

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
FEBRUARY 07, 2011

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Central Carolina Community Library, 197 Highway 87 North, located in Pittsboro, North Carolina, at 2:30 PM on February 07, 2011.

Present: Chairman Brian Bock; Vice Chair Walter Petty; Commissioners Mike Cross, Sally Kost, and Pamela Stewart

Staff Present: Charlie Horne, County Manager; Jep Rose, County Attorney; Renee Paschal, Assistant County Manager; Vicki McConnell, Finance Officer; Elizabeth Plata, Deputy Clerk to the Board; and Sandra B. Sublett, Clerk to the Board

Work Session

The Chair called the Work Session to order at 2:32 p.m.

1. **Public Input Session**
2. **Appointment to the Chatham/Cary Joint Land Use Committee:** The Board is to consider the appointment of Pam Stewart to the subcommittee
3. **Programming Phasing Report - Courthouse Reconstruction Project:** The Board of Commissioners will get an update on the project. Staff will seek guidance on options noted in the report.
4. **Nonprofit Grant Process:** Approval of revised nonprofit grant process evaluation
5. **Bid Alternate for Judicial Center and Courtroom:** Approval of bid alternates for upfit of second floor courtrooms and offices in the new Justice Center. Additional upfit cost for the two courtrooms is approximately \$673,900 and the additional cost for the offices is approximately \$30,400
6. **Closed Session** to discuss matters relating to economic development incentives

Chairman Bock asked that Item #2, Continuation of Efficiency Contest and Item #4, Approval of Agreement with Blake House Moving Company, Inc. for moving the three historic houses located on the construction site of the new judicial facility, be removed from tonight’s Regular Meeting Consent Agenda and placed on the Work Session Agenda for discussion.

Commissioner Kost commented that if the Board took any action on those two issues, it would be customary for the Chair to report that at tonight’s meeting.

Chair Bock stated that a public input session had been added to today’s Work Session agendas, and for those who planned to attend the meeting that public input had been moved to the end of the agenda due to expectations of a lengthy discussion regarding the Western Wake Partnership request for a pipeline. He said he suspected that many would not want to wait around for the end of tonight’s meeting to comment on that, and offered the opportunity for comments to be made today.

PUBLIC INPUT SESSION

Judith Butt, 112 Stone Edge, Pittsboro, NC, presented her comments to the Board regarding upcoming appointments to the Orange-Person-Chatham Mental Health Board and provided them in their entirety for the record as follows:

“Commissioners:

Good Afternoon: My name is Judith Butt. I live at 112 Stone Edge in Pittsboro. I am speaking today about the upcoming appointments to advisory boards listed on the consent agenda for this evening, in particular the Orange-Person-Chatham Mental Health board. In perusing them, I notice there is no indication of qualifications for the two persons to be appointed to this board. While they may be very well qualified, I believe the public has a right to know the qualifications of applications for this board and indeed for all boards.

As a practicing psychologist for more than 30 years, both in the schools and in private practice, I have long been concerned about public mental health issues. I strongly believe that any appointee to this advisory board should have some background in mental health.

I know the devotion that Shelby Susan Clark has for the library as she served on the board of the Friends of the Library and has very ably managed the membership database. She has been active for years in the semi-annual book sale process the Friends run to raise monies for the library. I believe she is a good choice for this board, however without a listing of qualifications of all applicants for boards, other citizens may not know her as well as I do.

Every attempt should be made to have diversity in the membership of all advisory boards. That’s the only way we can truly represent our diverse population in the county. Has this been considered in these appointments?

Thank you for the opportunity to address you on these issues.”

Heather Johnson, 449 Foster Lane, Pittsboro, NC, stated that she was the proposed appointee for the OPC Mental Health Board, and the guidelines for service on that board clearly stated that immediate family members of clients of OPC should be considered. Her son has Aspergers Syndrome and they have been clients of OPC Area Mental Health for almost eight years. She has worked with many families with a myriad of issues that use OPC’s services and has worked with service providers of OPC and believes that her participation on that board will provide a conduit between families, service providers, and the community.

Ms. Butt stated that if the qualifications had been listed, she would have immediately thought that Ms. Johnson was a well-qualified candidate.

Tom Glendenning, 168 Eddie Perry Road, Pittsboro, NC, stated that he had family members diagnosed with mental illness and had been an employer for 30 years and had employees who had availed themselves of social services. He said in the past he had served for eight years as Vice President and then President of a mental health hospital out of State.

Chairman Bock stated the two items removed from today’s agenda would be discussed first.

CONTINUATION OF EFFICIENCY CONTEST

Approval of a request to continue with the efficiency contest during the Fiscal Year 2012 budget process

Renee Paschal, Assistant County Manager, stated that last year an Efficiency Contest was instituted among employees, which gave bonuses of \$100 for ideas that were put forward that would save money. The Efficiency Contest last year netted about \$9,000 in recurring savings and the Board had the opportunity continue that contest to generate efficiency and cost savings.

Chairman Bock said the contest was for those who generated an idea that saved more than \$1,000 as long as it qualified as an actual savings. He had removed the item from the Consent Agenda because in speaking with Ms. Paschal and others there was some concern that

the \$100 award was not necessarily enough to motivate employees. He wanted to discuss perhaps increasing that amount while not changing any other criteria. He suggested considering an increase to \$500 with the hopes of garnering more participation from employees.

Commissioner Petty said that would be an incentive.

Commissioner Kost said that the Commissioners had not formulated the idea of the contest; it had been a recommendation from staff when talking about how to promote greater efficiency in the organization. She was not a huge fan of these types of programs because it should be every single County employee's job to be looking for ways to save money, so it became difficult to determine whether it was a part of their job or whether they should receive an award for doing their job. That was why they had settled on the lower amount, although she agreed that perhaps \$100 was not enough of an incentive. She suggested \$300, adding that \$500 was too high.

Chairman Bock said that the idea had to generate at least \$1,000 in savings which was why he was comfortable with the \$500 award, and presumably the savings would continue year after year. He said he understood Commissioner Kost's view, but the reality was that without the proper incentive many would not reach out for those ideas. He said if at the end of the year that was not the case, then they could consider another change.

Commissioner Stewart moved, seconded by Commissioner Petty, to raise the award amount for the efficiency contest from \$100.00 to \$500.00.

Commissioner Kost asked how that would work with the reductions; that is, the priority non-mandated services had to identify 5% reductions in their budgets. Ms. Paschal said the cuts would be identified during the budget process and the Efficiency Contest would be instituted for FY 2012 for ideas generated after the cuts were made. She said that was the cleanest way to do it, because if it was done first it would muddy the waters. Commissioner Kost said it would still be muddy no matter when it was done, but said she believed they could give it a try and see how it worked.

Commissioner Stewart stated that this kind of program was not unusual, noting that similar programs were used in the corporate world but were called innovation awards. She said such programs encouraged employees to think outside the box and even outside of their own departments.

Chairman Bock called the question. The motion carried five (5) to zero (0).

Chairman Bock stated he would report on that action at the appropriate time at tonight's meeting.

BLAKE HOUSE MOVING COMPANY AGREEMENT

Approval of agreement with Blake House Moving Company, Inc. for moving the three historic houses located on the construction site of the new judicial facility and authorizing the Chatham County Manager to sign the amendment on behalf of the County

David Hughes, Public Works Director, stated that when they had sought funding to move the three houses from the USDA that had tripped a review by several State agencies which included the State Historic Preservation Office because the three houses were on the State Historic Register. That agency had filed a protest with the USDA, and the USDA had come back to say that they had to mitigate the impact on the houses and they had to be moved to the historic district. The historic district in Pittsboro is very small with only six or seven available lots, but they had purchased some lots and then figured out how to move the houses and include a foundation for them as well as move some power lines. As a result, the costs were escalating due to the requirements dictated by the USDA.

Commissioner Petty asked did they have any options other than moving the houses. He asked could they be sold as is and then let someone else move them. Mr. Hughes said they had a developer willing to take the houses but the houses had to be in the historic district and the developer was unwilling to do that. He said the lots they had purchased were the closest they could find with had mitigated the cost from Progress Energy. He said the developer who had

wanted to move the houses about a mile out of town would have suffered a cost of \$130,000 just to move the power lines, but that cost was only about \$7,000 to move the houses two blocks to the historic district. He said in his mind there was no getting around moving the houses to the historic district unless the County was willing to suffer a very long delay to try to find some other alternative.

County Manager Charlie Horne stated they had tried several mechanisms to get the houses addressed and several interested parties had been identified, but they had wanted to dismantle the houses and reassemble them elsewhere and that was not an option. They had identified a developer as Mr. Hughes had said who was interested but they could not get around the requirements of the State's Historic Preservation Office through the USDA to relocate the houses to the historic district.

Commissioner Kost asked if the houses were strong enough to make the move. Mr. Hughes responded they were not in the best shape, but they had been inspected and were determined to be capable of surviving the move. The contractor who would move the houses was experienced in moving historic structures and had moved houses much larger than these, and he was confident that he could move them successfully.

Commissioner Kost said if one of the houses was not structurally sound and during the move suffered some damage, what would be the consequence. She asked if the contractor's insurance would cover that. Mr. Hughes responded yes, noting the houses would be braced and some structural repair might be necessary before the move was made.

Commissioner Stewart asked if the contractors who had bid on the move had inspected the houses to determine if they could be moved successfully. Mr. Hughes said they had all examined the structures in detail, and the contractor identified was confident they could be successfully moved.

Commissioner Petty said if the contractor was confident that the houses could be moved, why was there a 10% contingency fee included in the contract for unseen conditions. He said that should have been built into the quote. Mr. Hughes said you could not build something in that you could not perceive, in that until they actually got the houses up off the foundation they could not see every nuance of the condition of the structures. He said for example, if there was rot that needed to be braced that was not seen until the houses were off their foundations, that was an unforeseen condition and the 10% contingency was an effort to budget for such unforeseen conditions.

Commissioner Petty said his experience was that such jobs were bid at a net cost with no window. Mr. Hughes said normally when you did renovation work there was a contingency put in place, noting that was different from new construction. Commissioner Petty asked was that something the County had added or was that contingency requested by the contractor. Mr. Hughes said the contractor had estimated that contingency.

Commissioner Stewart asked what would become of the houses once they were moved and set back up. Mr. Hughes said they were in the process of working with a non-profit preservation organization called Preservation North Carolina who marketed such houses by seeking out buyers. He said they placed restrictive covenants on the houses that would preserve the historic nature and keep them intact; for example, you could not put vinyl siding on historic homes. He said he was not expecting much income from the sale of the houses, noting that the ceilings were very low and the rooms small.

Commissioner Petty asked was there a possibility that the preservation organization would purchase the houses themselves and then market them. Mr. Hughes said there were other preservation organizations that might be interested in doing that. Commissioner Petty said he had owned an historic house in the past and when he had decided to put it on the market, a preservation organization had purchased it in order to preserve it. Mr. Hughes said he was willing to approach such organizations about a possible purchase.

Chairman Bock said for the purposes of this discussion it appears they had no choice but to move the houses and Mr. Hughes could move forward with that while inquiring about the possibility of a preservation organization purchasing the houses.

Chair Bock said action would be taken at tonight's meeting on that issue.

APPOINTMENT TO CHATHAM/CARY JOINT LAND USE COMMITTEE

Chairman Bock stated in the past there had been two members from Chatham County on that Committee, the Chair and the Vice Chair. He said the Board had assigned those to that Committee several meetings ago, but he had determined that it would be better to have three members on the Committee rather than two, noting that Cary had three members. Chair Bock said he was recommending that Commissioner Stewart become that third member.

Commissioner Petty moved, seconded by Commissioner Cross, to add Commissioner Stewart as the third member to the Chatham/Cary Joint Land Use Committee.

Commissioner Kost remarked that she had served on that Committee for two years and had more background than any other Commissioners. She said it had been the Cary-Chatham issue that had gotten her involved in County government in 2002, adding this was her district and an area where she had more knowledge. She said that Commissioner Stewart could bring a lot of great qualities to a subcommittee especially with her facilitation skills, but with all due respect she believed she should be the Commissioner appointed to that third seat.

Commissioner Cross agreed that Commissioner Kost was the logical person to serve on that Committee, noting that even though he had seconded the motion he had not considered Commissioner Kost's qualifications. He said she did have two years experience and believed she was the better choice. He asked could he withdraw his second to the motion.

County Attorney Jep Rose stated that once the motion was made the second could not be withdrawn, but he could vote against the motion.

Chairman Bock called the question. The motion carried three (3) to two (2) with Commissioners Cross and Kost opposing.

Commissioner Kost commented that she wanted the County Attorney to know she would be attending those meetings and if she had something to say she would do so. She added that she was on the mailing list and would be receiving the agendas, the correspondence, and the background information as well as the draft minutes. Mr. Rose stated that the Committee was a public body and its meetings were open to the public, so anyone could attend.

Commissioner Kost stated the next meeting was on February 16 at 9 a.m. at the Jordan Lake Visitor's Center just off US 64. She asked why not allow any or all members of the Board to be on the Committee, noting that with three members on it they already had a majority of the Board serving. She said why not four members and why not just appoint her as well. Mr. Rose said it was a joint committee and increasing the membership over three members would require the consent of Cary.

Commissioner Kost asked that that be included on the next agenda.

Chair Bock said he would talk with Cary about that possibility.

COURTHOUSE RECONSTRUCTION PROJECT

Mr. Hughes deferred to Taylor Hobbs, architect for the Courthouse Reconstruction Project.

Taylor Hobbs, Hobbs Architects, introduced members of his team who were present and stated tonight he would report on the redesigning of the new building and the base planning, including displaying preliminary plans. He said he would provide some initial design decisions that they hoped to get approval on so that they could move forward, and then provided a PowerPoint presentation as follows:

PROGRAMMING PHASE REPORT

Chatham County Courthouse
2012 Reconstruction Project

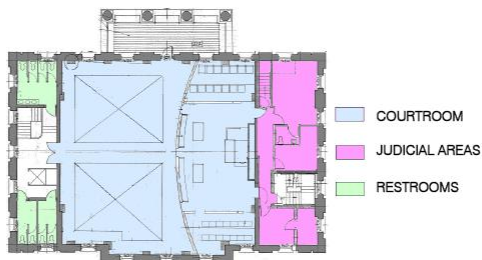


HOBBS ARCHITECTS, PA

February 7, 2011



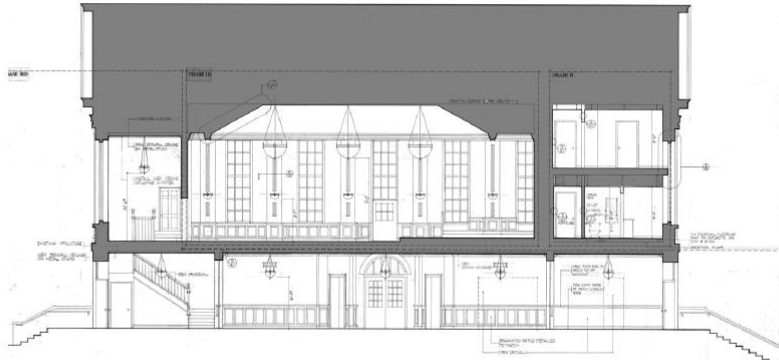
PRE-FIRE FLOOR PLANS AND PICTURES



2nd Floor Plan - Pre Fire



1st Floor Plan - Pre Fire
Chatham County Courthouse



West - East Section Through Building - Pre Fire
Chatham County Courthouse



North - South Section Through Building - Pre Fire
Chatham County Courthouse



Pre Fire Image
Chatham County Courthouse



Pre Fire Image
Chatham County Courthouse

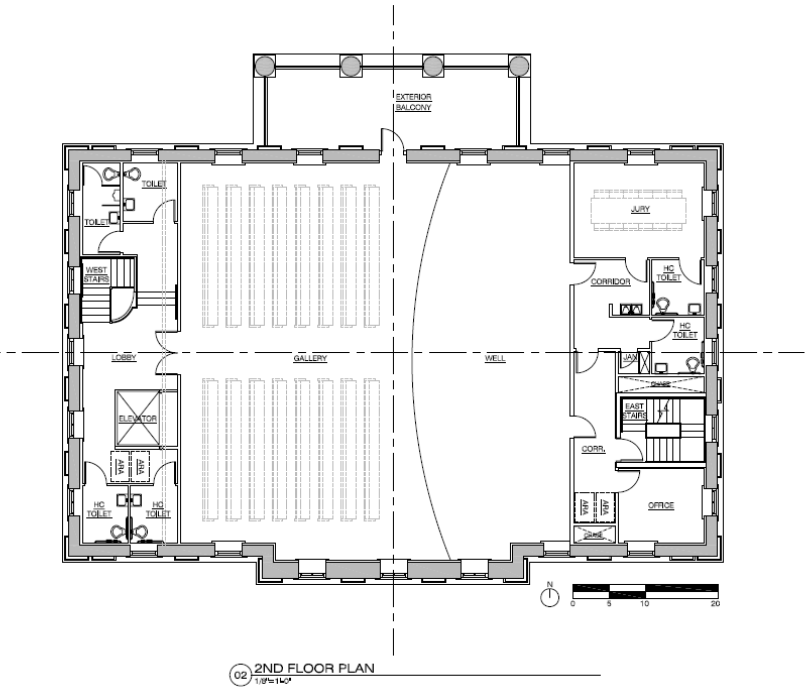
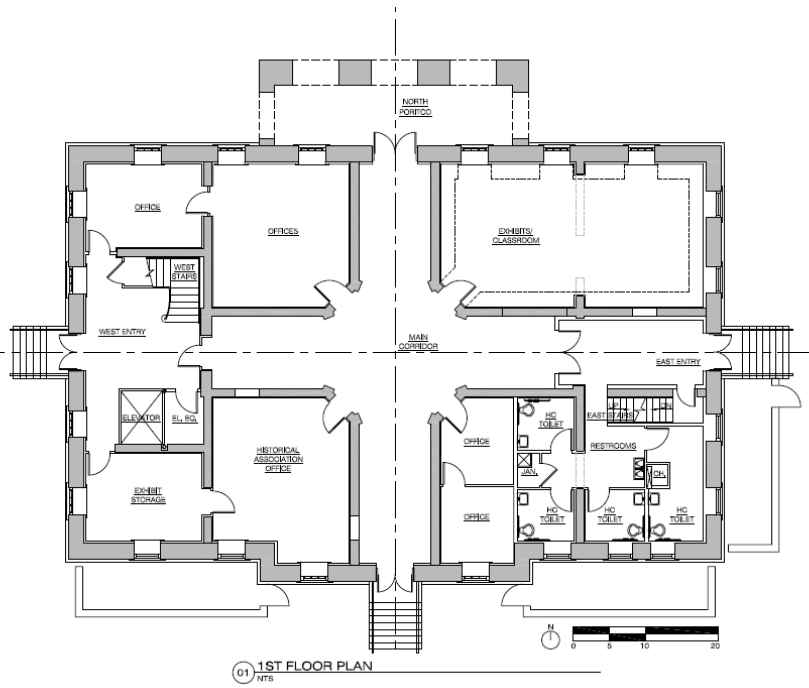


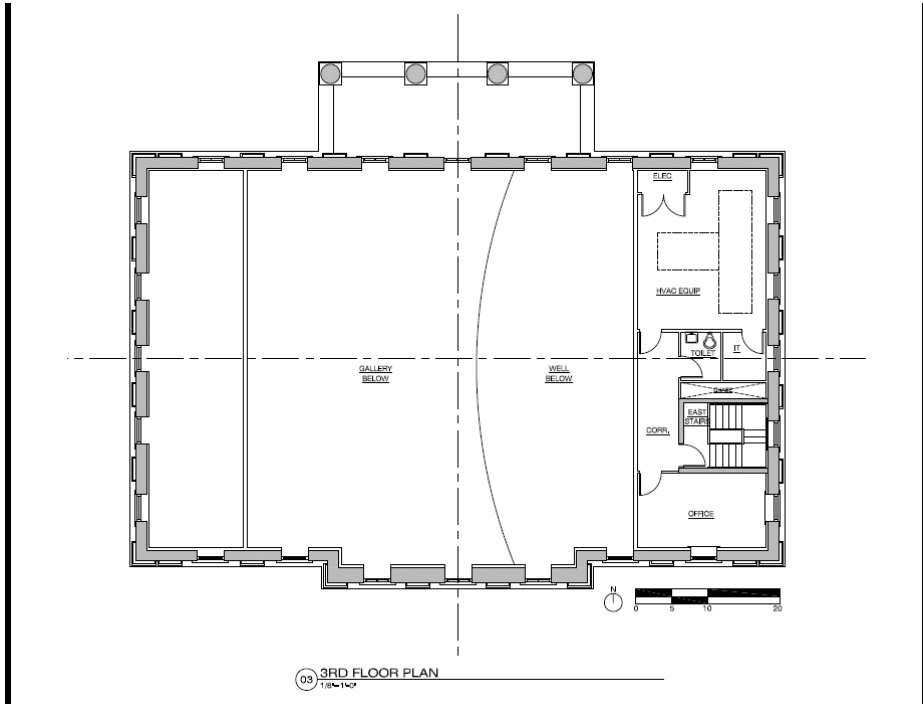
Pre Fire Image
Chatham County Courthouse



Post Fire Image
Chatham County Courthouse

PRELIMINARY FLOOR PLANS





ESTIMATED SCHEDULE

Estimated Schedule

Start Design	January 2011
Schematic / Design Dev.	February 2011
Working Drawings	June 2011
Out to Bid	July 2011
Bid	August 2011
Start Construction	September 2011
End Construction	September 2012

Commissioner Kost said the report mentioned the need for better lighting for displays and the public entry in the front. She asked about opportunities for bringing in natural light, noting the transom on the other side. Mr. Hobbs said there would be some ability for light to pass through the transom into that area, but believed there would have to be specialty lighting for the

displays. He said it was their goal to provide better illumination for that area than had been provided pre-fire.

Mr. Hobbs said the proposal was to use non-combustible materials and that a sprinkler system be installed, which they believed would be a good short and long-term decision. He said they could certainly use wood, but they now had the chance to make the building better than it had been. He said they had met with the Historical Association and with County departments and would now like to get approval on the proposed floor plan, noting those plans had been approved as far as Building Code purposes and they had also passed muster with the NC Department of Archives and History as far as keeping the historical integrity of the building in terms of space, planning and layout. Using the floor plans in the PowerPoint, he then described the floor plan and the proposed use of spaces.

Commissioner Kost said there had been the idea of having a warming kitchen for events, and asked had they been unable to make that fit into the floor plan. Mr. Hobbs responded that had not come up in programming as a requirement.

Commissioner Stewart asked about wiring for audio/visual presentations, teleconferencing, and the like and if the building would be wired for that. Mr. Hobbs said it could be any and all of that, noting that any specialty systems beyond what they now had in current County facilities was not in the scope of the project but certainly could be. Commissioner Stewart said then it could be done in a way that portable units were no longer necessary. Mr. Hobbs said that was correct, noting some of those decisions had not yet been made in detail but believed with the Board's input they could make that happen. Commissioner Stewart said they certainly needed to be forward-thinking, noting that teleconferencing capabilities should be included. Mr. Hobbs continued his description of the floor plan, noting that they needed the Board to make the decision as to whether to switch from steel to concrete.

Commissioner Kost said the area right outside of the courtroom where the elevator and restrooms were located did not work well before and they were going back with that same format. She asked was that the best they could do. Mr. Hobbs said even though the building may look large it was not a big building and it had a small footprint. He said that made the opportunities for space planning very limited. He said as well, the NC Department of Archives and History had wanted to keep the layout basically the same as the pre-fire layout, so that hampered how they treated all of the space. He said that Archives and History had wanted to keep the east and west walls of the courtroom the same, although they may have to push out one of the walls a small amount to meet current handicap restroom requirements. He said the basic answer was that the recommendation from Archives and History was to keep the format the same and to keep the basic feel of the courtroom the same. Commissioner Kost said she supported that, but believed the previous configuration of the restroom did not work well and it appeared they were going back with the same configuration.

Commissioner Kost said she understood the verdict was still out on what type of seating there would be, and they had talked about flexible benches. She said the Board had not really discussed that, but if they had any kind of flexible seating then there was the issue of storage and it was a small building. Mr. Hobbs said that was certainly a concern, but you could see on the plan that the storage areas provided storage inside the gallery, perhaps along the walls. He said part of the architectural language of that building was the long benches, but they were hard to stack. He said they had not been able to create a dedicated storage area for seating, but an option would be to use the jury room for storage since there were long periods of time when that area would not be in use.

Commissioner Kost asked what other Board members thought of including a warming kitchen, noting they did want to keep the historic nature of the building but also wanted to make it a building the community could use for special events. She said you could not do that unless there was an area for a caterer to utilize, noting it would also be an area that employees could make use of. Mr. Hobbs said there was an area on the floor plan depicted as offices but it was actually an un-programmed area, and that would be the logical place to put a warming kitchen. Commissioner Kost asked if he needed a decision on that today. Mr. Hobbs replied no, but he would need it soon.

Commissioner Petty moved, seconded by Commissioner Stewart, to approve the conceptual drawings as well as the structural change in materials from steel to concrete. The motion carried five (5) to zero (0).

Commissioner Kost asked Mr. Hobbs to inform the Board as to when he needed those others decisions to be made. Mr. Hobbs said he would say as soon as possible, noting that getting those decisions quickly would be advantageous.

The Board held a brief discussion with Mr. Hobbs regarding the space that could be programmed for a warming kitchen.

Chairman Bock said it appeared from the discussion that the Board was in favor of adding a small kitchen in the area Mr. Hobbs had proposed.

Barbara Pugh, 5332 NC #87 North, Pittsboro, NC, representing the Historical Association, thanked the Board for working with them on the designs for the courthouse. She said it was their purpose to preserve and communicate the history of the County, and they had been working with the architect and others and believed the plans were moving forward well. She said the Association had already raised funds for the reconstruction, noting it would be a joint venture and thanked the Board for their willingness to work with the Association.

Rita Spina, citizen, said that one thing that all of the members of the Task Force had agreed upon was making a part of the project a public space. She said the Courthouse had always been a somewhat closed space and used primarily for court purposes. Ms. Spina said there had been a strong feeling to allow at least a part of the first floor to be open so that people visiting the County could come and see the history of the area, and it fact that it could act as a tourist bureau. She asked that that not be forgotten.

Miriam Hanner, Courthouse Taskforce Member, said that if they did make the benches in the Courtroom flexible they would have to have people hired that could move them. She said that making the seating flexible also made it more labor intensive.

Chairman Bock said it appeared from the discussion that the Board was in agreement that a kitchen should be included, unless it dramatically drove the cost up, and asked Mr. Hobbs to work that into the plans. He said the presumption would be that a kitchen would be added unless some reason was identified to prevent it.

Commissioner Kost said the idea was for a warming kitchen to prepare simple food. Mr. Hobbs said they would include that on the plans. He said in terms of the first floor being used as a tourism center that had been taken into consideration. He said the northwest quadrant of the lobby area was more than they needed so that certainly could be accommodated.

NON-PROFIT GRANT PROCESS

Ms. Paschal said the Board had approved the changes to the process, one of which was changing the rating form to give substantial points to department head review of the request to ensure greater coordination between the non-profits and County departments. She said they were asking that the Board now approve that revised non-profit grant process evaluation form.

Chairman Bock said he assumed the points they had discussed a month or so ago were what had been incorporated into the process. Ms. Paschal said that was correct.

Commissioner Kost moved, seconded by Commissioner Cross, to approve the evaluation form, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

BID ALTERNATE FOR JUDICIAL CENTER AND COURTROOM

David Hughes, Public Works Director, said there had been two alternates to the bid, one was not upfitting the Courtroom and the other was for not upfitting the seven or eight offices in area of the Courtroom. He said in initial discussions it was the Board's feeling that they would do the upgrade if it was within their preliminary estimate of around \$1 million, and the decision at that point was that if it was below that amount or not much higher then they would take the

option and build that space out. He said at the time several of the Judges and Court officials had made a convincing case for the need of that additional space. He said the bids had come in considerably lower than \$1 million, at \$673,900, with another \$30,000 for the office spaces. He said if the space was to be upfitted, now was the time to do it since the cost was reasonable. He said if the upfit was done, for instance, five years from now the cost would likely be twice as much.

Chairman Bock said then the question was whether they would do the unfit now or at some point in the future. Mr. Hughes said that was correct.

Commissioner Kost moved, seconded by Commissioner Cross, to approve the bid alternates for upfit of the second floor courtroom and offices in the new Justice Center. The motion carried five (5) to zero (0).

Mr. Hughes said they had solicited bids for the field testing, and when the RFP had been put out there had been questions about whether this was for professional services or just for services for material testing or engineering. He said he had taken the question to the Board of Engineering Examiners and they had not provided a straight answer, so he was now requesting the Board of Commissioners to exempt the material test from the RFP so that he could get a hard bid and a firm price.

Commissioner Petty moved, seconded by Commissioner Kost, to exempt the construction material testing from the Justice Center RFP. The motion carried five (5) to zero (0).

CLOSED SESSION

Commissioner Cross moved, seconded by Commissioner Stewart, to go out of Regular Session and convene in Closed Session for the purposes of discussing matters related to economic development incentives as well as matters within the attorney/client privilege. The motion carried five (5) to zero (0).

WORK SESSION

Commissioner Kost moved, seconded by Commissioner Cross, to adjourn the Closed Session and reconvene in the Work Session. The motion carried five (5) to zero (0).

ADJOURNMENT

Commissioner Kost moved, seconded by Commissioner Petty, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 4:41 PM.

Brian Bock, Chairman

ATTEST:

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