

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING, SEPTEMBER 6, 1994

The Board of Commissioners (the "Board") of the County of Chatham, North Carolina, met in special session in the District Courtroom, located in the Courthouse Annex, Pittsboro, North Carolina, the regular place of meeting, at 10:00 a.m., on September 6, 1994.

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

The meeting was called to order by the Chairman at 10:04 a.m.

AGENDA

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

The County Manager asked that two items be added to the agenda as follows: (1) a letter of endorsement to the State for the Smart Start application be added as item #26 and (2) consideration of a Board meeting date change be added as item #27.

Commissioner Pollard moved that the Minutes be removed from the Consent Agenda, considered separately with three grammatical errors and approved with corrections.

Commissioner Hanner seconded the motion.

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

CONSENT AGENDA

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

Commissioner Holmes moved to approve items 2-6 as listed on the Consent Agenda as read by the Clerk. 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.

2. **Approval of Solid Waste Disposal Fees Paid in Error:** Consideration of a request for approval of refunds of Solid Waste Disposal Fees paid in error

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

3. **Approval of Tax Releases:** Consideration of a request for approval of Tax Releases

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

4. **Approval of Travel To Southern Industrial Development Council Annual Meeting:** Consideration of approval of out-of-state travel for the Economic Development Director to travel to Louisville, KY for annual meeting

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

5. **Community Development Block Grant for Sanford Steel, Inc.:** Consideration of approval of Community Development Block Grant Signatory Resolution #94-35

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

6. **Naming of Private Roads in Chatham County:** Consideration of a request from citizens for the naming of private roads in Chatham County

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

PUBLIC INPUT SESSION

Mr. J. H. Diggs, Route 6, Box 375, Chapel Hill, NC thanked the Board for establishing the Public Input Session and for their input in getting the Fearington sign put back into place. He spoke regarding safety of Fearington Road #1008. He stated he did not know what the speed limit should be but thought that DOT should have some means of determining what the proper speed should be with regard to safety.

Rev. Mansel P. McCleave, 1954 Snow Camp Road, Siler City, NC, spoke in regard to the sewer study to be done in Chatham County. He stated that as law-abiding and tax paying citizens, he hoped that when sewer accommodations are extended within Chatham County, that the area on the Snow Camp Road be considered for same.

Jim Tate, 17 Neodak Road, Apex, NC, asked if Chatham County had any representation on the Raleigh-Durham Airport Authority. He stated that last year there was an attempt by Western-Wake to move airport traffic noise into eastern Chatham County and that it became clear at that time that Chatham County had no representation on the Airport Authority or that if so, it was very limited. He asked if Chatham County is attempting to get representation on the board.

The County Manager stated that the County did not have any representation. However, the County receives copies of their agendas of regular Authority meetings and on a separate committee which deals with noise.

Commissioner Holmes stated that she did not think Chatham County could have representation on the Airport Authority as we do not pay to support the airport.

PUBLIC HEARING

Occupancy Tax: Public meeting to receive public comment on a Resolution to levy a room occupancy tax

The Assistant to the Manager explained that the Board needed to consider the following before taking action on the resolution: (1) Public input received during the public hearing, especially any issues that arise that have not been previously examined (2) The amount of the tax to be levied and the effective date of the tax. The local bill authorizes the County to levy a tax of up to three percent which is the most common amount levied both across the State and among surrounding counties.

Richard M. Delany, 2000 Fearington Village, Pittsboro, NC, General Manager of Fearington House, on behalf of Mr. R. B. Fitch, expressed concern that the occupancy tax has hurt tourism in larger towns within North Carolina because large groups coming for conferences have turned elsewhere to avoid the tax. He asked that if the resolution is passed, how the revenue will be distributed; whom will be in charge of distribution; and will there be a public commission formed to have a voice in this matter.

Chairman Dunlap declared the Public Hearing closed.

PUBLIC WORKS

Solid Waste/Recycling Centers: Consideration of siting of staffed solid waste/recycling collection centers

- (1) Site A - Siler City area
- (2) Site B - Crutchfield Crossroads area

The Manager stated that at the last meeting, the Board conducted a public meeting to allow public input on two proposed recycling centers in the Siler City and Crutchfield Crossroads areas. Since that time, Mr. J. K. Boling, whose property is under consideration for Site A, has advised several of the Commissioners of some other land which he owns located on the Snow Camp Road south of the Crutchfield Crossroads, that he is offering for sale to the County for a recycling center site. The Manager stated that the Board may wish to take the new site, as well as other alternates, under advisement and consider it in further detail.

Matt Young, Recycling Coordinator, stated that in July he had had the opportunity to speak with Mr. Boling and visit the site located at the intersection of Highway #64 and the road to Silk Hope and to the recently proposed site at the intersection of Snow Camp-Siler City Road and Jessie Bridges Road. He stated that the site which is now being proposed would be very close to Crutchfield Crossroads which would more or less eliminate it from consideration. Another factor in site consideration in this vicinity would be major crossroad intersections with roads feeding in from a number of different directions and to locate them on a major corridor such as Highway 15-501, Highway 64, or Highway 87 or at some natural junction point where people frequently pass in their normal course of travels through the County.

Commissioner Holmes asked to see a map of the six proposed sites for the County. She also asked which site, now in existence, has the highest usage.

Matt Young passed out an updated map of existing and targeted recycling areas with an attached sheet showing waste volume accommodated at centers in use. He stated that the site with the highest usage is that of Martha's Chapel in Moncure.

Note: Commissioner Holmes left the meeting.

After further discussion, Commissioner Holland moved to delay selection to give further consideration to Sites A and B. Commissioner Pollard seconded the motion.

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

Commissioner Pollard moved that the staff provide a population and per-center cost analysis which would help make the decision-making process for the Board much easier. Commissioner Hanner seconded the motion.

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

Commissioner Dunlap moved that the Public Works Department bring back alternate site plans for the two original sites at the Board's next meeting. Commissioner Pollard seconded the motion.

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

Note: Commissioner Holmes reentered the meeting.

Water/Sewer Issues

Wastewater Feasibility Study: Reconsideration of the composition of selection committee for the Wastewater Feasibility Study Consultant

The Manager stated that at the last meeting, a motion was adopted which set up structure of the committee but concern was raised that the Commissioner appointee to the committee did not have a vote and at the same time did not have an appointment. He stated that this lessens this person's input into the process. He stated that the Commissioner might wish to appoint another citizen to the committee to balance it or to give the Board member on the committee a vote.

Commissioner Pollard moved that the Commissioner serving on the committee be allowed to make an appointment and to also have a vote to include five (5) citizens, one (1) Commissioner and one (1) Water Board Member. Commissioner Hanner seconded the motion.

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

Appointments to Wastewater Committee: Consideration of appointments to Wastewater Committee

Commissioner Holmes recommended Ray Greenlaw from the Water Board Committee. Commissioner Pollard appointed Vance Dunn from Goldston. Commissioner Holmes appointed Kirk Bradley. Commissioner Dunlap appointed Tom Wagner. Commissioner Hanner appointed Randy Smith. Commissioner Holland appointed J. E. Booth.

The committee will screen applicants and make a recommendation to County Commissioners on a firm that will study the validity of countywide sewer.

Commissioner Holmes moved to approve the recommendations of the Board. Commissioner Pollard seconded the motion.

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

PLANNING AND ZONING

Subdivision Sketch Design Request for Sadlers-West: Consideration of a request to grant sketch approval with roads shown to state standards including the connection of Neodak Road to S. R. #1759

Keith Megginson, Planning Director, stated that there is approximately 900 feet of distance between Neodak Road in Chatham County and State Road #1759 in Wake County. School buses and emergency vehicles do not have direct access to the lots proposed in Chatham County without a connection of the two roads. Access is available through Wake County. It was proposed that the two roads be connected when the remaining Castleberry land was developed as Summer Chill. He stated that the plat lists the 50 foot right-of-way serving the subdivision lots as public. The application lists it as a private gravel road. The Chatham County regulations require public roads to be paved and previously the Board has required that the new roads be paved even when the connecting state road was gravel. The policy of required paving prevents state tax moneys from being used to upgrade roads in new subdivisions where the developer did not construct the road to state standards. Section 6.3A of the Chatham County Subdivision Regulations limits the length of dead end roads to 1,000 feet unless a variance is granted. Neodak Road is approximately 4,100 feet long. No variance was requested for the road length in Summer Chill Subdivision because the road was stubbed out in each of the three phases so it could eventually be a through road connecting in Wake County.

Commissioner Pollard moved to accept the Planning Board and Planning Department's recommendation that the request be granted sketch approval with all roads shown being designed to state standards including the connection of Neodak Road to S. R. #1759; that the road providing access to the lots be built to state standards including paving; that the connecting road between Neodak and S. R. #1759 be cleared, graded and paved to state standards. Commissioner Holmes seconded the motion.

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

EMERGENCY OPERATIONS

Naming of all Private Drives with Chatham County: Consideration of a request from the E-911 Committee to approve an amendment to the Road Naming Ordinance

Tony Tucker, Interim Emergency Operations Director, explained that as part of its plan to develop the Enhanced 911 Emergency Response System, there is a vital need to name all private drives that have access to three or more houses in Chatham County. He explained that at the present time, only approximately 40% of all private drives have been named.

Commissioner Pollard moved to accept the recommendation of the E-911 Committee request that a time limit of thirty (30) days for the residence to name their private drive be set; that a letter containing this supplement to the Road Naming Ordinance and a road naming application be given to the residence as the houses are numbered. If the time limit is exceeded, then the Chatham County Commissioner will have the authority to name the private drive. A copy of the Ordinance #94-___ Amending the Chatham County Road Name Ordinance is attached hereto and by reference made a part here of. Commissioner Hanner seconded the motion.

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

STAR Team Report: Consideration of approval of a contract with North Chatham Fire Department for the provision of STAR Team Services

Ben Shivar, County Manager, stated that the Board and North Chatham Fire Department have agreed in principle to contract with each other for the provision of STAR Team services for the citizens of Chatham County. To conclude this arrangement, he stated that a contract must be developed and a Resolution adopted which will transfer County owned hazardous materials equipment of the North Chatham Fire Department. He stated that it is important to note that the STAR Team will function as a County wide unit. Consequently, it is not likely that the revenues raised from the North Chatham fire district tax could be used for STAR Team services. In order to fund the necessary operation of the STAR Team, the County may have to consider a special appropriation for that purpose.

Commissioner Holmes moved to approve contract and adopt Resolution #94-36 Declaring Property Surplus and Authorizing the Sale of Said Property to the North Chatham Volunteer Fire Department, Inc., copies of which are attached hereto and by reference made a part hereof. Commissioner Pollard seconded the motion.

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

Staley Fire Department Contract: Consideration of a motion to adopt the contract for fire services between Chatham County and the Staley Fire Department

Ben Shivar, County Manager, explained that the contract between the County and the Staley Fire Department had expired effective June 30, 1994. The new contract has been reviewed by Chief Williams of the Staley Fire Department and was found to be

acceptable. The revised contract provides for continuous service unless terminated upon proper notice by either party.

Commissioner Pollard moved to adopt the contract for fire services between Chatham County and the Staley Fire Department, a copy attached hereto and by reference made a part hereof. Commissioner Holmes seconded the motion.

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

INSPECTIONS

Pole Buildings: Consideration of a motion to approve a Resolution establishing County policy with regard to the construction of pole buildings

County Manager, Ben Shivar, explained that pole buildings are essentially structures with a roof that are supported by wooden or metal poles. He stated that the issue was raised about how the County should administer building code regulations for these structures. There are basically three issues concerning these buildings as follows: (1) Are permits required to be issued for pole buildings? (2) What fee does the County want to charge for this type of building? (3) Whether to classify pole buildings in certain situations as "farm buildings" or as some other type of building?

Commissioner Holmes moved to adopt Resolution #94-37 Establishing a policy for the Construction and Inspection of Pole Buildings, a copy attached hereto and by reference made a part hereof. Commissioner Pollard seconded the motion.

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

BOARDS AND COMMITTEES

Water Board Appointments: Consideration of appointees to the Water Board

Commissioner Dunlap stated that he did not have his appointment to the Water Board Committee and that he would like to look at the responses to the advertising for this committee.

Volunteer Forms: Consideration of a draft form for volunteer sign-up

Renee Dickson, Assistant to the County Manager, explained that the Board of Commissioners currently fills vacancies on the various County advisory boards on an ad hoc basis. Sometimes vacancies on particular boards and committees are advertised, and sometimes they are not. She said that the staff is seeking authorization to establish a data base of volunteers by advertising all County boards and committees and soliciting applications from interested volunteers. She stated that the campaign will involve a one-month campaign to solicit applications from interested volunteers; contacting local churches and civic organizations; working with local media for press coverage and advertising space; and taking advantage of various avenues of free publicity. During the campaign, interested citizens will be instructed to contact the Clerk to the Board for more information or to obtain an application. Once applications have been received, a central filing system and data base will be established with the names and applications of all interested citizens. As vacancies come open on various boards and committees, Commissioners will be given copies of the applications for consideration. The date base will be updated on an annual basis. It is felt that the establishment of a data base of volunteers will allow more citizens the opportunity to participate on boards and committees, and will give Commissioners access to a great pool of applicants and provide more information about potential appointees, so as to ensure greater diversity and equitable representation.

Commissioner Holmes moved to accept the recommendation of the staff to adopt the motion to authorize the staff to solicit applications from volunteers for all County Boards and Committees and to establish a data base of volunteers. Commissioner Pollard seconded the motion.

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

BOARD OF COMMISSIONERS MATTERS

North Carolina Wildlife Federation Proclamation: Consideration of a request by the NC Wildlife Federation to proclaim September 24, 1994 as Hunting and Fishing Day in Chatham County

Commissioner Holmes moved to proclaim September 24, 1994 as Hunting and Fishing Day in Chatham County. Commissioner Pollard seconded the motion.

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

Contract for Bloodborne Pathogens Follow-Up: Consideration of contract for treatment and evaluation of employees from exposure to bloodborne pathogens

Renee Dickson, Assistant to the County Manager, explained OSHA Standard 29 CFR Part 1910.1030 (Occupational Exposure to Bloodborne Pathogens) requires that any employee who is exposed to human blood or other infectious body fluids be provided with treatment and a confidential medical evaluation. In the past this initial follow-up has been handled on a case-by-case basis, with employees going to the Health Department, their private physician, or Chatham Hospital. Our Bloodborne Pathogens Consultant, Donna Johnson, has interviewed employees who have received treatment and evaluation following an exposure, and has found in some cases that the requirements of the OSHA standard were not completely met.

Ms. Dickson explained that there is a need, however, to provide employees who work non-standard hours with access to treatment and evaluation immediately following an exposure. The contract will provide the County with standard follow-up which is available 24 hours per day, thus complying with the OSHA standard. This will reduce the County's liability for noncompliance with the OSHA regulation. The Hospital has agreed to charge the County only its actual costs for the treatment and evaluations.

Commissioner Pollard moved to approve the contract with Chatham Hospital for Initial Treatment and Evaluation of Employees Exposed to Bloodborne Pathogens, a copy attached hereto and by reference made a part hereof. Commissioner Holmes seconded the motion.

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

Smart Start Cover Letter: Consideration of a cover letter in support of the Smart Start application

Commissioner Holmes moved to approve the letter in support of the Smart Start application, a copy attached hereto and by reference made a part hereof. Commissioner Hanner seconded the motion.

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

Meeting Date Change: Consideration of a change from the regularly scheduled meeting date, Monday, September 19, 1994 to Monday, September 26, 1994 due to conflicts of schedules for the Manager and Commissioner Pollard

Commissioner Holmes moved to change the regularly scheduled meeting date from Monday, September 19, 1994 to Monday, September 26, 1994. Commissioner Hanner seconded the motion.

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

COMMISSIONER'S REPORTS

Commissioner Holmes stated that she would like to tour the Beard House. She stated that at the next night Board meeting, she would like to receive oral reports from Melanie Underwood and Mott Blair regarding economic development and what the Economic Development Commission is doing. She asked the Manager when the old grocery store would be demolished to provide more parking. She further stated that in this month's issue of *County Lines*, she read where people had won awards for innovative ideas. She expressed a desire that department heads be given an opportunity to read them and submit their own ideas to the publication. She stated that one of her favorites was a street network map book from Randolph County of which the same could be done for Chatham County and sold at cost now that E-911 has been implemented.

The Manager informed the Board that after having spoken with Mark Ashness, that Mark had planned to use the old grocery building for a period of 3-4 years to relocate the maintenance staff to allow for expansion in the Byrd Building of the Home Health Agency. He stated that there were additional parking spaces located across from Webster-Wieland Dealership. These will be available for rent after the month of October, when the Town of Pittsboro no longer needs them due to their town renovation project.

The Manager suggested that the Commissioners might like to tour the site of the water treatment plant during the next day meeting to pinpoint that location. He also stated that Frances Wilson had submitted ideas to *County Lines* regarding arrangements with the tax building a year or so ago.

LUNCH RECESS

The Chairman asked for a motion to recess for lunch. Commissioner Hanner moved to recess for lunch. Commissioner Pollard seconded the motion.

The motion carried five (5) to zero (0) and the meeting was recessed at 12:02 p.m.

Commissioner Holmes moved to reconvene the meeting. Commissioner Holland seconded the motion.

The motion carried five (5) to zero (0) and the Chair reconvened the meeting at 1:26 p.m.

BOARD OF COMMISSIONERS MATTERS

Redistricting: Mr. Keith Brown, 101 Tripp Road, Pittsboro, NC, thanked the Board for the opportunity to speak on redistricting. He asked the Board to look at making precincts the basic political unit rather than to continue to use townships. He said the combination of both was confusing at times. He also asked the Board to consider increasing the number on the Board from five to seven members. He stated that seven members would insure that the County did not lose its voice of rural citizens. He stated that he would be glad to help the Board with this process if called upon to do so.

Chief Wildlife Officer, Julian Alman told the Board that he would be happy to answer any questions they might have regarding the deer population. Mr. Alman stated that in order to change the season for hunting deer, it would take an act of the General Assembly and would not be allowable by action through the Commissioners. He stated that the Legislature can initiate the regulation changes as far as the either sex season, but it

would have to be voted on by the Wildlife Commission. He gave to the Clerk a Regulation Digest to pass out to Board members to which all licensed purchasers are entitled.

Commissioner Holmes moved to send a letter to the North Carolina Wildlife Resources Commission in support of extending the either-sex deer/gun season for harvesting deer as a means of getting the deer population under control in Chatham County, with a copy of the letter to be sent to Ovide de St. Aubin. Commissioner Pollard seconded the motion.

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

Manager Evaluation Process: Consideration of forms for possible use of Manager's performance evaluation

The County Manager discussed a sample performance evaluation to be used as a tool for continuity by the Board in evaluating the performance of the chief administrative officer. He stated that it is vital for a manager to get regular, accurate feedback regarding expectations of the Board, but that it is next to impossible to do so in the absence of a well-conceived performance evaluation tool.

Commissioner Pollard suggested that the evaluation contain a section entitled, "Plan For Improvement". She stated that during the evaluation process, it will be important for the Manager to give feed-back of how he sees the Board in providing effective communication and direction.

Note: Chairman Dunlap asked to be excused from the balance of the meeting.

Commissioner Pollard seconded the motion.

The motion carried five (5) to zero (0) and Chairman Dunlap left the meeting. Vice Chair Holland assumed the position as Acting Chair.

Commissioner Holmes moved to adopt the evaluation with a change to include a section entitled, "Plan For Improvement". Commissioner Hanner seconded the motion.

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

Additional Landfill Closure Cost: Consideration of a Budget Amendment #5 and Budget Amendment #6 for additional costs of landfill closure

Commissioner Holmes moved to accept the staff recommendation to adopt Project Amendment #5 increasing the landfill Project Fund by \$45,000 and Budget Amendment #6 which allows the transfer of these funds from the Solid Waste Operating Fund, copies of which are attached hereto and by reference made a part hereof. Commissioner Pollard seconded the motion.

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

MANAGER'S REPORTS

Ben Shivar, County Manager, reported on the Annual North Carolina Association of County Commissioners Conference which Commissioner Pollard, Commissioner Holland, Renee Dickson, Assistant to the County Manager, and Ben Shivar, Manager attended. He stated that one of the sessions he attended was one on which Chatham County's Health Director, Wayne Sherman participated regarding the status of Home Health Agencies, how they feel organizationally, the pros and cons of that agency to the county and to public health service. He felt that it was a very good session and a timely

topic, especially for Chatham County and that the conference in general was one of the better ones that he has attended in some time.

The second topic the Manager discussed was a follow-up on the new ordinance prohibiting fishing from certain bridges within the County. He stated that a letter would

be forwarded to DOT shortly requesting signs be put up on identified bridges. He expects the signs to be up within a couple of weeks due to the short turn-around time of printing them in house within DOT.

County Attorney, Robert Gunn stated that he had one item which needed to be addressed in Executive Session.

COMMISSIONER'S REPORTS

Commissioner Holland reported that the Resolution to the North Carolina Association of County Commissioners on the Cary annexation and what they have done was sent to the Legislative Committee and the Resolution Committee.

EXECUTIVE SESSION

Commissioner Holland called for a motion to go into Executive Session to discuss litigation which was not shown as an item for consideration in Executive Session on the original agenda. Commissioner Hanner made the motion. Commissioner Pollard 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 into Regular Session. Commissioner Pollard seconded the motion


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

ADJOURNMENT

Commissioner Holmes moved that there being no further business to come before the Board, the meeting be adjourned. Commissioner Hanner seconded the motion.

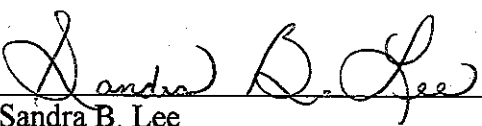
The motion carried four (4) to zero (0).

The meeting was adjourned at 2:43 p.m.



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

ATTEST:



Sandra B. Lee
Clerk to the Board