

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**NOVEMBER 1, 2010**

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The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Chatham Community Library, Meeting Room, located in Pittsboro, North Carolina, at 9:00 AM on November 1, 2010.

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

Staff Members Present: Charlie Horne, County Manager; Jep Rose, County Attorney; Renee Paschal, Assistant County Manager; Vicki McConnell, Finance Officer; Jason Sullivan, Planning Director; Elizabeth Plata, Deputy Clerk to the Board

**INVOCATION AND PLEDGE OF ALLEGIANCE**

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

**CALL TO ORDER**

Chair Kost welcomed everyone in attendance and called the meeting to order at 9:03 AM.

**APPROVAL OF AGENDA and CONSENT AGENDA**

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

The Chair asked consideration of the following:

- Item #1- October 4, 2010 Work Session Minutes were removed from the agenda for consideration at a later date.
- Item #2- Affordable Housing Advisory Board Member Recommendation should read Green Building and Sustainable Energy Advisory Board Member Recommendation.
- Item #3- Economic Development Corporation Board By-laws were moved from the Consent Agenda to the Regular Agenda, after item #11, for discussion.

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

1. **Minutes:** Approval of Board Minutes for Regular Meetings held on September 7, 2010, September 20, 2010, October 4, 2010 and Work Sessions held September 20, 2010 and October 4, 2010

The motion carried five (5) to zero (0) for the approval of all minutes except for the October 4, 2010 Work Session.

2. **Green Building and Sustainable Energy Advisory Board Member Recommendations:** Approval of a request to approve the nominations for the Green Building and Sustainable Energy Advisory Board as recommended by the selection committee of this board

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

3. **Economic Development Corporation (EDC) Board By-Laws:** Approval of revised by-laws to the EDC Board as recommended by its members

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

4. **Scattered Site Housing Program:** Approval of a request to submit an application to the North Carolina Community Development Block Grant 2010 Scattered Site Housing Program in the amount of \$400,000

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

5. **Solid Waste Advisory Committee Reappointment:** Approval of a request to reappoint Sherry Yarkosky by Commissioner Cross to the Solid Waste Advisory Committee

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

6. **2011 Board of Commissioners' Calendar:** Approval of a request to adopt **Resolution #2010-54 Setting the Time and Place for Meetings of the Chatham County Board of Commissioners for Calendar Year 2011**, attached hereto and by reference made a part hereof.

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

7. **NC Wellness Trust Funds:** Approval of a request to accept funding in the amount of \$38,950 from the NC Wellness Trust Fund for the Chatham County Public Health Department

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

8. **Set Date for Public Hearing- Session Law 2010-177:** Approval to set the public hearing date as November 15, 2010 to receive comments on the opt-out provision of the Act to Amend the Permit Extension Act of 2009 (Session Law 2010-177)

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

### **END OF CONSENT AGENDA**

### **PUBLIC INPUT SESSION**

Miriam (Mimi) Pollard, 1817 Gade Bryant Road, Moncure, North Carolina, stated that she served on the Courthouse Taskforce, but is speaking as a citizen in this occasion. She stated that her family was believers of the truth of history and it should be passed on. The history of the courthouse and the power of the walls is a foundational reason why the structure is still standing. The courthouse must be preserved to its original form to the degree possible because courtrooms are fixers that change people's lives forever and demand a formality that collapsible chairs cannot embrace. Also, she thought how everyone hates multipurpose rooms. The second floor courtroom was a historic preserver and should not be replaced. She asked that people keep in mind that the courthouse, county seat and center of town are national treasures. She added that the future of the children must be connected to the past as it is most truly represented. She asked that circumstance be in one of the most significant and rightful places; the second floor of the courthouse in the center of town, the county seat of Chatham County, North Carolina.

Chair Kost thanked Ms. Pollard for her comments and for serving as Co-Chair of the Courthouse Taskforce.

Commissioner Thompson stated that he knew Ms. Pollard's grandfather, mother and knows other relatives as well. He added that regardless of what is decided on the use of the courthouse, her family would be proud of the passion and eloquence she showed while making her comments.

### **EMPLOYEES OF THE MONTH**

Carolyn Miller, Human Resources Director, presented the November 2010 Employees of the Month, Ethel Farrell, Supervisor, Margaret Kirkman, Anne Allen, Vickie Alston, Dave Mullin, Lisa Jordan, Gladys Foxx, and Margaret Martin from the Adult Services Unit of the Department of Social Services. An excerpt from their nomination form follows:

"I am nominating the Adult Services unit for a number of reasons. In the last 2 months, this team of employees has made some extraordinary contributions to the work of the agency and to the public they serve. The first and certainly the most extraordinary was the staff's response to the problems at Hill Forest Rest Home. Our staff monitors Adult Care Homes on a monthly-bi-monthly basis to make sure they are in compliance with state regulations. Our staff was aware of the serious compliance issues the facility was having, however, our staff cannot make the decision to close the facility, nor move residents who do not want to leave. Having said that, it is the responsibility of the adult services unit to relocate the residents when a closure does take place. This did, in fact, happen on August 23, 2010 and there were 24 residents at the facility who had to be relocated. All of the adult services staff responded by going to the facility to help. During the time that they were at the facility, they provided personal care; prepared meals; packed up the residents; worked with the facility staff to make sure that residents had their medications; and, above all, consoled those who were being displaced. Keep in mind that these residents did not want to move, some had lived there for years and many residents were developmentally delayed or had significant mental health issues. The adult services unit pulled together and worked great as a team. Most of the staff was there until 9:00 PM when all the residents had been moved, but Anne and Margaret stayed until midnight waiting for a facility van to return to pick up residents' belongings. I cannot say enough about their job performance. They did this with a positive attitude and a great deal of patience. I met with the staff to talk about the experience and I was so impressed with how they handled a very difficult situation.

Shortly after this, the unit faced an audit which was required in order to recertify the In-Home aide program. This is a process that occurs every three years. In this audit, the state program compliance representative reviewed case records for adherence to program policies and procedures. After completing the review, the representative expressed her approval of our program noting that there were no deficiencies and saying our county was indeed a "model". In the written letter awarding recertification of our In-Home aide program, Steve Freedman, Section Chief from the Division of Aging and Adult services said "Your continued vigilance to the standards for In-home Aide service is a protection for the participants you serve and gives evidence of your agency's commitment to quality care for those who need this kind of assistance in order to live comfortably and safely in their homes".

And then on September 27, 2010, our department learned from Tony Coats with Division of Health Service Regulations that we had an excellent oversight review of our Adult Home Specialist activities-which include the monitoring of adult care homes. There were no problems or deficiencies. Mr. Coates further stated that the staff was great to work with.

### **In what way does this employee demonstrate Employee of the Month criteria?**

I believe that these actions taken by the adult services unit exemplify the pride that each of these employees take in their work and their commitment to excellence. The audits/reviews demonstrate that each of these employees strive to and are successful in meeting and exceeding job performance and program standards. It also shows a tremendous commitment towards maintaining and improving the quality of life for the clients that they

serve. And it should be noted that the clients that they serve are some of the most vulnerable citizens, many with very little family support. The success achieved in each of the incidents could not have happened without teamwork. It took the entire unit working together to successfully relocate the residents of Hill Forest. It was the work of the team and the documentation of the work that resulted in the excellent program reviews/audits. I am so very proud of the work of this group of employees. They managed to do all of this, while maintaining their day to day work which continues to increase in scope and volume.”

Chair Kost thanked the employees of the month, on behalf of the Board, for their hard work and dedication. She added that in reading through the nomination form, she found that this team has been dealing with technical and logistic issues when they were relocating clients.

### **ECONOMIC DEVELOPMENT CORPORATION (EDC) BOARD BY-LAWS**

Dianne Reid, President of Economic Development Corporation, presented the background information on the changes to the by-laws as follows:

- Term limits on officers have been put in place
- Elect/re-elect members in April each year
- Terms will be for two years per member
- Some of the language was cleaned up and transitional information was removed
- The Board was expanded from 11 voting members to 15 and they plan to increase diversity as far as geography, private sector, gender and background is concerned
- Quorum was changed from 5 to 6

Commissioner Lucier asked about increasing the number of members in board from 11 to 15. He stated that one of the original structural concepts for this board was to have a smaller executive board with active subcommittees.

Ms. Reid responded that the concept of having subcommittees has not changed. The idea behind increasing the number of the executive committee was to bring in additional voices to the voting membership as well as engaging the subcommittees.

Commissioner Lucier stated that if the executive committee increases to 15, quorum needs to increase to 8.

Ms. Reid agreed to this change.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to adopt the revised by-laws, changing the quorum from 6 to 8. The motion carried five (5) to zero (0).

### **COURTHOUSE UPDATE**

Chair Kost stated that staff has prepared a handout summarizing actions and recommendations to date on this issue.

Commissioner Lucier stated that he is not in full agreement with the recommendation as stated in the abstract. The Board asked that the following changes be made to the “RECOMMENDATION” section of the abstract:

- Bullet #1, second sentence should read “The courtroom should provide some flexibility to accommodate other type of events”
- Bullet #2, first sentence should read “The first floor” instead of “The second floor” and “museum” needs to read “museum(s)”

- Bullet #3, remove the word “general” in the first sentence and add the following sentence at the end “The courtroom will be used for cases which do not require a high level of security.”

The Board agreed on the above changes to the abstract.

Commissioner Cross asked that the first floor have restrooms similar to the ones at Lowe’s Home Improvement where there are no doors making them more handicapped accessible.

Chair Kost stated that this is very important, but would like more information from the architect before voting on this.

Commissioner Thompson moved, seconded by Commissioner Lucier, to approve staff recommendations, as revised by the Board, for rebuilding the courthouse. The motion carried five (5) to zero (0).

### **LIBRARY – ADA ACCESSIBILITY**

Commissioner Cross stated that he met with Bob Knight and Jim Meeks last Thursday to discuss issues with handicap access at the library. He added that he understands that the library was built to meet the minimum Americans with Disabilities Act (ADA) standards, but people in wheelchairs still have a difficult time getting around in the library. He asked that the ladies’ and men’s bathrooms, outside doors and door to the computer lab are retrofitted with push buttons to allow access of egress. He also asked that there be a voice-activated computer like the one at Jordan Matthews High School. In addition, he asked that this issue be considered when building the judicial center and the courthouse.

Commissioner Lucier agreed with the recommendations made by Commissioner Cross.

Chair Kost stated that she also agrees, but would like to hear from the architect first before voting on this item.

Louis Cherry, Architect from Cherry Huffman Architects, stated that over the years North Carolina code has come to meet and in some cases exceed the ADA building requirements. He stated that in his experience, ADA requirements are rarely exceeded with the exception of buildings with high traffic such as airports because of the cost. Modifications that cause the biggest impact on cost and space in a building are automatic doors or having free circulation (no doors).

Chair Kost asked if push buttons were considered for the bathrooms with the design of the library.

Mr. Cherry responded that push buttons were not considered.

Chair Kost asked what would be involved in making these modifications to the bathrooms now that the building is complete.

Mr. Cherry responded that the biggest challenge is getting power to the panels to the doors and it would cost about \$3,000-\$5,000.

Commissioner Cross stated that there are a number of veterans and disabled citizens in this county who withdraw from going to certain places in the County because of issues with accessibility. He stated that it would be nice for these citizens to be able to come to the library to access the computer and be able to get in the restroom. The County has exceeded ADA standards in construction in the last few years and this should be done for the library as well.

Chair Kost asked what would be involved in adding a voice-activated computer and how this would impact the rest of the computer lab.

Renee Paschal, Assistant County Manager, responded that she spoke to the staff in the library, but they do not have a definite solution yet. She asked for more time to work with staff and come up with some options that will work for everyone.

Chair Kost asked that staff work together to provide options for the voice-activated computer and bring that information back to the Board at a later date.

Commissioner Cross moved, seconded by Commissioner Lucier, to retrofit the doors to the men's and women's restrooms, east and west main entry doors, computer lab, the two doors in the meeting room, and also to exceed ADA standards when looking at the design for the courthouse and the judicial center where the restroom facilities are push button or free circulation. The motion carried five (5) to zero (0).

Commissioner Cross moved, seconded by Commissioner Thompson, to ask staff to look at the various options for installing a voice-activated computer in the library. The motion carried five (5) to zero (0).

Mr. Knight stated he appreciates what the Board has done and that these changes will benefit the facility. He added that people do not understand how difficult it is to be in a wheelchair. People can say "I know how you feel," but it is hard to understand until you are there and have lost the use of your extremities. These changes will benefit many, as more people are retiring to the Chatham County area retiring from Fort Bragg, these changes will be very beneficial.

Commissioner Cross appreciates what Mr. Knight and Mr. Meeks have done to bring this issue forward.

Mr. Meeks stated that he appreciates everything that is being done for the citizens that are handicapped in Chatham County.

## **PLANNING AND ZONING**

**Public Hearing** to receive comments on an application for the North Carolina Community Development Block Grant (CDBG) 2010 Scattered Site Housing Program in the amount of \$400,000

Jason Sullivan, Planning Director, explained the specifics of the hearing. He stated that there is no match that is required from the county. He added that the Division of Community Assistance (DCA) changed the requirements for how applications will be submitted for this cycle. In years past, it was not required to submit information on the specific homes selected for the program. This year, residents had to fill out an application by the end of September to apply for this program. A selection committee, composed of staff and members of the Town of Siler City, Goldston and Pittsboro, met on October 11<sup>th</sup> to select the seven homes that qualified for the Scattered Site Housing Rehabilitation Program. This committee also selected five additional homes as alternates and five homes for the Emergency Repair Program. Mr. Sullivan explained that there are two different types of rehabilitations that staff is recommending. With the Emergency Repair Program, a total of \$5,000 is allocated to each of the selected homes for repairs. Under the CDBG Scattered Site Housing Rehabilitation Program, up to \$40,000 is allocated per home for rehabilitation. This amount can increase if a substantial rehabilitation request is approved by the Division of Community Assistance. Deeds of trust are recorded, but only on the homes that are receiving full rehabilitation assistance, not emergency repairs. The deadline for submitting the applications for staff is November 15<sup>th</sup>. Staff recommends that the Board approve the submittal of the application for the North Carolina Community Development Block Grant 2010 Scattered Site Housing Program in the amount of \$400,000 and to also adopt the resolution included in the packet.

Commissioner Thompson asked how many years it takes for full loan forgiveness under the Urgent Repair Program.

Mr. Sullivan responded that it takes about 15 years. The homes receiving emergency repair work (\$5000 or less) are not required to execute a deed of trust therefore there is no payback required.

Commissioner Thompson asked to have access to the list of approved applicants for the program. He stated that he received a phone call from a gentleman who wanted to know if his mother's application was approved.

Mr. Sullivan responded that everyone that submitted an application will be receiving a letter to notify them whether or not they were approved for the program.

Chair Kost asked if the 15 years for loan forgiveness was established by staff.

Mr. Sullivan responded that the criteria are established by the Division of Community Assistance. This is recommended by DCA; however, it is an eight-year period.

Chair Kost stated that one of the concerns of the Board has been the potential for lead poisoning in children. She asked if the presence of lead in a home is taken into consideration, especially if there are young children living there, when determining the ones that are approved for repair.

Mr. Sullivan responded that one of the criteria for eligibility is having young children in the home with a single parent. He added that as far as the lead abatement is concerned, staff does not conduct these inspections until after the submittal process. Lead inspections are not done upfront because this is not a reimbursable expense through the Division of Community Systems during the submittal process. The inspection is reimbursed after the grant is awarded and a certified inspector will visit their home at that time.

Commissioner Lucier stated that the county is in the process of changing the lead rules. He added that Chatham ranks 86<sup>th</sup> out of 100 counties screening for lead. Part of this change involves enhanced screening in children 1-6 years old because they are more susceptible to lead exposure. He stated that rule will be that if a child's blood lead level is above 4, mitigation will be offered. If the blood lead level is 7, improvements in the home will become mandatory. He asked if these programs will coordinate with the Health Department.

Mr. Sullivan stated that staff from the Environmental Health Division of the Health Department are aware of these rules and have representatives on the selection committee.

Chair Kost opened the floor for public comments.

There was no one present who wished to make comments.

Chair Kost closed the floor for public comments.

Commissioner Lucier moved, seconded by Commissioner Cross, to approve the submittal of the application for the North Carolina Community Development Block Grant 2010 Scattered Site Housing Program in the amount of \$400,000 and to adopt **Resolution #2010-55 to Submit a 2010 Community Development Block Grant Scattered Site Housing Application**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

### **MANAGER' S REPORTS**

Charlie Horne, County Manager, stated that the Census is coming to fruition and the preliminary numbers will be available in February 2011 and the final numbers in May or June of 2011. He added that this is something to keep in mind in dealing with redistricting and when that needs to be moved forward. He also added that staff forwarded options for the Board to be relieved of Zoning Board of Adjustment duties as requested. The Board can decide when they want to put this item on a work session for discussion and prepare to move forward.

Chair Kost stated that she would like to move forward with both items.

Commissioner Lucier stated that it makes sense to start redistricting sometime in October after the census data is available because people will start signing up for the next election cycle. He added that the Board agreed to make this a joint committee with the Board of Education so that their districts are identical to the Commissioner districts and minimize voter confusion. A joint meeting needs to be scheduled with the Board of Education to begin this process.

Chair Kost stated that staff and the Board will work together to schedule the joint meeting.

### **COMMISSIONERS' REPORTS**

Commissioner Cross stated that Legislative Goals Committee will start working on the state goals next week during a two-day workshop. If all goals are not reviewed, there will be another two-day workshop the following week.

Commissioner Lucier stated that Governor Perdue recently placed emphasis on examining state laws and identifying those that no longer make sense or are no longer effective. He suggested that something similar be done in Chatham County. A task force can be established to look at regulations that do not make sense or are not effective. He will draft proposal and bring it back to the Board for consideration at the November 15<sup>th</sup> meeting.

Chair Kost asked to wait on the proposal until January to discuss at the retreat. She added that this issue is more complicated because of how the ordinances are structured.

Commissioner Lucier added that there are great differences among county staff on how strictly regulations and ordinances are interpreted.

Chair Kost asked Commissioner Lucier if his intent was to look at laws and regulations to see which are not effective as well as how these are interpreted.

Commissioner Lucier stated that he wants to do both.

Commissioner Vanderbeck stated that it would be a good idea to have Economic Development Corporation (EDC) subcommittee, currently doing something similar, to start working on this. The subcommittee can come back to the Board with a recommendation for review.

Commissioner Lucier stated that this will be a part of his proposal.

Chair Kost stated that the process may be easier if areas of priority are identified.

Commissioner Vanderbeck stated that a release was sent out recently by a provider that will be expanding broadband services in Silk Hope and Siler City. A report will be ready soon addressing the distance factor with DSL equipment, which will always be an issue until fiber optic cables are tied into the devices. The report will also provide options for dealing with this issue. Progress in this item is underway since there is push on this from the local and state level.

Chair Kost asked when this report would be available and if it would include the entire county as well as the various providers of broadband services.

Mr. Horne responded that the report should be available by the end of the year. The intent of the report is to include every provider covering Chatham and other options for services.

Chair Kost stated that the Board has asked her and Commissioner Lucier to meet with the three Western Wake Partners mayors. Their meeting is tentatively scheduled for Wednesday, November 9<sup>th</sup>. She added that they will be able to provide an update to the Board on November 15<sup>th</sup>, but will not be prepared to make a decision. She also reminded the



Board about reviewing the closed session minutes provided by the County Attorney and be ready to adopt them at the November 15, 2010 Board of Commissioners' meeting.

**ADJOURNMENT**

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 10:21 AM.

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Sally Kost, Chair

ATTEST:

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