

**MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING, APRIL 4, 1994**

The Board of Commissioners (the "Board") of the County of Chatham, North Carolina, met in regular session in the District Courtroom, located in the Courthouse Annex, Pittsboro, North Carolina, the regular place of meeting, at 10:00 a.m., on April 4, 1994.

ATTENDANCE

Present: Chairman Dunlap; Commissioner Holland, Holmes and Hanner; County Manager Ben Shivar; County Attorney Robert L. Gunn; and Clerk to the Board Sandra B. Cape

Absent: None

The meeting was called to order by the Chairman at 10:00 a.m.

AGENDA

The Chairman asked if there were additions, deletions or corrections to the Agenda. The County Attorney requested that the Board add a request for approval of a Resolution approving a Certificate of Canvass of the Chatham County Board of Elections certifying to the Board of Commissioners the results of the Special Election held for the County of Chatham on December 14, 1993.

Commissioner Holland moved that item 23, "Vacancy on Board of Commissioners: Consideration of appointment to Board of Commissioners to fill vacancy" be removed from the Agenda. Commissioner Hanner seconded the motion.

The motion carried four (4) to zero (0).

Commissioner Hanner moved that the Agenda be approved with the removal of item 23 as stated above and the addition of the School Bond Resolution as requested by the County Attorney. Commissioner Holland seconded the motion.

The motion carried four (4) to zero (0).

CONSENT AGENDA

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

Commissioner Holmes moved that the Board approve the items listed on the Consent Agenda as presented. Commissioner Holland seconded the motion. The Consent Agenda, with the vote on each item, is as follows, and was read verbatim by the Clerk to the Board:

1. **Minutes:** Approval of Minutes for the following Board of Commissioners meetings:

- A. March 14, 1994
- B. March 21, 1994

The motion carried four (4) to zero (0).

2. **Tax Assessor:** Consideration of a request for approval of Tax Releases and Tax Refunds.

The motion carried four (4) to zero (0).

3. **Finance Department:** Consideration of a Declaration of the official intent of the County to reimburse itself with the proceeds of the School bonds for any of the

expenditures incurred by the School prior to the issuance of the Bonds.

The motion carried four (4) to zero (0).

PRESENTATIONS

Commissioner Holmes moved that Board approve Resolution Number 94-13, "Resolution Honoring the Life and Service of Commissioner Gus P. Murchison, Jr.," a copy of which is attached hereto and by reference made a part hereof. Commissioner Holland seconded the motion.

The motion carried four (4) to zero (0).

Chairman Dunlap asked the family of Commissioner Murchison to come to the front to accept a framed copy of the above-referenced Resolution. The Resolution was read by the Chair and presented to Margaret Murchison and family. The family expressed its appreciation for this honor.

PUBLIC WORKS

Water

Jordan Lake Water Treatment Plant: Public Works Director Mark Ashness introduced David Cain of Finkbeiner, Pettis and Strout, engineering firm, who updated the Board on the status of the Jordan Lake Water Treatment Plant. He stated the following: Final Design Estimate is \$7,252,772; bids will be accepted Thursday, April 7, 1994; construction is anticipated to be completed in March of 1996; and regulatory requirements have increased since inception of this plant.

The Public Works Director stated that a summary of bids and request for authorization of contracts on this project would be brought back before the Board at its first May meeting. He further stated that the purchase of raw water agreements with the Towns of Cary and Apex have been approved by both jurisdictions. He noted that the only really important permit which is not yet tied down is the discharge of the waste water from the back-washing filters to the lake.

Waterline Extension on Snow Camp Road/Siler Mill Road: The County Manager reported that one well, the one at the Head Start site, has been tested and the samples were negative; repairs of two other wells are in progress; once repaired, these two wells will be tested by the Environmental Health staff; and the results of these tests will be reported to the Board as soon as they are obtained. He further reported that discussions with the Siler City Town Manager are continuing; the Town of Siler City has held a public hearing on the bond issue which might be utilized to help relieve this situation; and he requested that the Board reconsider this matter at a later date upon receipt of further information on the testing of the wells and from the Town of Siler City.

Solid Waster\Recycling

Landfill Closure Plans: The Public Works Director noted that the landfill closed last October; Chatham County has until October 9, 1994, to completely close the existing County landfill; final closure plans need to be submitted to the State Division of Solid Waste Management by May 1, 1994; and Hobbs, Upchurch & Associates has agreed to take grading plan, which is already prepared, and complete the project. He recommended that the Board authorize the County Manager to coordinate with Hobbs, Upchurch & Associates to contract to finish the necessary plans on the landfill closure for a fee of \$8,414.00.

Commissioner Holmes moved that the Board authorize the County Manager to enter into an agreement with Hobbs, Upchurch & Associates to prepare the necessary landfill closure plans for a contract fee of \$8,414.00. Commissioner Holland seconded the motion.

The motion carried four (4) to zero (0).

Regionally Coordinated Household Hazardous Waste Programs in Chatham, Durham, Orange and Wake Counties: The Public Works Director requested that Matt Young, Recycling Coordinator, present information on this program to the Board. The Recycling Coordinator stated that this program is being studied by the Triangle Region Solid Waste Planners Committee. Basic information was given to the Board by the Recycling Coordinator on materials which qualify as "Household Hazardous Waste," how these materials have been collected by the County in the past, and how collection would be handled under this regionally coordinated effort.

The Recycling Coordinator introduced Phil Carter, Triangle Region Solid Waste Planners Committee Chair and Director of Solid Waste for Wake County. Mr. Carter briefed the Board on the Final Report of the Triangle Region Solid Waste Planners Committee.

HEALTH DEPARTMENT

Capital Improvements

Siler City Health Building: The Chair introduced Kurt Lent, Architect, who presented preliminary design drawings and provided information on the proposed Siler City Health Building. He stated that the proposal has been approved by the Board of Health. He noted that the design is for 8,000 square feet.

Commissioner Holmes moved that the Board of Commissioners authorize Mr. Lent to proceed with final working drawings for the Siler City Health Building. Commissioner Holland seconded the motion.

The motion carried four (4) to zero (0).

TAX ASSESSOR

Board of Equalization and Review

The County Manager stated that the Tax Assessor has requested that the Board schedule a meeting of the Board of Equalization and Review in accordance with G.S. 105-322. The Manager stated that eleven citizens wished to be heard and the Tax Assessor was estimating two (2) hours would be needed for this meeting.

Commissioner Holmes moved that the Board schedule a Board of Equalization and Review meeting for 9:00 a.m. on Thursday, May 12, 1994. Commissioner Hanner seconded the motion.

The motion carried four (4) to zero (0).

BOARD MATTERS

Cable Television Committee

Franchise Agreements: The Manager stated that the Mayor of the Town of Pittsboro had requested that the County and the Town work together in drafting a mutually agreeable cable television franchise agreement which would be utilized by both jurisdictions. He further stated that other jurisdictions, such as Siler City, Lee County and Sanford, may be interested in doing the same. He noted that Triangle J Council of Governments (TJCOG) has taken a regional

approach to franchise renewal through the TJCOG Cabletelevision Committee.

Commissioner Holmes moved that the Board authorize the Chatham County Cable Television Committee to work with the Town of Pittsboro and other jurisdictions within the TJCOG region, as appropriate, on the renewal of cable franchise agreements with Crown Cable and Cablevision of Durham, their successors or assigns. Commissioner Holland seconded the motion.

The motion carried four (4) to zero (0).

Ordinances

Chatham County Bridge Ordinance: The County Attorney stated that he had discussed the proposed Chatham County Bridge Ordinance with the State Wildlife Resources Commission and had found that its Enforcement Division does not enforce County Ordinances. The County Attorney recommended that the Board authorize pursuit of a local act by the Legislature which could be enforced by Wildlife Resources. He further stated that parking on the bridges is regulated by the Highway Department and need not be considered by the County in this regard.

Commissioner Holmes moved that Board authorize the County Attorney to prepare a draft bill, forward same to the County's Legislative Delegates for consideration by the North Carolina General Assembly with a request that the same be enacted as a local act, which would prohibit fishing from any bridge located within the boundaries of the B. Everette Jordan Reservoir area in Chatham County and over Robeson Creek. Commissioner Holland seconded the motion.

The motion carried four (4) to zero (0).

PREFERRED SITE LOCAL ADVISORY COMMITTEE (PSLAC)

Radioactive Waste Management Associates: Research Coordinator Mary MacDowell stated that expert justification for questioning the license or demanding more proof is needed at this point in the licensing procedure. She stated that Dr. Marvin Resnikoff of Radioactive Waste Management Associates is one of the most well-respected scientist in this field, and that he works only for states, local governments and organizations that oppose unsafe facilities.

Commissioner Holmes moved that the Board approve an agreement with Radioactive Waste Management Associates for the sum of \$22,621 for this fiscal year, pending County Attorney approval of a properly written contract. Commissioner Hanner seconded the motion.

The motion carried four (4) to zero (0).

SCHOOL BOND

Certificate of Canvass

The Clerk of the Board of Commissioners placed before the Board of Commissioners a Certificate of Canvass of the Chatham County Board of Elections certifying to the Board of Commissioners the results of the Special Election held for the County of Chatham on December 14, 1993. The Certificate was read and considered.

Commissioner Holmes moved the adoption of the following resolution:

WHEREAS, the Board of Commissioners has considered the Certificate of Canvass of the Chatham County Board of Elections canvassing the referendum held for the County of Chatham on December 14, 1993 and certifying the result thereof to the Board of Commissioners and has canvassed the result of said Special Election; NOW, THEREFORE,

BE IT RESOLVED by the Board of Commissioners of the County of Chatham that it be and hereby is certified and declared that the number of voters registered and qualified to vote at said Special Election was 23,400.

FURTHER RESOLVED, that it be and hereby is certified and declared that the total number of voters who voted "YES" in answer to the question, "SHALL the order authorizing \$15,000,000 of bonds secured by a pledge of the faith and credit of the County of Chatham to pay capital costs of providing additional school facilities and improvements in the Chatham County School Administrative Unit, including the construction of new schools and the renovation and expansion of existing school facilities, and including the acquisition and installation of necessary furnishings and equipment and the acquisition of land or rights-in-land required therefor, and a tax to be levied for the payment thereof, be approved?," was 1,281. The total number of voters who voted "NO" in answer to such question was 551.

FURTHER RESOLVED, that a statement substantially in the form hereinafter set forth declaring the result of said election shall be prepared, delivered to the Clerk of the Board of Commissioners for filing and recordation and published in accordance with law:

STATEMENT OF RESULT OF SPECIAL ELECTION

HELD FOR THE COUNTY OF CHATHAM

December 14, 1993

WHEREAS, by direction of the Board of Commissioners of the County of Chatham, in the State of North Carolina, a special election was duly called and held for said County on December 14, 1993 for the purpose of submitting to the qualified voters of said County the questions hereinafter set forth, and the said Board of Commissioners has received from the Chatham County Board of Elections certifications of the results of the election, and has determined the result of said election to be as hereinafter stated; NOW, THEREFORE,

The Board of Commissioners hereby makes the following statement of the result of said election pursuant to The Local Government Bond Act:

(1) The number of voters registered and qualified to vote at said election was 23,400.

(2) The total number of voters who voted "YES" in answer to the question, "SHALL the order authorizing \$15,000,000 of bonds secured by a pledge of the faith and credit of the County of Chatham to pay capital costs of providing additional school facilities and improvements in the Chatham County School Administrative Unit, including the construction of new schools the renovation and expansion of existing school facilities, and including the acquisition and installation of necessary furnishings and equipment and the acquisition of land or rights-in-land required therefor, and a tax to be levied for the payment thereof, be approved?," was 1,281. The total number of voters who voted "NO" in answer to such question was 551. The question in the form submitted was approved by the affirmative vote of a majority of those who voted thereon at said election.

Any action or proceeding challenging the regularity or validity of this bond referendum must be begun within 30 days after April 7, 1994.

Board of Commissioner of the
County of Chatham, North Carolina

Commissioner Hanner seconded the motion, and the motion was adopted by the following vote:

AYES: Commissioners Dunlap, Hanner, Holland and
Holmes

NAYS: None

LUNCH RECESS

The Chair recessed the meeting at 12:10 p.m.

The Chair reconvened the meeting at 1:30 p.m.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Community Development Block Grant Program (CDBG): The Manager stated that Sanford Steel Corporation has expressed an interest in obtaining financing under the CDBG Program. He stated that The Wooten Company is obligated under an existing agreement with the County to write a CDBG application at no charge.

Commissioner Holmes moved that the Board approve a contract with The Wooten Company to write a Community Development Block Grant request, on behalf of Chatham County and Sanford Steel Corporation, at no charge to the County. Commissioner Holland seconded the motion.

The motion carried four (4) to zero (0).

PLANNING DEPARTMENT

Greenhill Community Development Block Grant: The Planning Director stated that a decision needed to be reached on how to expend the balance of funds, approximately \$125,000, remaining in the Greenhill Project. He listed the following alternative activities to complete the FY 91 Chatham County CDBG Program:

1. A. Water improvements to 3 dwellings located west of SR 1103 (\$39,000);
B. Rehabilitation of 3 dwellings located west of SR 1103 (\$45,000.00);
C. Septic system improvements to 3 dwellings located west of SR 1103 (\$10,500.00);

Total estimated expenditure for 1A, 1B and 1C is \$94,500.00.

2. Water system extension 4,600 LF 6" line on SR 1175 and SR 1103 (\$77,000.00).
3. Meter Vault improvements at West Third Street and SR 1106 (\$4,403.00).
4. Meter vault improvements at Siler City Elementary School (\$11,200.00).
5. Septic system improvements to 3 dwellings in L-1 area (\$10,500.00).

6. Septic system improvements to 2 dwellings in C-1 area (\$2,500.00).
7. Administration (\$14,000.00 to \$18,000.00).

The Planning Director noted that several of the above alternatives could be chosen but not all since item 1 and item 2 would take a majority of the funds. He also noted that any combination of the alternatives would require some expenditure under item 7, Administration. He stated that the Planning Department recommendations were as follows:

\$77,000.00	Item 2
\$ 4,403.00	Item 3
\$10,500.00	Item 5
\$ 2,500.00	Item 6
\$10,500.00+	Item 1C, plus housing rehabilitation necessary for septic improvements to 3 dwellings located west of SR 1103

The Public Works Director stressed the importance of completing item 2, water system extension 4,600 LF 6" line on SR 1175 and SR 1103, which would complete a loop in the water line system.

Frankie Matthews, Route 4, Box 18A, and Gilbert Branch, Route 4, Box 18, spoke on behalf of the numerous residents of the Greenhill area who were present in the audience. They requested that the Board approve items 1A, 1B and 1C based on the fact that these three (3) dwellings should have been included in the original grant, and they had not been given a satisfactory answer as to why these three (3) dwellings had not been included in the original plans. Mr. Branch asked that if these three houses could not be included at this time the Board consider authorizing funds for the purpose of drilling wells for these three dwellings. Commissioner Holmes stated that drilling wells would not help with the septic problems and the rehabilitation of the homes.

Quinton Baker, an employee of JOCCA, stated that he had worked on this project for some time, and requested that the Board approve items 1A, 1B and 1C.

Commissioner Holmes moved that the Board approve alternatives 1A, 1B and 1C as listed above, but that the main line on the state road be a 6" line and then a 2" line down the driveway to the 3 dwellings and that the balance of funds remaining after items 1A, 1B and 1C are completed be left as administration and contingency costs. Commissioner Hanner seconded the motion.

The motion carried four (4) to zero (0).

The Planning Director noted that there would still be approximately \$4,000 left in this project fund and requested that the Board decide how to expend these funds.

Commissioner Holmes moved to authorize the expenditure of \$4,403.00 for item 3 above (meter vault improvements at West Third Street).

Mr. Matthews stated that one of the dwellings referred to in alternative 1B had already been rehabilitated by another grant of JOCCA's, and, therefore, the \$45,000 amount slated for those 3 dwelling renovations would be reduced by the amount of rehabilitation already completed. He requested that the balance of \$4,000, plus whatever funds were not needed for item 1B, be utilized for alternative item 5 (\$10,500, septic system improvements to 3 dwellings in L-1 area).

Commissioner Holmes withdrew the above motion.

Commissioner Holland moved that the Planning Director and staff determine how much money will remain in the fund after completion of alternative items 1A, 1B and 1C above, and bring that information back before the Board prior to the Board committing the balance of funds to other alternatives. Commissioner Hanner seconded the motion.

The motion carried four (4) to zero (0).

BOARDS AND COMMITTEES

Triangle J Council of Governments: Commissioner Holmes moved that the Board appoint Commissioner Holland as the County's Delegate to Triangle J Council of Governments. Commissioner Hanner seconded the motion.

The motion carried four (4) to zero (0).

Commissioner Holmes moved that Chairman Dunlap be appointed as the County's Alternate Delegate to Triangle J Council of Governments. Commissioner Holland seconded the motion.

The motion carried four (4) to zero (0).

Note: Chairman Dunlap left the meeting and Vice Chair Holland took the Chair.

Chatham County Water Committee: Commissioner Holmes moved that appointments to the Water Committee be tabled until a later date. Commissioner Hanner seconded the motion.

The motion carried four (4) to zero (0).

Ray Greenlaw, Chair of the Chatham County Water Committee, stated that members of the Committee needed to be more geographically representative of the County, and it would be preferable to have someone who actually was using County Water on the Committee.

Commissioner Hanner moved that the appointment to the Water Committee, which would have been Commissioner Murchison's to make, be tabled until such time as the appointment to fill the vacancy on the Board is completed. Commissioner Holmes seconded the motion.

The motion carried four (4) to zero (0).

BOARD MATTERS

Inspections Department

Pole Building Inspection Regulations: The Manager updated the Board on the status of his investigation into the permit and inspection regulations which are pertinent to pole buildings constructed within the County. He stated that the Building Inspector has written to the Chief Building Inspector with the State Insurance Department for an opinion on the building code regulating pole building construction. He stated that the two issues which the Board could consider are (1) if permits are not required by State law, does the County want to continue to require permits and inspections; and (2) if permits are required by State law, what fee does the County want to charge? He also noted that a professional drawing of a proposed pole building must be submitted to the Inspections Department, which drawing is often expensive to obtain. The Manager stated that he would report back to the Board upon receipt of a response from the State Insurance Department.

Meeting Dates

July 4, 1994 Meeting Date Change: Commissioner Holmes moved that the first meeting in July be scheduled for July 5, 1994, at 10:00 a.m. Commissioner Hanner seconded the motion.

The motion carried four (4) to zero (0).

Budget Workshop Schedule: The Manager requested that the Board approve a schedule for holding budget workshop meetings during the months of April and May 1994.

Commissioner Hanner moved that the following schedule be approved for holding a general public hearing on the preliminary budget and for budget workshop meetings:

April 18 7:00 p.m.	General Budget Public Hearing (Agenda Item of Regular Meeting of the Board)
April 28 9:00 a.m.	Budget Workshop
May 9 9:00 a.m.	Budget Workshop
May 12 11:00 a.m.	Budget Workshop (Immediately following Board of Equaliza- tion and Review) May include School Board Budget
May 19 9:00 a.m.	Budget Workshop

Commissioner Holmes seconded the motion.

The motion carried four (4) to zero (0).

Agenda Review Committee: The Manager stated that the agenda procedures approved by the Board called for an Agenda Review Committee, comprised of the Chair, the Vice Chair, the County Attorney, and various staff members, which will do a preliminary review of the agenda prior to distribution to the entire Board. He recommended that this meeting be scheduled for Monday, one week prior to the scheduled meeting date.

The Board directed that the County Manager check with members of this Committee for a time on Monday when most of the members of this Committee could be present and notify the Chair and Vice Chair of the determined time. They further directed that this process be carried out with each agenda rather than setting a scheduled time for each Agenda Review Committee meeting.

MANAGER'S REPORTS

Criminal Justice Joint Meeting

The Manager stated that a letter was received from John M. Link, Jr., Orange County Manager, which confirms a lunch meeting on April 21, 1994, which is the date of the Joint NCCCA District Meeting in Raleigh. He stated that Lee County had also been asked to participate in this lunch meeting. The Manager noted that a meeting should be scheduled with Commissioner Holland, the Assistant to the County Manager, the Sheriff and himself to go over the Sheriff's ideas and input. He explained that Lee County had contacted the other counties in their judicial district to see if they were interested in joining with them; however, the Lee County Manager has stated that Lee County still has an interest in working with Chatham and Orange Counties.

COMMISSIONERS' REPORTS

John A. Mason House: Commissioner Holmes stated that she had been informed that the County's letter regarding the John A. Mason House was quite helpful in discussions with Congressman Price and the Corps of Engineers.

EXECUTIVE SESSION

Commissioner Hanner moved that the Board go out of regular session and go into Executive Session to discuss property acquisition and personnel. Commissioner Holmes seconded the motion.

The motion carried four (4) to zero (0).

REGULAR SESSION

Commissioner Holmes moved that the Board go out of Executive Session and return to Regular Session. Commissioner Hanner seconded the motion.

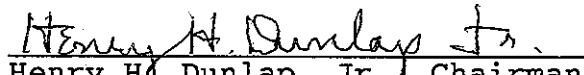
The motion carried four (4) to zero (0).

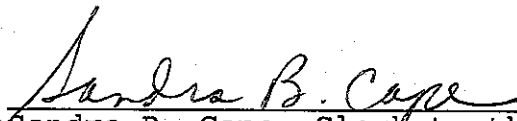
ADJOURNMENT

Commissioner Hanner moved that the Board adjourn the meeting. Commissioner Holmes seconded the motion.

The motion carried four (4) to zero (0), and the meeting was adjourned at 3:45 p.m.

ATTEST:


Henry H. Dunlap, Jr., Chairman
Board of Commissioners


Sandra B. Cape, Clerk to the Board