

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING, AUGUST 8, 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 August 8, 1994.

Present: Vice Chair Uva Holland; Commissioner Margaret Bryant Pollard; Commissioner E. T. Hanner; County Manager Ben Shivar; County Attorney Robert L. Gunn; and Clerk to the Board Sandra B. Lee

Note: Chairman Dunlap was absent due to a meeting of the National Association of Counties in Los Vegas, NV

The meeting was called to order by the Vice Chair at 10:05 a.m.

AGENDA

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

Commissioner Holmes asked that Item #8 of the July 18, 1994 minutes be amended to read that Commissioner Holmes had asked to be excused from the "Secondary Road Funds" Issue and from voting on same.

Commissioner Pollard asked that Item #33, appointment of Commissions and Boards be added to the agenda.

The County Manager asked that Item #27 be amended to include Staley Volunteer Fire Department

Commissioner Pollard moved to approve the agenda as presented with the above noted requests. Commissioner Hanner seconded the motion.

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

CONSENT AGENDA

The Vice Chair directed the Clerk to the Board to read the Consent Agenda.

Commissioner Holmes moved to approved the items listed on the Consent Agenda as read by the Clerk. Commissioner Hanner 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 the minutes of the Regular Meeting, July 18, 1994.

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

2. **Tax Assessor - Solid Waste Disposal Fees:** Consideration of a request for approval of refund of Solid Waste Disposal Fees paid in error

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

3. **Health Department - Breast & Cervical Cancer Control Program:** Consideration of a request by the Health Director to approve acceptance of additional federal funds in the amount of \$5,784 from the Center for Disease

Control (CDC) for the Health Department's Breast & Cervical Cancer Control Program. A copy of Budget Amendment 3 is attached hereto and by reference made a part hereof.

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

4. **North Carolina Department of Transportation (NCDOT) - State System of Roads Addition:** Consideration of a request from NCDOT to adopt Resolution #94-26 adding Twin Oaks Court in the Twin Oaks Subdivision to the State system of roads

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

5. **Children's Justice Grant Award:** Consideration of a request to accept a grant awarded to the District Attorney's Office by the Governor's Crime Commission to provide early crisis intervention services for Chatham County children

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

PREFERRED SITE LOCAL ADVISORY COMMITTEE (PSLAC)

Contracts for Consulting Services: Consideration of a request for approval of two contracts for consulting services: 1) Geosciences Management Institute, Inc. and 2) Radioactive Waste Management Associates

Mr. John Graybeal, spoke regarding the licensing of the Wake-Chatham low-level radioactive waste site. He stated that there had been some useful developments due to the litigation which the County had brought. He also stated that retention of the consulting service had raised questions that the site can not be licensed, or suggested that the site has substantial deficiencies.

Commissioner Holmes moved to approve a contract for \$46,000 with Shettel of Geosciences Management Institute, Inc. and \$45,409 for Resnikoff of Radioactive Waste Management Associates for consulting services in the year 1994-1995 and authorize the Chairman of the Board of Commissioners to sign the contracts upon approval from the County Attorney. Commissioner Hanner seconded the motion.

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

Out-of-State Travel - Preferred Site Local Advisory Committee (PSLAC): Consideration of a request by the PSLAC Research Coordinator for approval of out-of-state travel to Nashville, Tennessee, for the purpose of attending the August 26, 1994, Southeast Compact Commission meeting

Commissioner Holmes moved to send appropriate staff, members of the Board of Commissioners and members of the Preferred Site Local Advisory Committee to the August 26, 1994 Southeast Compact Commission meeting. Commissioner Hanner seconded the motion.

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

TAX ASSESSOR

Schedules of Values, Standards, and Rules: Consideration of a request by the Tax Assessor for approval and adoption of the Schedules of Values, Standards, and Rules to be used for the 1995 revaluation effective January 1, 1995

Commissioner Holmes moved to approve and adopt the Schedules of Values, Standards, and Rules to be used for the 1995 Revaluation and issue an order that they have been adopted. Commissioner Pollard seconded the motion.

Commissioner Pollard asked that an Executive Summary of the Schedules of Values, Standards, and Rules be prepared in a simple, straight-forward fashion and be placed in the library for public review.

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

TAX COLLECTOR

Replacement MAV-2 Forms: Consideration of a request by the Tax Collector for authorization to charge for replacement MAV-2 forms

Commissioner Pollard moved to authorize the Tax Collectors office to charge \$1.00 for duplicate MAV-2 forms. Commissioner Holmes seconded the motion.

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

PUBLIC WORKS

Water Issues

Sewer Feasibility Study: Consideration of a request to authorize the staff to request letters of qualifications from interested firms

Commissioner Pollard asked that the Board delay a decision on the selection committee makeup.

Commissioner Holmes moved to authorize the staff to request letters of qualifications from interested firms. Commissioner Pollard seconded the motion.

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

NC 902 Water Line Extension: Consideration of a request for authorization for Alley, Williams, Carmen, & King to proceed with engineering drawings and periodic construction inspection

Commissioner Pollard moved to authorize Alley, Williams, Carmen, & King to prepare the necessary engineering drawings for the water line improvements on NC 902 and to the existing Harpers Crossroads tank. Commissioner Hanner seconded the motion.

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

Commissioner Hanner moved to approve the Project Ordinance and the Budget Amendment concerning the 902 Water Line Extension . A copy of the Project Ordinance and the Budget Amendment #4 is attached hereto and by reference made a part hereof. Commissioner Holmes seconded the motion.

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

Solid Waste/Recycling Issue

Roll-Off Truck: Consideration of a request to approve award of contract for Solid Waste/Recycling roll-off truck

Commissioner Holmes moved to award the contract for the Roll-Off Truck to Marathon Equipment Company and authorize the Chairman of the Board of Commissioners to execute the associated contracts upon review by the County Attorney. Commissioner Hanner seconded the motion.

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

Resolution for the Service of Mark P. Ashness

Vice Chair Holland read a Resolution of appreciation honoring Mark P. Ashness for his service and dedication to Chatham County from August 19, 1991 to the present as the County's First Public Works Director.

Commissioner Holmes moved to adopt the Resolution. A copy of the Resolution #94-27 is attached hereto and by reference made a part hereof. Commissioner Hanner seconded the motion.

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

ECONOMIC DEVELOPMENT

Economic Development Commission for Chatham County: Consideration of a request to rescind the "Resolution to Establish an Economic Development Commission for Chatham County" revised and adopted April 2, 1990 and to adopt a newly revised "Resolution to Establish an Economic Development Commission for Chatham County"

Commissioner Holmes moved to rescind the "Resolution to Establish an Economic Development Commission for Chatham County revised and adopted April 2, 1990 and to adopt the newly revised "Resolution #94-28 to Establish an Economic Development Commission for Chatham County". Commissioner Pollard seconded the motion.

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

EMERGENCY OPERATIONS

Carolina Power & Light Company (CP&L) Maintenance Building Lease: Consideration of a request for approval of lease by and between Chatham County and CP&L for abandoned maintenance building

Commissioner Pollard moved to approve the lease by and between Carolina Power & Light Company and Chatham County for 4.76 acres of land and improvements thereon located on Russell's Chapel Road, north of Pittsboro, as revised and submitted. A copy of the lease is attached hereto and by reference made a part hereof. Commissioner Hanner seconded the motion.

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

Above-Ground Fuel Storage Tanks: Consideration of a request by the Emergency Operations Director for approval to allow above-ground fuel storage tanks for automotive service stations in Chatham County

Rod Tidy, Emergency Operations Director, stated that there were two individuals, Mr. Billy Fields and Mr. Charles Horner, who have requested above-ground storage fuel storage tanks on property they own to support business activity.. Both individuals have indicated that they cannot afford the below-ground tanks.. Mr. Tidy stated that after having conducted a preliminary site review of both locations, each site qualifies for an above-ground tank.

Mr. Tidy explained that the above-ground fuel storage tanks have to be situated on the property at least 50 feet from any building, at least 100 feet from any property line, and at least 50 feet from any public way or fuel dispenser. They have to have fencing around the tanks. They have to have a special driveway for the delivery vehicle 25 feet away from the tank. The location of the pumps, pressure reducers, etc. have to be located within a particular location. They have to have barrier protectors from vehicle collision. Mr. Tidy stated that there were very strict State and Federal regulations governing the above-ground fuel storage tanks.

The County Attorney recommended that a study of the Fire Protection Ordinance be done and possibly an amendment made to that Ordinance. He cautioned approval of above-ground fuel storage tanks on a case by case basis which would require very firm policies and rules.

Commissioner Holmes moved to approve the above-ground storage tank for Mr. Billy Fields. Commissioner Hanner seconded the motion.

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

Commissioner Holmes moved to place a moratorium on above-ground tanks until a study can be done by the County Manager and County Attorney and a report issued on the dangers involved with the above-ground fuel storage tanks. Commissioner Pollard seconded the motion.

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

BOARD AND COMMITTEES

Triangle J Council of Governments Water Resources Committee: Consideration of an appointment to Triangle J Water Resources Committee

Commissioner Holmes moved to appoint Mr. Ray Greenlaw to Triangle J's Water Resources Committee and requested that he report to the Board of Commissioners what happens at the meetings. Commissioner Pollard seconded the motion.

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

Town of Siler City Planning Board: Consideration of a request to grant final approval to two extraterritorial representatives to the Town of Siler City Planning Board

Commissioner Hanner moved to reappoint Mr. Byron Oldham to a second term and appoint Mr. Roger Hinshaw to a first term as an alternate member of the Siler City Planning Board. Commissioner Pollard seconded the motion.

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

Domiciliary Home Community Advisory Committee: Consideration of an appointment to the Domiciliary Home Community Advisory Committee

Commissioner Holmes moved to appoint Ms. Betty Williams to the Domiciliary Home Community Advisory Committee with term to expire January 31, 1997. Commissioner Hanner seconded the motion.

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

BOARD OF COMMISSIONERS MATTERS

Chatham County Housing Authority - Section 8 Certificates: Consideration of a request from the Chatham County Housing Authority for a letter of support for Section 8 Certificates and consideration of appointment to Program Coordinating Committee

Commissioner Holmes moved to appoint Commissioner Margaret Pollard to serve as Chairperson of the Program Coordinating Committee. Commissioner Hanner seconded the motion.

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

Commissioner Holmes moved to approve a letter be sent to the U. S. Department of Housing and Urban Development in support of the Chatham County Housing Authority's Section 8 Existing Application. Commissioner Pollard seconded the motion.

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

Sheriff's Department Patrols in Northern Chatham County: Consideration of a Resolution requesting the Chatham County Sheriff to increase patrol of Northern Chatham County

Commissioner Holmes moved to adopt the Resolution requesting the Chatham County Sheriff to increase patrol of Northern Chatham County. A copy of the Resolution #94-29 is attached hereto and by reference made a part hereof. Commissioner Pollard seconded the motion.

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

Recreation Department Fees: Consideration of F.Y. 1994-95 Budget Resolutions to set recreation fees for this fiscal year

Commissioner Pollard moved to adopt the Resolution setting recreation fees. A copy of the Resolution #94-30 is attached hereto and by reference made a part hereof. Commissioner Hanner seconded the motion.

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

Chatham Hospital: Consideration of F.Y. 1994-95 Budget Resolution to set the terms of payment of the \$150,000 allocation to Chatham Hospital

Commissioner Pollard moved to adopt the Resolution setting terms of payment of allocation to Chatham Hospital. A copy of the Resolution #94-31 is attached hereto and by reference made a part hereof. Commissioner Hanner seconded the motion.

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

Cary Annexation: Consideration of a Resolution regarding Cary's Annexation into Chatham County

Commissioner Holmes moved to approve the "Resolution #94-32 Requesting the N. C. Association to Pursue Legislation to Give Counties Increased Input Into and Control of Municipal Annexations" with the last paragraph deleted. A copy of the Resolution is attached hereto and by reference made a part hereof. Commissioner Pollard seconded the motion.

The motion carried three (3) to one (1) with Commissioner Hanner casting the dissenting vote.

LUNCH RECESS

The Vice Chair recessed the meeting at 12:05 p.m.

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

BOARDS OF COMMISSIONERS MATTERS

Impact Fees: Consideration of a request to develop an impact fee policy for Chatham County

County Manager, Ben Shivar, distributed copies of a report prepared by the Orange County Planning and Inspections Department regarding impact fees entitled, "Technical Report for the Calculation of Proportionate Share Impact Fees for Financing Public School Capital Needs in Orange County". He stated that establishing the impact fee policy will be a technical undertaking, and care will need to be taken as to how fees are calculated and applied to developers. He informed the Board that due to the recent building of schools in Chatham County, the County will have up-to-date data with which to work. He feels that the issue should be pursued but will take considerable time to form a committee for recommendations of how to proceed

Keith Megginson, Planning Director stated that Raleigh has impact fees and Mecklenburg County considered them. He stressed that this is not something that is done quickly or inexpensively. He stated that impact fees can be done on a number of things, such as water, sewer, schools, etc.

No Bridge Fishing: Consideration of a County Ordinance prohibiting fishing from County bridges

County Attorney, Bob Gunn stated that he had prepared the Ordinance to cover the bridges located within the boundaries of the B. Everette Jordan Reservoir in Chatham County and the bridge on NC State Road 1943 where the same crosses Robeson Creek.

Commissioner Holmes moved to adopt the ordinance prohibiting fishing from certain bridges in Chatham County. A copy of the Ordinance #94-6 is attached hereto and by reference made a part hereof. Commissioner Pollard seconded the motion

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

Smart Start Program - Chatham County Partnership for Children: Consideration of a request for funds to be used for preparation of Smart Start Application

Commissioner Holmes moved to approve the allocation of \$200 to the Chatham County Smart Start Program for the development of the grant application. Commissioner Hanner seconded the motion.

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

North Chatham Fire Department: Consideration of approval of a contract with North Chatham Fire Department

Ben Shivar, Manager, discussed minor changes, which have been reviewed by the County Attorney and found to be in order.

Commissioner Holmes moved to approve the new contract with North Chatham Fire Department. A copy of the contract is attached hereto and by reference made a part hereof. Commissioner Pollard seconded the motion.

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

The Manager asked the Board to extend the existing contract with Staley Fire Department due to an expiration situation until the first Board meeting in September.

Commissioner Pollard moved to extend the contract with Staley Fire Department until September 6, 1994. Commissioner Hanner seconded the motion.

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

Public Input Session: Consideration of a request to incorporate public input session into Board Agenda Procedures

Commissioner Pollard stated that the Commissioners, representing the total population of Chatham County, need to have an open period of approximately ten minutes to provide the public with an opportunity to speak on different issues. She said that she felt the input session should be well-structured and to serve as a resource for planning, relating to issues that affect the County.

The Manager, having talked with the Cary Town Manager who has a public input session, offered the following information: (1) The public session should typically come after any public hearing previously scheduled on the agenda (2) The input session may be titled "Public Requests/Comments" (3) An introductory statement is read by Chairman or Clerk which tells the public the basic rules and structure of the session (4) The structures limit speakers to five minutes; the person speaking is required to list their name and address on a particular form after they speak; and they do not permit the public to talk about anything that is on that day's agenda.

Commissioner Pollard recommended that a speaker use a sign-up sheet and speak at the beginning of the meeting after the Consent Agenda; the first five people to sign up be allowed to speak for a maximum of three minutes; and more than five people would be carried over to speak at the next meeting.

Commissioner Holmes recommended that there be a maximum of three speakers per meeting and that they be allowed to speak for three minutes each.

Commissioner Pollard moved to provide a ten minute open period at each meeting and that the perimeters be clearly articulated at the beginning of the meeting which would include a three minute per person time limit, that no item on the agenda can be discussed, that no one individual can speak more than once every three months in this time slot, and an individual must sign-up in advance which can be done on the day of the meeting. Commissioner Holmes seconded the motion.

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

Criminal Justice Partnership Program: Consideration of a Resolution to form a joint criminal justice partnership program for Orange and Chatham Counties and consideration of Advisory Board appointments

Commissioner Pollard moved to adopt the "Resolution #94-33 for the Formation of a Joint Criminal Justice Partnership Program for Orange and Chatham Counties" Commissioner Hanner seconded the motion.

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

Commissioner Pollard moved to appoint the members of the Orange-Chatham Criminal Justice Partnership Program Advisory Board as recommended by the work group and to include the name of Mr. Robert Siler. Commissioner Holmes seconded the motion.

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

Meeting Date Change: Consideration of a request to change the Monday, September 5, 1994, regularly scheduled meeting date to Tuesday, September 6, 1994, due to the Labor Day holiday

Commissioner Hanner moved to approve the change of the regularly scheduled meeting date from Monday, September 5, 1994 to Tuesday, September 6, 1994 due to the Labor Day holiday. Commissioner Pollard seconded the motion.

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

MANAGER'S REPORTS

Environmental Affairs Committee: The Manager reported on the possible creation of an Environmental Affairs Committee. He stated that Keith Megginson, Planning Director, and Mark Ashness, Public Works Director met with John McSween, Chair of the Solid Waste Task Force, and Michael Shore also a member of the Solid Waste Task Force to discuss the need for a committee to deal with issues that do not seem to properly belong to planning or to public works. The Manager stated his concern regarding staffing of a committee of this significance but feels that it will be of great benefit to the County.

Paid Legal Expenses in Regard to Low Level Radiation: The Manager stated that the most recent session of the General Assembly resulted in payment to the County for past legal expenses in regard to low level radioactive waste activities. The Legislature appropriated \$250,000 to Chatham, Wake, and Richmond Counties.

Joint Select Committee on Low Level Radioactive Waste: The Manager reported that the Joint Select Committee on Low Level Radioactive Waste will meet this Friday, August 12, 1994, Room 1228 in the Legislative Building at 10:00 A.M.. Staff members will not be able to attend this meeting. The Manager encouraged attendance by the Commissioners.

Commissioners Holmes and Pollard stated they would try to attend the meeting.

Technical Assistance Funds for the Criminal Justice Partnership Program: The Manager stated that the funds for the Criminal Justice Partnership Program have been approved. The grant is in the amount of \$10,000 and will be shared between Chatham and Orange Counties.

COMMISSIONERS' REPORTS

Commissioner Pollard stated that she was aware of a number of concerns of people in the area regarding risk assessment on toxicity as with Cherokee Brick and other industries in the area. She feels that this might be an area which could be addressed by the Environmental Affairs Committee.

Water Board and Planning Board Appointments:

Commissioner Pollard stated that Mr. Ray Greenlaw had approached her with regard to their having only three of the usual five members for their Water Committee. Because of the issues being addressed, Mr. Greenlaw felt that it was essential the Board make their appointment to the Water Committee. Commissioner Pollard stated to Mr. Greenlaw that the Board was hoping to wait until after the Party made its nomination so that the appointment would have a lot of support. Mr. Greenlaw went on to say that there were too many decisions being made in terms of investment not to have more than three people on the committee. Upon reflection and consideration of Mr. Greenlaw's concerns, Commissioner Pollard moved to appoint Mr. Jim Diggs, whom she had contacted, to serve on the Water Committee and Priscilla Studholme to replace Mr. Diggs on the Planning Board. Commissioner Holmes seconded the motion.

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

Mr. Diggs term shall commence immediately and expire December 1, 1994. Mrs. Studholme's term shall commence immediately and expire June 30, 1997.

EXECUTIVE SESSION

The Vice Chair asked for a motion to go into Executive Session to discuss Property Acquisition and Personnel Issues.

Commissioner Holmes moved to go into Executive Session to discuss Property Acquisition and Personnel Issues. Commissioner Pollard seconded the motion.

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

Commissioner Holmes moved that the Board adjourn from Executive Session and reconvene as the Board of Commissioners. Commissioner Hanner seconded the motion.

Personnel Issue - Rebecca Henley:

Commissioner Holmes moved that the Board find that the evidence presented at the hearing of Rebecca Henley's appeal of her dismissal proved that the Manager's decision to terminate her employment was justified and in accordance with the County Personnel Ordinance. Commissioner Hanner seconded the motion.

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

Commissioner Holmes moved the Board sustain the Manager's decision terminating Mrs. Rebecca Henley. Commissioner Hanner seconded the motion.

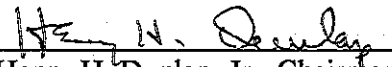
The motion carried four (4) to zero (0).

The Vice Chair read a statement as follows: "Mrs. Rebecca Henley, through her attorney, agreed on July 18, 1994 to resign in return for the Manager's withdrawing the letter of termination and the County agreeing to pay her salary through August 31, 1994. Based upon this agreement, the Board deferred its decision on appeal until August 8, 1994. Mrs. Henley has since refused to resign and attempted to renegotiate the matter demanding six months salary as severance pay and medical insurance at the County's expense through December 31, 1994 and other conditions which were not a part of the agreement heard on July 18, 1994."

ADJOURNMENT

There being no further business to come before the Board, Commissioner Holmes moved to adjourn the meeting. Commissioner Hanner seconded the motion.

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


Henry H. Dunlap, Jr., Chairman


Sandra B. Lee, Clerk to the Board