The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in the Henry H. Dunlap Building Classroom, 80 East Street, located in Pittsboro, North Carolina, at 9:00 AM on April 05, 2010.

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

Staff Members 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 9:02 AM.

AGENDA AND CONSENT AGENDA

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

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to approve the Agenda and Consent Agenda as follows:

1. Minutes: Approval of Board Minutes for Regular Meeting held March 15, 2010
   The motion carried five (5) to zero (0).

2. Child Abuse Prevention Month: Approval of a request to adopt Resolution #2010-17 Proclaiming April 2010 as Child Abuse Prevention Month, attached hereto and by reference made a part hereof.
   The motion carried five (5) to zero (0).

3. Funds Acceptance for Health Department: Approval of a request to accept $2,308.00 one-time bonus FY10 distribution to the Chatham County Health Department from Federal Title X - Family Planning
   The motion carried five (5) to zero (0).

4. Funds Acceptance for Health Department: Approval of a request to accept funds in the amount of $2,000.00 for Ryan White/HIV Case Management Services
   The motion carried five (5) to zero (0).

5. Funds Acceptance for Health Department: Approval of a request to accept $631.11 Performance Based Distribution of 2008-2009 Food and Lodging Fees Funds
The motion carried five (5) to zero (0).

6. **Mowing Services Contract:** Approval of the mowing services contract for the 2010-2011 Growing Season, attached hereto and by reference made a part hereof.

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

7. **Orange-Chatham Juvenile Crime Prevention Council:** Approval of the Orange-Chatham Juvenile Crime Prevention Council (JCPC) Contract with School of Government, attached hereto and by reference made a part hereof.

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

8. **Resolution Honoring the Service of Kim Archer:** Approval of Resolution #2010-18 Honoring the Service of Kim Archer to the Chatham County Appearance Commission

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

9. **Retirement of the Green Economy Task Force:** Approval of the retirement of the Green Economy Task Force and transition of duties to the new Green Building and Sustainable Energy Advisory Board and the Green Technology Committee of the Economic Development Corporation

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

10. **North Carolina Urban & Community Forestry Grant Application:** Approval of a request to apply for a grant from the North Carolina Division of Forest Resources to provide money to the Grand Trees of Chatham for continuation of the tree recognition and award program, and for the coordination and provision of educational workshops on tree health, maintenance and benefits, application attached hereto and by reference made a part hereof.

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

11. **Sexual Assault Awareness Month Resolution:** Approval of a request to adopt Resolution #2010-19 Proclaiming April 2010 as Sexual Assault Awareness Month in Chatham County, attached hereto and by reference made a part hereof.

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


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

**END OF CONSENT AGENDA**

**Mowing Contract:**

Chair Kost reiterated that the mowing contract had been approved on the Consent Agenda. She stated that as the Board moves forward next year, they want to look at various options as to whether it will be more cost effective to perform the services in-house versus continuing with the contract.

Commissioner Lucier asked if the new parks would be included. Chair Kost stated that that was the reason for reviewing it. He asked when the Northeast Park was scheduled to be opened. Ms. Pascal stated that there was a nine-month construction period beginning next month.
PUBLIC INPUT SESSION

Loyse Hurley, 16 Matchwood, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“Commissioners:

Re: US Senate Bill 510:

I am Loyse Hurley, President of Chatham Citizens for Effective Communities and I live at 16 Matchwood in Pittsboro.

The US Senate is considering a bill, S510, which would give the Food and Drug Administration wide-ranging new authority over farming practices and food production. The incidences of pathogen contamination within the large corporate food supply chain and the resulting illnesses and deaths over the past few years have been the impetus behind this legislation. While the desire for safe food systems is shared by all, this bill has some unintended consequences and will place an unfair and overwhelming burden on the small producer, the organic farmer and the local food movement. Large corporate food systems are supportive of this legislation as a means to address consumer confidence in their food supply chain. The costs of implementation of these new rules will not be too burdensome for those large businesses. The cost of complying will be very difficult if not impossible for the small sustainable farmer and food processing business.

The Carolina Farm Stewardship Association has talked about this for awhile and has supplied their comments to the USDA. We are not aware of any activity on this by our Agricultural Advisory Board.

The bill would impose a "one size fits all" mentality for the entire country and doesn't recognize the diverse nature of agriculture nor the differences in scale of food supply enterprises. The bill’s heavy financial impact on our local farming community, where we have local distribution of the crops, could be enormous.

Most of the incidences of pathogen contamination have occurred within the large corporate food supply chain. According to Debbie Roos, there have only been 2 incidents of contamination from a local food supply source (2 cases in upstate NY from apple juice and 12 cases of hepatitis in PA). Within local food systems the safety risks are mitigated to a great degree by a shortened food supply chain with local distribution. Furthermore its emphasis is on fresh, unprocessed foods grown in sustainable systems that by their intrinsic nature limit pathogen transfer to foods.

The FDA currently publishes voluntary Good Agricultural Practices (GAP). These voluntary standards will be mandatory under S510. The exclusion of small farms and food businesses from this regulation is key to protecting small farms and their ability to sell their products to anyone directly off the farm.

Many of these key GAP protocols lack scientific basis. This is particularly evident in the inclusion of wild animals as a contamination risk in agricultural fields thereby requiring expensive fencing to keep nature out. The uses of animal manure products used by many organic growers will also be regulated.

Local food entrepreneurs and farm food processing will also be required to maintain a Hazard Analysis and Critical Control Point Plan (HACCP). This mandate puts a heavy cost on the small producer. The hazard analysis rules are directed at facilities that process food and require them to do a lot of homework and record keeping that adds a level of bureaucracy that would be a hardship on our local producers.

Since our local sustainable farming community and food distribution system have a positive impact on Chatham's economic development, we have drafted up the attached resolution for your consideration. In it, we include some corrective measures which would make this bill more appropriate for Chatham County. We did not address restaurants because of our lack of
experience. Although terrorism and Homeland Security are mentioned several times at the end of the bill, we omitted consideration of that. However, it’s obviously a lot harder to poison a food supply system where there is diversity and a lot of independents selling within 200 miles to a variety of consumers. Those points can be easily added.”

Commissioner Lucier asked if Ms. Hurley knew the schedule of Senate Bill 510 stating that they would like to have the Ag Advisory Board review the resolution and background material at their next meeting on April 13th and return with a resolution for the Board of Commissioners’ consideration at their April 19th meeting. He stated that if it was passed, it would need to be sent to our US Senators Hagan and Burr and Congressmen Price and Etheridge. He stated that he thinks that Ms. Hurley’s points are correct; that as he understands it, the bill as it relates to those regulations being added on to the small organic farmer would create more health issues than they would solve; that there is no doubt in his mind that the risks outweigh the benefits; that he understands the purpose of it, but it certainly would not be a good thing for our sustainable farmers; and that it would make it more difficult to stay in business and create more inherent risks in that food supply and distribution system.

Ms. Hurley stated that they want record keeping to be able to recall a lot of the produce and that it does not make sense for the corner fruit stand or local distribution.

Commissioner Lucier stated that another issue was whether they wanted to ask the local Board of Health to take a look at it stating that the meet later in April.

Commissioner Thompson asked how prevalent is the movement state-wide. Ms. Hurley stated that a lot of the small farmers are aware of this and have been actively trying to change it; that they are going in through the USDA; that since it is a congressional bill, they think it should be nipped-in-the-bud when it is started.

Commissioner Lucier asked, if Senate Bill 510 is passed, would it be administered by the USDA and/or Food and Drug Administration. Ms. Hurley said it is confusing, stating that it depends on what level; that if the contamination is on the crop, it would be USDA and if it is in the food supply it would be FDA. She stated that their intent, which is to protect the food supply, is excellent, but they cannot do a “one size fits all” document.

Commissioner Lucier stated that the resolution should be sent to the partners in the Piedmont Food Processing Consortium as it would certainly impact the potential success of that center as it will be dealing primarily with local produce produced within a seventy-five mile region.

Chair Kost asked that members of the Ag Advisory Board and the Chatham County Health Department be notified. Commissioner Lucier stated that he would talk with the Board of Health Chairman regarding this matter.

Jeffrey Starkweather thanked Commissioners and staff for keeping the County going and getting ready to rebuild the courthouse. He reported on the “Courthouse Tribute” held Saturday, April 3, 2010 from 3:00 PM – 8:30 PM, stating that it was a street fair to honor the damaged Chatham County Courthouse with other members of the community, listen to live music, browse local shops and restaurants, share stories, memories, photos, and artifacts. He stated that they got a petition signed by over 165 people thanking the Commissioners for their decision to rebuild the courthouse. He stated there were three reasons for holding the celebration: 1) We had such an incredibly well-built courthouse with two-feet thick walls; it is still standing; and it can serve as the foundation as it is rebuilt. 2) They were bringing the
County together around the rebuilding of the courthouse. 3) The decision the Board of Commissioners made to rebuild the courthouse. The petition is attached hereto and by reference made a part hereof.

Chair Kost expressed thanks on behalf of the Board to everyone who organized the event stating that it was on the Easter weekend when a lot of people were out of town, but there was a lot of energy and she felt that it promoted a lot of traffic for the businesses and that it was a great event.

**COURTHOUSE UPDATE**

Commissioner Lucier stated that when the Board agreed to rebuild the courthouse, they talked about forming a task force to help provide ideas and input as to what will go into the courthouse when it is restored; that he was hoping to start laying the foundation as to how it would be put together and get some ideas about who might be on it; that there have been many to express interest in serving; and that in the not-to-distant future, they need to come up with a plan regarding how it will be structured and what the Board’s official charge to them will be.

Chair Kost concurred. She reiterated that they will need to have citizens from various aspects of the community but also representation from the courts; that they perhaps need to bring forth a general outline at the work session at the next Board of Commissioners’ meeting on April 19th; and at that time, have a general outline to have something to which the Board can react.

Commissioner Lucier stated that the Town of Pittsboro and the Historical Society and those who have been a part of the courthouse history also need to be involved.

Renee Paschal, Assistant County Manager, stated that a lot has been done even though the site itself is shut down until an “all clear” can be received from the insurance companies. She stated that that is expected to happen this week; that we are going to try to retrieve some documents tomorrow from the District Attorney’s Office; that we will have a document restoration company on-site to preserve those documents; that the County Manager’s Office has been working non-stop to find space for the courts; that she is pleased to report that we have found office for the DA’s Office and Probation, both very close to the traffic circle; that the DA’s Office will be at 60 West Street, the former location of Andrews Law Group; that the Probation Office will be located in the building beside the General Store, 45 West Street; that there are already two probation offices in that building so the other four were able to be moved into the same building which is good working arrangement; that we have been trying to find a space for Superior Court and have decided that the Ag Auditorium will be the best space for Superior Court in the six-months; that we are trying to find a medium term solution for Superior Court; that one of the best options is using the old library, once it is vacated when the new library is open; that she met with the court personnel last week to review that option; that they are working with an architect to get some cost estimates; and that they have a couple of ideas to resolve parking issues.

Chair Kost asked since MIS was supposed to move into the library space, if any of the retrofitting for the courts to use that space in the interim could be done in such a way that it also helps with the MIS renovation.

Ms. Paschal explained that staff was already working with an architect on the MIS up-fit of that space and they have asked the architect to see if they can minimize the duplication.

Commissioner Lucier asked if there would be substantial disruption to the agricultural activities and Cooperative Extension employees.

Ms. Paschal explained that there would be disruption; that they have also been working diligently to try to find alternative space for those events. She stated that they have about six possible locations, some of which have been approved, and some staff is still working to get approval; that because of security issues and the need to segregate the jury
and the defendant, Superior Court needed to be in one space to be completely controlled; and that staff is searching for other space for Ag Auditorium events.

Commissioner Lucier asked about the schools stating that there were multipurpose rooms in all the schools that he assumed that they would be more than willing to help them out.

Ms. Paschal stated that schools are an option; that one is the multipurpose room at the community college; that she has talked with Dr. Allen who has said that they will try to give priority to large events that have been scheduled for the Ag Auditorium; that besides the schools, that is the only site that will accommodate large events; that they also talked with the Pittsboro Fire Department about holding smaller meetings in their meeting space and that is awaiting approval; that they have talked to Kiwanis Club who has given approval to use their building for Ag Auditorium events as well as the “One Stop” election space at Chatham Downs which will be vacant between the primary and the general elections; and that is approximately 1,000 sq. feet that can be used non-stop for that period of time.

Commissioner Lucier asked if the Silk Hope Ruritan building had been finished, stating that might be a good possibility for agricultural events as it is a substantial building and a lot of the farmers are located in that area.

Chair Kost asked for clarification if the space would still be able to be used in the evenings. Ms. Paschal replied, yes. Chair Kost reiterated that we were really just displacing events that would have been scheduled during the day. Ms. Paschal replied, yes, stating that it was only about two and a half weeks out of the month so it could be used for the remainder of the events for which it had been scheduled for that time.

Commissioner Lucier stated that law enforcement was very appreciative of how fast staff had worked with everyone to find space needs. He asked if a letter of thanks should be sent to Jennifer Andrews for helping with space needs for the DA’s Office. Ms. Paschal explained that Ms. Andrews agreed to leave all of her office furniture in place for the DA’s Office to use and she had vacated the building by Friday.

Chair Kost stated that she would be glad to take the lead in drafting the letter. By consensus, the Board agreed.

Judge Baddour thanked everyone for this support. He stated that they will continue to work with staff and that he would be glad to answer any questions.

Chair Kost stated that one of the obstacles is the construction of the Highway #87 circle; that NCDOT has said that while the Highway #87 is closed for construction of the round-about as part of the library project, the courthouse circle will need to remain open completely; that we have until April 19th for the debris removal; that the contractor for the Highway #87 circle has pushed the timeframe back one week until April 19th that after the 19th, the courthouse circle will be open and the Highway #87 round-about contractor has a maximum of 120 days to complete it; that they do not think it will take that long; that it will probably take that length of time to shore up the courthouse building to accept a temporary roof; that she is uncertain if there is anything else that can be done to protect the building in the short-term before getting a roof put on the building, but she is certain that the Public Works Director will be looking at it.

Chair Kost stated that NCDOT was very optimistic that the project could be done in less than 120 days, which is what their contract stipulates. She stated that they have a lot of work to do within the 120 days while preparing to put a roof on the building.

Commissioner Lucier stated that it was his impression that DOT has been extremely helpful. Chair Kost stated that this had been so.

Chair Kost asked if there were any citizens who had any questions.
Judge Baddour stated that, with regard to the Ag Building Auditorium, one of the reasons they needed to have a place to meet as a courthouse was because they subpoena and issue summons for jurors by the hundreds each month, for witnesses, victims, and for defendants; that when they get into a situation where the court is located at a different building or place every week, they have disaster on an on-going basis; that they really appreciate the trouble that they are putting others in, but hope that it can be managed for a short period of time; and that they value and understand the importance of what the Agricultural Building folks are doing, but for the continuity of the work that they do, they need to have it mapped out months in advance in order to get people to the right place as it is a necessity for the court system.

COMMISSIONERS’ PRIORITIES

Resolution Supporting Improvements on Andrews Store Road: Approval of a request to adopt Resolution Supporting Improvements on SR 1528 (Andrews Store Road)

Chair Kost explained that part of the conditional use permit and the DOT requirements with regard to Briar Chapel is to make certain improvements along Andrews Store Road including improvements around the two school and park sites where Granite Mill adjoins Andrews Store Road as well as intersection improvements on Highway #15-501; that they are working very hard to have it signalized for the school; that one of the concerns is the area that is outside the requirements of Briar Chapel from the intersection to the school; that it is a narrow, rural road that has taken a beating from construction traffic; that there have been various meetings with the community and Briar Chapel at which this was a huge concern; that she took the issue to the MPO to no avail; that District 8 Engineer, Reuben Blakely and Tim Johnson were all concerned about the issue; that they have been able to realign money within DOT to provide the funds to upgrade and widen the road; that we were still short a couple of hundred thousand dollars and with the help of Senator Atwater and Speaker Hackney, we were able to bridge the gap; that the resolution that is before the Board today is one that DOT needs in order to make it happen; and that this is truly a way of NCDOT stepping up to the plate, really doing what was right, and getting the road fixed.

Commissioner Lucier asked if the plan is still to have this done this calendar year so the improvements will be completed by the time the children move into the Margaret Pollard Middle School. Chair Kost stated that she thought it was on schedule as DOT was awaiting the resolution.

Lee Bowman, Briar Chapel representative, expressed thanks to the County Commissioners and stated that Briar Chapel has accelerated their improvements over what is required; that he feels it is a good team effort; and that they appreciate everyone’s help.

Commissioner Thompson stated that he is obviously in favor of this project as it is imperative that the road be improved and brought up to standards given the high volume of traffic. He asked the projected total cost of this project. Chair Kost answered that she believed it was $1.2 million.

Mr. Bowman stated that for Briar Chapel it was approximately one million and one-half to two million dollars in improvements which include the widening of the road from Woods Charter School to Margaret Pollard School as well as some of the culvert improvements.

Commissioner Vanderbeck asked about the resurfacing of the torn-up road west from Parker Herndon Road to Manns Chapel Road. Chair Kost stated that the widening and major improvements from the school area going west to Manns Chapel is not going to happen as part of this project; that the entire Andrews Store Road needs work; and that the focus is now between the schools and Highway #15-501.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to adopt Resolution #2010-21 Supporting Improvements on SSR #1528 (Andrews Store Road), attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).
MANAGER’ S REPORTS

Budget Work Sessions:

The Assistant County Manager asked for a two-week extension on the presentation of the budget to the Board. She stated that it was scheduled for May 3rd and they would like to move it to May 17th; that the courthouse fire has presented a lot of other things with which they must deal with; that they would like to make that change and hold the required public hearing on Tuesday, June 1st (day after Memorial Day) and hold the Siler City public hearing the week of June 1st or on May 28th to give the public plenty of time to review the budget; that Chair Kost had sent out an email outlining some proposed dates for work sessions; that staff would like to keep the work sessions, but she realized that is a lot to put into the first week in June; and that if the Board moves the work sessions in June, she believes that they will still be able to meet their target of presenting the ordinance to the Board for adoption on June 21st.

The dates are as follows:

May 17, 2010    Budget is presented to the Board at their regularly scheduled Board of Commissioners’ meeting.
June 1, 2010    Required public hearing (Tuesday)
June 2, 2010    Siler City Public Hearing
June 3, 2010    Budget Work Session
June 7, 2010    Work Session in conjunction with the regular meeting.
June 8, 2010    Budget Work Session
June 9, 2010    Reserved Work Session, if necessary

(Commissioner Thompson stated that he would be on vacation from June 5-12, 2010.)

All meetings are to be held at 9:00 AM in the Henry H. Dunlap Building Classroom.

By consensus, the Board agreed.

COMMISSIONERS’ REPORTS

Commissioner Thompson again expressed concern with regard to County-wide, roadside trash. He stated that he would like to invite a representative of the NC Department of Transportation to come to a meeting (possibly the first day meeting) stating that he would like to know their capabilities in terms of litter control, their procedures, their priorities, etc. to actually police the areas in the County; that he would ask that the Board look at a plan to deal with this plan; that Commissioner Lucier had a good idea in terms of using the public schools to educate our youth; that he believes that the Chatham County School Board and the Superintendent would be in favor of pursuing it; that until we have an understanding of DOT’s role and their capabilities, the problem cannot be effectively resolved; and that he feels it is important to get citizen involvement.

Chair Kost stated that the Solid Waste Reduction Coordinator position has been unfrozen; that she wonders if whether this position could help with the education and with coordinating the campaign.

Commissioner Vanderbeck stated that Malcolm McCracken should be invited to attend the meeting once the arrangements are worked out with DOT.
Central Carolina Board of Trustees’ Meeting:

Commissioner Lucier reminded everyone of the Central Carolina Board of Trustees’ dinner meeting and tour of the new library and sustainable technologies building to be held on April 28, 2010 from 5:30-7:30 PM.

Ag Advisory Board:

Commissioner Lucier stated that Clarence Durham on the Ag Advisory Board had pointed out that approximately ¾ of the members terms have expired; that they have been active and still participating; that he had asked the County Manager to communicate with each of the members to see if they wish to be reappointed; that there are some who may not wish to be reappointed; and that if the Board has any ideas about the nominees for the Ag Advisory Board, please let him know, as they each have three appointments.

Commissioner Vanderbeck stated that since the terms have expired, they have some latitude and they have an opportunity to broaden the charge; that they may wish to cast the net wider to actually ask for certain requirements to get people who come and will be at the meetings and be engaged in a broader area than the original board’s scope.

Commissioner Lucier stated that they were very active in organizing the Hall of Fame and associated festivities; that when he talked with Charlie Bolton and Clarence Durham, they agreed that it would be a good idea to advertise; that at the same time, he wanted to know if any of the Commissioners had people they would like to nominate.

Broadband Plan:

Commissioner Vanderbeck stated that in the NACo publication, County News, there was a Broadband article in which the FCC has recommended that Congress preempt laws in eighteen states that currently prohibit cities and counties from building broadband networks; that he thinks the Board needs to support this; that House Bill 1252 is currently on the books seeking to level the playing field and not allow counties and cities to get engaged; that he will find out more about this in the coming week; and that he would like for the Board of Commissioners to support this effort as a way to give our citizens the best access; and that the Board should have those options available to it.

By consensus, the Board agreed to be supportive.

Courthouse Documentary:

Chair Kost stated that she had spoken with Debra Henzey regarding working with Lisa West in finding funds for documenting the rebuilding of the Historic Chatham County Courthouse. She stated that the fire was a huge historical event in the County and they need to look for ways to produce a documentary as they don’t want to think about it after the opportunity has passed.

Commissioner Thompson stated that a friend of his who writes grants had given him some information to pass along to the Board and the grants writer, and that there may be at least one or more foundations that have funds available.

Commissioner Vanderbeck stated that the County has some very talented documentarians, one which has been involved with the Chatham Arts Council (Linda Booker); that there is another that has done some documentation on the plywood strike, etc.

Jeffrey Starkweather stated that Ms. Booker lives in Pittsboro, has an office in the Blair Hotel, and that she had documented the fire.

Commissioner Lucier stated that he previously worked with Dave Smith who does documentaries, and that he is very interested in the history and government of Chatham County.
Mr. Starkweather stated that if local matches are needed, there may be groups interested in raising funds. Chair Kost stated that there may be some effort that can be done through the Historical Association.

**Sign Ordinance:**

Chair Kost stated that the Sign Ordinance will be returning to the Board at their next Board of Commissioners’ meeting on April 19th; that one of the issues was the elimination of signs; that there was to be a Zoning Board of Adjustment meeting during today’s meeting, but it was postponed until after the discussion regarding the signs.

**Code of Ethics:**

Chair Kost stated that they did receive notification from the County Attorney that the current Code of Ethics that was adopted in December 2006 meets the requirements of the law.

The County Attorney stated that is essentially correct. The School of Government is going to send out a model code and he wants to balance that against what the County adopted before he signs off on it.

Chair Kost explained that the March 25th required Code of Ethics training was cut short due to the courthouse fire; that the Deputy Clerk to the Board is checking into whether it needs to be rescheduled or whether what they had done meets the requirements; and that the training may have to be rescheduled.

**ADJOURNMENT**

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting adjourned at 10:05 AM.

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Sally Kost, Chair

ATTEST:

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