that the intent can be carried through in some way that will address the goals they had in mind by attending the night's Board of Commissioners' meeting.

Mr. Meadows stated that they would like to return sometime in the future after they have worked with the Economic Development Corporation and staff and anyone else who is interested in developing some kind of proposed text amendment.

Chair Kost encouraged them to return in April due to the budget meeting limitations in May.

By consensus, the Board agreed to explore this matter.

BOARD OF COMMISSIONERS' PRIORITIES

Resolution to Encourage Governor Perdue to Authorize the Release and Use of Certain Conservation Money Which Has Been Embargoed Due to the State's Budgetary Situation

Commissioner Lucier explained that the resolution had a technical correction in the "Therefore be it resolved" which should be changed from Triangle J to the Chatham County Board of Commissioners. Chair Kost explained that the Clerk had already made the change to the resolution as it had been discovered too late to get it into the packet.

Commissioner Vanderbeck moved, seconded by Commissioner Cross, to approve **Resolution #2010-11 to Encourage Governor Perdue to Authorize the Release and Use of Certain Conservation Money Which Has Been Embargoed Due to the State's Budgetary Situation**, attached hereto and by reference made a part hereof.

Briar Chapel Park: Agreement to accept Briar Chapel Park

Renee Paschal, Assistant County Manager, explained that as part of its conditional use permit, (CUP), Briar Chapel development was required to construct a park. However, the CUP did not specify the level to which the facilities had to be developed. Briar Chapel has constructed a 66-acre facility consisting of parking, roadways, and a football, regulation soccer, and two baseball fields. The athletic fields lack fencing, lighting, bleachers, and restroom and concessions that would make the fields optimal for use. Briar Chapel officials approached staff about giving the park to the County.

Based on the draft 2009 Parks and Recreation comprehensive master plan, many recreation facilities are needed in the County, including nine soccer fields, four football fields and five softball fields. Accepting the Briar Chapel Park and making the improvements to the fields would alleviate part of this deficit. In addition, several athletic groups, including East Chatham Baseball, Chatham Soccer League, and East Chatham Football Association have expressed interest in using the fields.

The County could choose not to accept the park and allow Briar Chapel to operate it through its Homeowners Association. The CUP does require that the park be open to the public. Since there is no requirement that Briar Chapel develop the park beyond its current state, the athletic facilities would be less than optimal.

Using recreation fees paid by Briar Chapel, the County would make improvements to the fields as fees are collected. Because Briar Chapel has paid \$302,802 to date, staff is recommending that Phase 1 improvements be constructed in the summer of 2010 and consist of fencing, lights on one athletic field and restroom/concession, depending on cost.

A community meeting was held with residents in the area on November 19, 2009. Residents expressed concerns about the lighting and noise associated with facilities. At the meeting, the chair and vice chair stated that the County would have a curfew for ending games at the park. In addition, the lights would have to meet the county's lighting ordinance.

Phase 2 improvements would be made in FY 2013 and would consist of lights on one athletic field. Phase 3 improvements are projected to be made in FY 2015 and would consist of lights on one athletic field and a walking trail. The timing for phases 2 and 3 depend on how quickly Briar Chapel develops.

The agreement requires the developer to make additional improvements to the property, including:

1. An entrance road, bridge, road improvements and sidewalk
2. Buffering along Parker-Herndon Road as recommended by the Appearance Commission
3. Water and sewer stub outs to serve the park
4. Address punch list items shown in the Attachment

Since the agreement was written, Briar Chapel has asked to change the agreement so construction of the water and sewer occurs at the same time the road bed is being constructed so the road construction does not disturb the water and sewer lines. County staff agrees with this change.

Planning Department staff has asked that several minor changes be made to the plat, including:

- Addition of the parcel identification number for the life estate lot
- Correction of Note 6 to remove redundant "this"
- Inclusion of reference to recorded deed restrictions for the protection of the buffers

Additional funds will be needed to operate and maintain the facility. Additional revenues will be realized from renting the concession stand. The budget impact for operating expenses is estimated as follows:

FY 2010	\$ 12,760
FY 2011	\$145,637

Ms. Paschal answered questions from the Board.

The County Attorney stated that the changes, as mentioned by the Chair, are non-substantial changes. He stated that the only substantial change is the completion date for the water and sewer; that in the notes it was stated that there would be six months to get the stub-out in; that they are asking for language that they not have to put the water and sewer in until there have been some improvements made to Andrews Store Road. He stated that the other

change is in regard to the road being abandoned by the Department of Transportation and closed by the County. He said that the road should be closed by the County as soon as the agreement is signed.

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to approve the Recreation Land Transfer Agreement subject to minor revisions approved by the County Attorney and the plat revisions requested by the Planning Department. The motion carried five (5) to zero (0).

Guardian of Angels: Presentation on the need and benefits of an adoption center as it relates to a request by animal control for an expansion of the County shelter

Terry Dorsey, reviewed the Guardian of Angels Mission, told who they are, where they are going, and presented a PowerPoint in its entirety as follows:



**Building a
Chatham County Adoption Center
to place great animals
in great homes!**
Guardians of Angels is a non-profit
501(c)(3) charity.



Guardians Board

- Terry Dorsey is pastor of gracepoint, a coffee, concert faith café. With a B.A. in Communication, Terry has more than twenty years of non-profit development experience with the United Way, The American Red Cross and Compassionate Communication which assists with branding, marketing and visual concepts for non-profits.
- Bill Reppy JD, is NC's leading expert on animal law, which he teaches at Duke Law School. As a member for over 12 years of the NC General Statutes Commission, Bill has been instrumental in the enactment of several significant reforms of statutes affecting animals.



- Dr. Kathleen Conway is a cancer research scientist and a faculty member in the School of Public Health at UNC-Chapel Hill. She was a board member, foster caregiver, and Vice President of Chatham Animal Rescue & Education.
- Dr. Kevin Monce is a veterinarian and owner of PetSound Animal Hospital in Cary, NC. He is a board-certified Diplomate of the American College of Veterinary Internal Medicine and the founder of the SPARR rescue.
- Chief David Collins has been with the Pittsboro Police Department since 1984 and became Chief in 2005. A life time resident of Chatham County, Chief Collins is a Central Carolina Community College graduate.



The GOA Mission

- Build a long term adoption center for cats and dogs in Pittsboro.
- Assist Chatham County with placing homeless cats and dogs in life-long homes.
- Provide resources for affordable spay/neuter and medical care for Chatham County animals.
- Implement education about excellent animal and wildlife care.
- Assist law enforcement with identifying neglect, abuse and mistreatment of animals in Chatham County.

It's not just rabbits who multiply like rabbits.
Spay or neuter your pets. Help stop pet overpopulation.

Low Cost Spay Days
Monday, February 22 until
Friday, February 26, 2010
Call for appointment -
Tysor Vet Clinic - Silver City - 742-3646
Pittsboro Animal Hospital - PBO - 542-5712

For low income residents, a \$20 Spay/Neuter voucher may also be available from Chatham County Animal Control. You must call 542-7203 for qualifications and application. These vouchers are NOT provided by the vets participating in Chatham Spay Days.

The Humane Society of the United States will pay you \$3,000 for information leading to the arrest & conviction of a dog fighter. Call about the reward program at (202) 453-1100. Your identity will be protected.

In 2009:

- ❖ 52 Law Enforcement and Animal Control Officers were trained in an anti-dog fighting protocol via the Humane Society of the United States. Coupled with the 2008 training, more than 100 officers in Chatham and surrounding counties have been trained.
- ❖ 49 dogs and cats were spayed or neutered during Spay Days. Including the 2008 event, more than 100 animals have been altered preventing more homeless and unwanted animals.
- ❖ Pittsboro's Mayor and the Chatham County Commissioners were briefed about the mission and vision of Guardians, opening a conversation about a Pittsboro based Adoption Center for cats and dogs.
- ❖ David Collins, Chief of Pittsboro's Police Department joined the GOA board.
- ❖ The GOA field team provided food and water to stray cats, with several being spayed or neutered.
- ❖ Two successful fundraisers were executed, raising \$2,200 and increasing the visibility of GOA. These fundraisers provided much needed funds for the sterilization and vaccination of trapped and released strays as well as the cost of the fundraisers themselves.
- ❖ GOA held a Saturday Adoption Day & Pet food Drive at gracepoint.

Disposition of Animals at the Chatham County Animal Shelter

Type	Total Impounded	No. Adopted		Reclaimed	Euthanized
		Shelter	Rescue		
2008					
Dogs	1178	179 (15%)	170 (14%)	116 (10%)	678 (58%)
Cats	1229	125 (10%)	133 (11%)	5 (0.4%)	940 (76%)
Total	2407	304	303	121	1618
2009					
Dogs	1350	178 (13%)	238 (18%)	113 (8%)	696 (52%)
Cats	1369	117 (9%)	112 (8%)	12 (0.9%)	994 (73%)
Total	2719	295	350	125	1690

Reclaims, animal bite cases or natural deaths not included.

Strays and Surrendered Animals Impounded at the Chatham County Animal Shelter

Year	Impounded Dogs (n=1350)		Impounded Cats (n=1369)		Total Animals Impounded
	Strays	Surrendered	Strays	Surrendered	
2008	635 (53%)	561 (47%)	655 (53%)	574 (47%)	2407
2009	631 (47%)	718 (53%)	332 (24%)	1037 (76%)	2719

Types of Animals Impounded at the Chatham County Animal Shelter

Year	Impounded Dogs		Impounded Cats		Total Animals Impounded
	Adults	Puppies	Adults	Kittens	
2008	635 (53%)	561 (47%)	655 (53%)	574 (47%)	2407
2009	726 (58%)	529 (42%)	685 (53%)	609 (47%)	2719

Method of Euthanasia Used in Dogs and Cats

Year	Total Euthanized	Dogs		Cats	
		CO Gas	Injection	CO Gas	Injection
2008	1618	87 (13%)	591 (87%)	424 (44%)	516 (56%)
2009*	1690	44 (6%)	652 (94%)	190 (9%)	804 (81%)

*100% of animals since September 2009 have been euthanized by injection.

Summary

- 300 more animals were impounded in 2009 vs 2008
- Among animals impounded in 2009, half of dogs (53%) and three-quarters of cats (76%) were surrendered
- 44% of impounded cats were kittens; 39% of dogs were puppies
- Half (52%) of dogs and three-quarters (73%) of cats were euthanized in 2009
- 31% of impounded dogs and 17% of cats got adopted (from shelter or via rescue groups) in 2009

The Benefits of a Humane Society

- Fewer euthanized animals
- Better pet care & education
- Assists the county's efforts
- Builds community relations
- Demonstrates progress
- Builds emotional intelligence



Adoption Center Benefits

- Visible location & traffic
- Visitors to Chatham
- Long term sheltering
- More adoptions
- Public education about pets
- Relieves county shelter
- Assistance for wildlife



GOA & County Partnership

Expand adoption effort

Adoption Coordinator

Evening hours

Chatham wide adoption events

Expand Spay/Neuter effort

Funding/Grants

Advertising/Education

Designate county land for Adoption Center

GOA building and staffing

Chair Kost stated that they had asked Staff to prepare an inventory of existing County property to see if the county already owned a site that would be appropriate ; that the only sites in Pittsboro are located on Landfill Road; that they are going to have to review the list more closely; that the Board thinks Guardian of Angels is doing good things and that it is in everyone's best interest if the can figure out a way to make it happen; that GOA might want to review the maps; that they talked about being in Pittsboro where they had water and sewer connections; and that this limits options available.

Commissioner Thompson agreed stating that Rev. Dorsey made a good case for the adoption center. He asked, from a public policy perspective, if there are other jurisdictions with the same characteristics as Chatham County which include being mostly rural and if they have any policies/procedures in place that would encourage people do spay and neuter their animals.

Rev. Dorsey stated that the root of the problem is spay/neuter; that there are things that can be done i.e. licensing programs, evening hours, adoption events, etc.

John Sauls, Chatham County Animal Supervisor, stated that no county has the spay/neuter offerings that Chatham County does; that in addition to the tax support of the \$20,000 appropriation, CARE offers an extremely generous program; and that both of those

programs are more generous than the \$20 fix that operates in Orange, Wake, Durham, and Johnston Counties; that spay/neuter is far the most effective thing that can be done.

Rev. Dorsey stated that one of their concerns was getting people there; that a lot of people can't/won't meet the low income cost criteria; that he thinks it best to make it as simple as possible even if the price is raised; and make it as consistent as possible.

Commissioner Lucier asked if they were asking the Board to look for a piece of property on which to locate a structure and staff in order to be able to do some of the things they would like to be able to do.

Rev. Dorsey stated that that would give it credibility and a good start; that they will still need to raise between \$700,000 to \$1,000,000; and that when people see that the County is invested, it gives the project credibility and good PR for the County.

Commissioner Vanderbeck stated that there may be other things they can do to help other than the land and that he would like to have a Staff recommendation and the impacts of some of these things and also to look into how the Board might address funding issues through the County's grants writer at an upcoming meeting.

Resolution Declaring "Census Day" in Chatham County: Approval of a request to adopt **Resolution Declaring March 31, 2010 as "Census Day" in Chatham County**

Debra Henzey, Director of Community Relations, read the Resolution Declaring "Census Day" in Chatham County in its entirety.

Commissioner Lucier suggested amending the resolution date to March 31, 2010. By consensus, the Board agreed.

Commissioner Lucier moved, seconded by Commissioner Thompson, to adopt **Resolution #2010-12 Declaring March 31, 2010 as "Census Day" in Chatham County**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

PLANNING AND ZONING

Subdivision Final Plat Approval of "The Knolls": Approval of a request by Fitch Creations, Inc. for subdivision final plat approval of "The Knolls", consisting of 28 lots on 19.744 acres, located off SR #1817, Millcroft, Williams Township

Jason Sullivan, Acting Planning Director, explained the specifics of the request.

After considerable discussion and as per the Planning Department and Planning Board (with a vote of 8-2) recommendation, Commissioner Thompson moved, seconded by Commissioner Lucier, to grant final plat approval of "The Knolls" as submitted with the following conditions:

1. The final plat shall not be recorded until the County Attorney has approved the financial guarantee.
2. Note #8 shall be revised to read "The private road "The Knolls Close" also serves as a private utility easement and a public water easement for the Chatham County water system. Chatham County will not be responsible for restoring private infrastructure (wastewater system components, streets, sidewalks, curb and gutter, landscaping, etc.) in the course of repairing the public water system."
3. All documents related to the transfer of any lots with water hazard or stream protection buffers shall clearly note the buffers and associated restrictions.

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

MANAGER' S REPORTS

The County Manager reported on the following:

Summit Draft Goals:

The County Manager asked the Board to review the draft goals from the Board's Summit which were sent out today by email.

Chair Kost explained that the Assistant County Manager resent the goals today with the notation with what each Commissioner agreed to do and that the same folks that worked on each area of the goals last year would work on those same areas this year.

Subsidized Housing Work Shop:

There will be a free workshop offered on Saturday, February 20, 2010 from 9:00 AM to 5:00 PM at Briar Club in the Briar Chapel development, located at 1600 Briar Chapel Parkway off Highway US 15-501 North. The workshop is offered by EmPOWERment, Inc.

While the workshop targets those interested in the subsidized housing at Briar Chapel, the workshop is required for anyone thinking about applying for subsidized home purchase programs. These programs are for households with lower income levels who cannot afford to buy a home without assistance, and who are first time homebuyers and have worked or live in Chatham County the last 12-months. Refreshments, lunch and childcare are provided.

CDM Report for Western Wake Partners:

The County Manager explained that the CDM Report for the Western Wake Partners on the evaluation of the feasibility to put an outfall line connecting to Wake Partners proposed sewer line through Chatham County will come before the Board at their March 01, 2010 Work Session.

Internet Access:

Commissioner Thompson asked if there had been a resolution for the citizen who had a problem with his internet access.

Commissioner Vanderbeck stated that he and Ms. Henzey have discussed it briefly. He said that the service provider is located in Moore County; that he feels it might be best to get an investigative reporter (newspaper and/or television) on it; that he asked the e-NC Authority to get him another contact, but that he thinks the number provided is the same and these people (provider) are not getting back to them (Chatham subscriber); and that there is no recourse with the Utilities Commission.

COMMISSIONERS' REPORTS

The Commissioners' Reports were given in the afternoon Work Session.

CLOSED SESSION

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to go out of Regular Session and convene in Closed Session for the purpose of discussing personnel. The motion carried five (5) to zero (0).

REGULAR SESSION

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to adjourn the Closed Session and reconvene in Regular Session. The motion carried five (5) to zero (0).

ADJOURNMENT

Commissioner Cross moved, seconded by Commissioner Thompson, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting adjourned at 8:23 PM.

Sally Kost, Chair

ATTEST:

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