

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
MAY 03, 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 9:00 AM on May 03, 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; 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 9:08 AM.

AGENDA AND CONSENT AGENDA

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

Commissioner Lucier asked that the April 19, 2010 Minutes be removed from the Consent Agenda and placed on the Regular Agenda for discussion.

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

1. **Minutes:** Approval of Board Minutes for Work Session held April 19, 2010

The minutes were removed from the Consent Agenda and placed on the Regular Agenda for discussion.

2. **Library Board Appointment:** Approval of appointment of Edith Calhoun to the Chatham County Library Board by Commissioner Lucier

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

3. **Library Board Appointment:** Approval of appointment of Jamie Fiocco to the Chatham County Library Board by Commissioner Vanderbeck

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

4. **Chatham Wireless Pilot Program Contract:** Approval of Chatham Wireless Pilot Program contract, attached hereto and by reference made a part hereof.

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

5. **Termination of Contract with Metawave:** Approval of the termination of the MetaWave Consulting Agreement as permitted therein and to instruct the director of MIS to provide written notice of termination to MetaWave

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

6. **Roll-Off Truck Replacement:** Approval of a request to award the bid for the purchase of a replacement roll-off truck for the Waste Management Department to Volvo GMC in the amount \$137,540.00

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

7. **Resolution Opposing Legislation on Broadband:** Approval of a **Resolution #2010-25 Urging the State of North Carolina to Oppose Legislation Which Would Limit or Place a Moratorium on Local Governments Providing Broadband Service** and to Recognize the Role of Local Governments in the Deployment of Broadband Services for the Economic Development of this State

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

END OF CONSENT AGENDA

Minutes Correction:

Commissioner Lucier asked that two corrections be made to the April 19, 2010 Work Session Minutes as follows:

- 1) Page 3: The name "Dr. Thompson" be corrected to read Dr. Fountain
- 2) Page 3, 3rd Paragraph: Last sentence should read: Commissioner Lucier verified that about 85 percent of the water that runs below Loves Creek is coming from the Siler City Wastewater Treatment Plant under drought conditions.

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to approve the April 19, 2010 Work Session Minutes as amended. The motion carried five (5) to zero (0).

COMMISSIONERS' PRIORITIES

Employee of the Month: Presentation of April 2010 Employee of the Month

Carolyn Miller, Human Resources 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 explained that the April 2010 Employee of the Month is Tom McGinty, Investigations Sergeant, Chatham County Sheriff's Office. An excerpt from his nomination form follows:

"On September 15, 2009, SSgt. Tom McGinty stepped up to the plate and asked to be the lead investigator on a homicide case that had occurred on Mitchell's Chapel Church Road. Detective McGinty was new to the unit after being promoted into the position of Criminal Investigations Supervisor shortly before the homicide. The night of the homicide, he indicated to me that he wanted the case and felt that it would be an opportunity to lead his new unit by example. Over the course of almost 4 months, Detective McGinty spent well over 300 hours, devoted to the successful completion of the case which resulted in the apprehension and arrest of 2 suspects on January 8, 2010. During this time, Tom spent numerous late nights on interviews and tracking down leads. At one point during the investigation, Detective McGinty even had to have surgery, but still never missed a beat. Even while he was out of work, he supplied more strategies and information that he was continually collecting on the case. This case being one that involved extreme language and social barriers, an attempted cover-up of evidence by arson, and involvement in illegal narcotics, took Detective McGinty and other investigators into other counties to gather the intelligence and evidence needed to eventually place the persons responsible in custody.

SSgt. Tom McGinty exemplifies everything that Chatham County would want to experience out of an employee. His positive attitude along with his knowledge and strong work ethic, even during stressful times like the homicide, make him an exemplary example to his peers and all county employees as to how we should all approach our jobs. It is these

attributes and many more that he possesses that make Detective Tom McGinty not only an employee worthy of this award, but an excellent example of what a leader should be.”

Chair Kost congratulated Mr. McGinty on behalf of the Board of Commissioners. .

SSgt. McGinty stated that it was a lot of hard work. He gave credit to the Sheriff’s Department team which helped him in solving the case.

Sheriff Webster stated that he was very proud of his employees. He also thanked the State Bureau of Investigation for their help in the investigation.

Commissioner Lucier stated that he knew several members of the victim’s family and that they were very appreciative of the way the case was handled..

Courthouse Update: Update on the Chatham County Historic Courthouse

David Hughes, Chatham County Public Works Director, stated that staff is currently finishing a contract with the structural engineer and architect for temporary roofing for the historic courthouse; that once the plans are complete, they will go out for informal bids on getting the work done.

Chair Kost asked if temporary referred to the structure itself as in the roofing materials and when the work is complete, if it will all be taken out.

Mr. Hughes stated that that was what they were envisioning; that they have an initial cost estimate done; and that the most cost effective solution appeared to be in placing a temporary wood roof and return in stages to rebuild the permanent roof.

Chair Kost asked what would be done around the windows. Mr. Hughes replied that they would be boarded up.

Commissioner Lucier asked when the temporary roof will go on the building.

Mr. Hughes explained that it depended on the turn-around for the plans which we expects in two to three weeks; that it would take another couple of weeks to get bids; and that most likely it would be three to four months.

Commissioner Lucier stated that it was important to get it done as fast as can be done. Mr. Hughes acknowledged and stated that it will take at least three months as there will be some lead time with some of the trusses, having to rebuild a section of the top of the wall, and that will be done while the trusses are ordered. He stated that they would try to work off of some of the scaffolding, but he is certain that they will have to use a JLG/extended boom with wheels and one or more cranes.

Commissioner Lucier asked if it would be necessary to block off some of the traffic circle again. Mr. Hughes replied yes, at least while the trusses were being set but shouldn’t take over two to three days.

Commissioner Thompson asked if Mr. Hughes had a “ballpark” figure of the cost. Mr. Hughes stated, not yet.

Chair Kost stated that it was her understanding that this is a legitimate claim on insurance because we are protecting the structure in order to complete the construction and it is something that can be filed with the insurance.

Mr. Hughes replied that this was correct. He stated that we have an obligation under the policy; that they are asking about it and he feels that they are inclined to cover it; and that they want us to preserve as much of it as we can.

Commissioner Vanderbeck stated, for public clarification, that the temporary roof would not look like the previous roof and if it would have just a peak to shed water and that this will be important for the citizens to know.

Chair Kost asked about the materials that would be used.

Mr. Hughes responded that they would use some type of membrane, probably black rubber and that it would be a fairly low-slope.

Commissioner Cross mentioned that Moncure Plywood contacted him and has offered to sell the County any plywood or materials that they make at their cost in rebuilding the courthouse. Mr. Hughes stated that they would pass that information along to the contractors.

Chair Kost stated that the offer was a great community offering.

Mr. Hughes stated that although it doesn't look as though a lot is getting done, they are hard at work; that they have to get the contracts signed and take care of the legal issues; and that it takes time but that is what they are working on

The County Manager explained that the Travelers Insurance adjuster has been present looking at the structural part of the courthouse.

Chair Kost asked if Travelers has advanced the County money to cover expenses up to this point so that taxpayers' money was not being used.

Renee Paschal, Assistant County Manager, explained that the insurance company ultimately has to approve what is spent, but that she thinks everything they have done so far should be covered.

Commissioner Vanderbeck asked if there was a plan for off-site worker parking so that public parking will not be adversely affected and less disruptive.

Mr. Hughes replied that normally in a contract, they will provide for their own parking.

Chair Kost stated that one of the requests received from within the community dealt with the surplus materials, i.e. copper, etc., and that all of those materials were now in storage.

Mr. Hughes stated that the copper was stored by D. H. Griffin in a locked and guarded warehouse and that some of the old beams were also in storage.

Chair Kost stated that many in the arts community had talked about using these materials to generate money to pay for extras for the building or part of the rebuild; that at some point, the Board of Commissioners need to discuss this and (1) determine the approach they would like to take; (2) decide if it is something they are interested in doing and/or if they are, how they would go about doing it; and (3) structure of how they would receive and control the funds.

Commissioner Lucier agreed, stating that his initial reaction is that it would be good to have a "Request for Proposals" in which they provide an inventory of available materials for such activities; that then have people apply and describe how they would use it, etc. and what the product would be; that they don't necessarily have to supply any money for it, as they would supply the materials; that it would be up to the applicant to provide any necessary funds to complete the art work; and that he agrees that there needs to be a more lengthy discussion on the matter.

Chair Kost asked the Board if this was something that they wished to pursue, stating that if so, they could ask staff to prepare an inventory of what they have.

Mr. Hughes stated that he has a good idea now of what is available, but that he can total it up and make the list available to the Board.

Commissioner Cross asked if there was anything left of the clock parts. Mr. Hughes stated that the clocks were completely destroyed.

Commissioner Thompson stated that Chatham County is blessed to have a very active and talented arts community; that he has seen a good number of outstanding projects over the years; that they have a showing at Central Carolina Community College every year and he astounded at some of the talent; that he thinks it would be good to allow those materials to be used as they would produce some outstanding art work and would benefit the County and raise a good deal of money as well.

Rita Spina stated that when one goes to junk yards now, it is very different that it used to be; that there used to be copper everywhere; that now when you go and ask for copper, they have to unlock the building to get it.

The County Manager stated they are working diligently to try to get everything adjusted, secured, the legal work done, to make it safe and secure in order to proceed with the rebuilding.

Resolution to Exempt for Design of Library Renovations: Approval of Resolution to Exempt for Design of Library Renovations from the Provisions of GS 143-63.31; and to award a design contract to Hobbs Architects, subject to review and approval of the County Attorney; and to authorize the County Manager to sign contract in the amount of \$54,000

Renee Paschal, Assistant County Manager, explained as part of the Capital Improvements Program, the Board approved a project to renovate the old Pittsboro Memorial Library for County office space with up-front meeting room. Since that time, because of the courthouse fire, we have been searching for space to hold Superior Court. Superior Court will be located in the Agriculture Auditorium for approximately six months but that it is very disruptive to programs not to have the auditorium available during the day. Staff is recommending that the old library be renovated to be used by Superior Court from six months from now for a couple of years. We are ready to proceed with the proposal to do that. There is a Resolution to Exempt the design services from the requirements of an RFQ process. The reason it is being recommended is that Hobbs Architects has already done a great deal of design work on the old library. They are very familiar with the proposed use of that space for County office space. Hobbs Architects has put together a scope of work that designs the building in two phases: Phase 1) The use for Superior Court; and Phase 2) The use for County office space. The goal would be to minimize the work that's being done in Phase 2 so they would try to plan Phase 1 to minimize Phase 2 work. The Board is also being asked to approve the contract to Hobbs Architects for design services subject to approval by the County Attorney and authorize the County Manager to sign the contract.

Chair Kost stated that she was surprised at how well the building laid out as a courtroom. She asked if the court had been involved in the discussions as her concern was the front entrance opening directly into the courtroom.

Ms. Paschal stated that it would be exit only, as the people would enter the courtroom from the existing side entrance where most people now enter the library.

Commissioner Lucier expressed concern with regard to communicating with the bank to use some of their parking. Ms. Paschal stated that they were in the process now. They have had the first step of surveying the property done to see exactly what the County owns. It is true that the County does not own any of the parking lot. There has been discussion with the bank to work out an easement. We would have the easement in place before the construction contract was awarded.

Commissioner Lucier stated that it would be good to have reserved parking spaces for judges and law enforcement.

Chair Kost asked if there was anything that needed to be done in the short-term to help the MIS ease their overcrowding. Ms. Paschal stated that a couple of things had already been done. Some staff has already been stationed in other places. We are looking at using an area of the Performance Building to stage computers that arrive and putting in a work bench which can be used to get the computers ready and then deliver them out of that building.

Commissioner Thompson asked if the Sheriff had been consulted in terms of security issues regarding the courtroom.

Taylor Hobbs stated that he had not met with the Sheriff, but that the prisoner drop-off is off the north side with a holding cell, there will be a number of security rooms marked off, and all will be discussed with the Sheriff.

Chair Kost stated that in the last few days, they have received a request from a citizen presenting the history of the library building and how it was originally funded and encouraging them not to use it for an internal services function for the County but instead use it for a much more public approach. She stated that as they went through the space needs for county functions, that MIS was selected and not a more public function because parking is so limited and that even with a north side lot, that it would not be enough.

Commissioner Lucier stated that he agrees with Chair Kost and Ms. Paschal's response and it is a good plan and they need to move forward with it.

Commissioner Vanderbeck concurred. He asked if it was possible to secure, on court days only, a temporary lease on the west street lot across from the Economic Development Corporation's office.

Ms. Paschal stated that the property owner had not been contacted, but that was definitely an option and it would probably be used for jury parking.

Commissioner Vanderbeck stated that it would be good to have designated parking for the Sheriff. He asked if the proposed schedule was still on target. Ms. Paschal replied that planning was started as scheduled; that their agreement with Hobbs Architect was that if the Board did not approve the exemption today and did not move forward, they would be paid on an hourly basis. She stated that time is of the essence and they need to move quickly in order to get into the building by December. The Cooperative Extension Service has been very good to work with and very gracious regarding the space, but they are expecting to be back in their space by January 2011.

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to adopt **Resolution #2010-26 to Exempt for Design of Library Renovation from the Provisions of GS 143-63.31** and award a design contract to Hobbs Architects, subject to review and approval of the County Attorney; and to authorize the County Manager to sign contract in the amount of \$54,000. The motion carried five (5) to zero (0).

Chair Kost thanked everyone for thinking "outside the box". She stated that this was a creative solution to a very serious problem.

PUBLIC INPUT SESSION

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

MANAGER'S REPORTS

The County Manager reported on the following:

Beautification of Highway #64 Campus Area:

There have been some changes in shrubs at the Highway #64 campus area and parking lot. The Green Team has planted some roses and some drought-tolerant plants to make the area more attractive. He congratulated them on their work efforts.

Assembly Day:

Assembly Day is May 19, 2010 and that there are a lot of legislative issues that could impact local governments.

Administrative Building/Emergency Generator:

As part of the process to make our delivery of service more fluid and consistent, we are now connecting an emergency generator to the Administrative Building. When the power goes out or there are emergency situations, where in the past we have only had emergency connections at the Emergency Operations Center (EOC), we now will have our Administrative Building fully charged and can respond as necessary.

COMMISSIONERS' REPORTS

Triangle J Council of Governments' 50th Anniversary:

Commissioner Cross reminded the Board of the Triangle J Council of Governments' 50th anniversary celebration as follows:

- "Creative Possibilities: Regional Solutions" - Triangle J Council of Governments' 50th Anniversary Forum, May 20, 2010, 8:00 AM - 2:30 PM, Sheraton Imperial Hotel & Conference Center, Durham, NC
- "Creative Possibilities: Regional Successes" - 50th Anniversary Reception, May 22, 2010, 7:30 PM - 9:30 PM, The North Carolina Museum of Art, 2110 Blue Ridge Road, Raleigh, NC

Goldston Sewer Line:

Commissioner Lucier stated he, along with Chair Kost, attended the public hearing on Monday April 26, 2010 in Goldston regarding bringing sewer from Sanford. A presentation by contractors working with Goldston was held to lay out the infrastructure within Goldston as well as the pump station. There were approximately ten speakers who were all favorable and several complimented Mayor Cunnup who has worked relentlessly toward this goal. They also complimented the Board of Commissioners in working with the Town of Goldston on the project. It is one of those unusual situations where you have the entirety of the municipal government, the entirety of the Board of Commissioners, and everyone who spoke at the public hearing all agreeing. Speaker Hackney has also helped Goldston get one million dollars instead of five hundred thousand from the N.C. Rural Economic Development Center. It appears that if all the grants come through, the monthly bill for using 3,000 gallons per month will be approximately \$37-38.00 per month which is better than expected. Goldston citizens will vote on it on June 22, 2010. There will most likely be a couple more input sessions on it.

Fire Marshal to Speak at Siler City Rotary:

Commissioner Lucier stated that he has asked the Chatham County Fire Marshal to make a presentation to the Siler City Rotary on the investigation of the fire in the historic Chatham County Courthouse on May 10, 2010.

Economic Development Corporation Opportunity/Chatham Breakfast:

Commissioner Lucier stated that the Chatham County Economic Development Corporation will be holding its "Opportunity/Chatham Breakfast" on Friday, May 14, 2010.

Broadband:

Commissioner Vanderbeck explained that April 26-27, 2010, he attended the Broadband conference, the Southeastern Association of Telecommunications and Officer and Advisors. Debra Henzey was also in attendance representing the staff and followed the sessions on PEG Chanel and emergency bands and he covered some of the broadband issues. They both had the opportunity to hear the FCC Commissioner Mignon Clyburn and received valuable information for Chatham County. It is timely because she talked about the national broadband plan. There was a referendum on the day's Consent Agenda that referred to not impeding the local government's access to provide this broadband, if and when needed. In an excerpt from her speech, "National Broadband Plan recommends that Congress clarify the state and local governments should not be restricted from building their own broadband networks. I firmly believe that we need to leverage every resource at our disposal to employ broadband to all Americans. If local officials have decided that a publicly owned broadband network is the best way to meet their citizen needs, then my view is to help them make that happen. When cities and local governments are prohibited from investing directly in their own broadband network, citizens may be denied the opportunity to connect with their nation and improve their lives. As a result, local economies likely will suffer. But broadband is not simply about dollars and cents. It's about the educational health and social welfare of our communities. Preventing governments from investing in broadband is counterproductive and may impede the nation from accomplishing the plan's goal of providing broadband access to every American and every community anchor institution." He stated that he thinks she hit a

homerun and hopefully we can get some leverage with a friendly commissioner on the FCC board.

Interfaith Ministries:

Commissioner Thompson stated that he was happy to announce to the Board and public that last Friday, April 26, 2010, Interfaith Ministries of Chatham County finally received their 501 3 (C) status; that he helped to form a collaborative group of citizens, community organizations, and individuals to come together to try and pool the resources of the County to meet the basic needs of the indigent in the community approximately one year ago; that given the current economic situation, that number has significantly increased; that it was amazing to him how the group came together; that regionalism can sometimes ease into the process and inhibit going forward which was not the case with this group; that they are working well together and have already received one grant without the 501 3 (C); that now that they have the 501 3 (C), they can begin to move forward in a more rapid way and help the citizens of Chatham County; and that he thanks the Commissioners for their support.

Chair Kost stated that there is an incredible amount of energy within that group; that she receives the group's emails; and that some of the issues they are pursuing will really serve the citizens. She thanked Commissioner Thompson for their efforts.

Commissioner Thompson stated that they were making plans for a homeless shelter and a health clinic.

Economic Development Corporation Meeting:

Chair Kost stated that Commissioner Lucier and she had been invited by the Chatham County Board of Education to go with them to Washington, DC on May 19-20, 2010 at the expense of Apple Computers to look at their technology and how they are integrating technology into the school system. She stated that they will be attending that on the night of May 20th when the joint meeting with Economic Development Corporation (EDC) and the municipalities will be held; and that because two Commissioners and the School Board will be gone, the EDC may reschedule the May 20th meeting.

Resolution Honoring Firefighters:

Chair Kost stated that staff had been asked to draft a resolution for the May 17, 2010 Board of Commissioners' meeting thanking all the people who worked on fighting and managing the Chatham County Courthouse fire. She stated that she would also be attending the "All Chief's" meeting in May to again express to the fire departments the appreciation by the Board for their response.

Distribution of Assignments:

Chair Kost stated that at the last meeting, the Board gave Commissioner Vanderbeck two new assignments; that one is the liaison to the Transportation Advisory Board which has its first meeting this week; that the second assignment, they asked him to represent the County on the Pittsboro Transportation Board; that she is asking each Board member to look at their assignments and liaisons; that they have added to his load which was already heavy; and that he might have a couple that he would like to offer up.

Commissioner Lucier asked if each Commissioner could get copies of their current assignments.

Commissioner Vanderbeck stated that he had another new and recent assignment; that it is transportation related for Chatham Transit Network; that they accept a lot of federal and state funds; and they need a transportation advisory board that is specific to them.

ADJOURNMENT

Commissioner Thompson moved, seconded by Commissioner Vanderbeck, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting adjourned at 9:53 AM.

Sally Kost, Chair

ATTEST:

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