

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**MARCH 07, 2011**

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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 6:00 PM on March 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

**PLEDGE OF ALLEGIANCE AND INVOCATION**

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

**CALL TO ORDER**

The Chairman called the meeting to order at 6:04 PM.

**APPROVAL OF CONSENT AGENDA AND REGULAR AGENDA**

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

Commissioner Kost asked that the February 21, 2011 Work Session Minutes be removed from the Consent Agenda regarding clarification of a motion dealing with the Northeast Park and considered for approval at the March 21, 2011 Board of Commissioners’ meeting.

Chairman Bock asked that Item #7, Approval of a request to approve Resolution Amending the Chatham County Personnel Policy, be removed from the Consent Agenda and placed on the Regular Agenda for discussion.

Commissioner Cross asked that he be appointed as the Affordable Housing Task Force Liaison to replace Commissioner Stewart. Chairman Bock asked that this be placed on the Consent Agenda.

Commissioner Kost moved, seconded by Commissioner Stewart, to approve the Consent Agenda and Regular Agenda with the noted requests as follows:

1. **Minutes:** Approval of Board Minutes for the Work Session held February 21, 2011

This item was removed from the Consent Agenda to be considered for approval at the March 21, 2011 Board of Commissioners’ meeting.

2. **Orange-Chatham-Person Mental Health Board Appointment:** Approval of a request by Commissioner Kost to appoint Tom Vanderbeck to the Orange-Chatham-Person Mental Health Board

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

3. **County Funding Allocation for Department of Juvenile Justice and Delinquency Prevention:** Approval of a request to approve the funding table representing the final disbursement of the grant awards and county matching funds for this fiscal year for the Department of Juvenile Justice and Delinquency Prevention

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

4. **Naming of Private Road:** Approval of a request from citizens for the naming of a private road in Chatham County as follows: Meadow Lark Circle

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

5. **Appointment of Non-Profit Review Panel Volunteers:** Approval of a request to appoint all applicants to the non-profit review panel

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

6. **Children's Trust Fund Grant Approval:** Approval of a request to apply for a grant from the Children's Trust Fund in the amount of \$43,915.15 to fund the Focus on Fathers Program from the Chatham County Health Department

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

7. ~~**Personnel Policy:** Approval of a request to approve Resolution Amending the Chatham County Personnel Policy. Changes are technical in nature keeping with Board of Commissioners direction and with legislation ratified by the General Assembly.~~

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

8. **Economic Development Corporation Board Appointment:** Approval of appointment of Joe Glasson to the Economic Development Corporation Board by Chairman Bock

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

9. **Economic Development Corporation Board Appointment:** Approval of appointment of Bill Milholen to the Economic Development Corporation Board by Commissioner Petty

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

10. **Economic Development Corporation Board Appointment:** Approval of appointment of Twig Wood to the Economic Development Corporation Board by Commissioner Stewart

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

11. **Economic Development Corporation Board Appointment:** Approval of appointment of Jeffrey Starkweather to the Economic Development Corporation Board by Commissioner Kost

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

12. **Economic Development Corporation Board Appointment:** Approval of appointment of Michael Donoghue, Linda Harris, Keith Hurand and Al Devine, as members At-Large, to the Economic Development Corporation Board by the Board of Commissioners

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

13. **Economic Development Corporation Board Appointment:** Approval of appointment of Larry Hick, Mike Ryan and Jay Hand to the Economic Development Corporation by the Board of Commissioners

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

14. **Affordable Housing Task Force Liaison:** Approval of a request to appoint Commissioner Mike Cross as the Affordable Housing Task Force Liaison to replace Commissioner Pamela Stewart

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

#### **END OF CONSENT AGENDA**

#### **PUBLIC INPUT SESSION**

**Ted Dunn**, 8633 Hatfield, Pittsboro, NC, voiced concern about the discontinuation of the Chatham County Bookmobile. He stated that he uses it and a lot of his neighbors use it within Fearington Village; that he also uses it in Cole Park Plaza; that he thinks it is mainly used by a lot of elderly and young people; that when he was at the polling booth last November, he was speaking to a woman supporting the Republican slate. Her biggest concern was education in Chatham County. The bookmobile and library are the cornerstones of education. If one is looking to improve the quality of life in Chatham County in the long term, one needs to have better education and more training for the children. Libraries are essential to that. He stated that he knows these are hard times; however, this is not a big expense. There is money available as it is only a matter of how it is to be allocated. He thinks the library is very important and there are a lot of people who feel as strongly about this as he does. He wishes the Board would reconsider and keep the bookmobile rolling.

**Bob Knight**, 406 Chimney Rock Lane, Sanford, NC, stated that he recently read that one percent of the people get things done, nine percent watch, and ninety percent wake up and wonder what happened. Three years ago, Carteret County urged the State of North Carolina to allow off-shore drilling. If we had done so then, we would now be three years ahead of the game. It has been said that North Carolina has enough oil deposits to last five hundred years. By using what we have, we can become self-reliant and quit keeping up foreign rulers. The old adage, "We get old too soon and too late smart." fits more and more. So far, the new Board has been leaders. Don't slack up now and ask others to join in. Let's start drilling. That will create hundreds of jobs and boost the economy State-wide. The everyday workers are finding it hard to get to work because of high fuel prices and it affects everything they depend on. Now is the time to emphasize: drill, drill, drill. If this was a small business, there would be charges of price-gouging since the gas companies are making record profits. They are not losing money. They are making more and more profits. Gas prices are up one dollar a gallon from a year ago. The only people losing out is the everyday person and the average income person just can't find a way to get ahead. Everything keeps going up. If the Board would contact someone in Carteret County and ask them to try to get the drilling rolling again and the people of Chatham County contact their representatives, it would be a great blessing to start drilling in North Carolina and become self-reliant. He thanked the Board members for their time.

**Cathy Markatos**, 800 Rock Rest, Pittsboro, NC, stated that she is very interested that when the Board has construction, they are energy efficient. If there are some parts of the energy efficiency standards on which the Board has questions, she thinks that there will be support for all of the LEED Certification standards. She stated that she has heard that bicycle racks are important, especially for younger folks who are thinking in terms of using our own energy, bicycling, walking in order to get to their commutes and work places, etc. She asked the Board to consider that LEED standards are excellent, have been well-chosen over a period of time, and that they continue with them.

#### **PERSONNEL POLICY**

Carolyn Miller, Human Resources Director, explained that the Chatham County Personnel Policy was first adopted by resolution on March 11, 1996 stating from time to time, it is necessary to review the current policy and recommend changes that further clarify intent or are no longer relevant or accurate. Specifics of the request are as follows:

The proposed changes are as follows, with discussion of changes below each item:

Article I-Article X, All Sections:  
By changing:

Change all references to Human Resources Manager to Human Resources Director.

The Human Resources Manager was reclassified to Human Resources Director in 2006. The title appears in several sections throughout the policy--it would be change in each of those sections.

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Article III, Section 4:  
By changing to:

The minimum rate established for the class is the normal hiring rate, except in those cases where unusual circumstances appear to warrant appointment at a higher rate. When the County Manager deems it necessary and in the best interest of the county, the County Manager may approve a point between the minimum rate and the maximum of the salary range on the basis of a recommendation by the department head. Above-the-minimum rate appointments will be based on such factors as (1) the qualifications of the applicant being substantially higher than the minimum education and training for the class, (2) a shortage of qualified applicants available at the minimum rate, and/or (3) the refusal of qualified applicants to accept employment at the minimum rate.

This section amendment includes the expansion of the managers' hiring authority from minimum to midpoint to minimum to maximum of a hiring range.

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Article VIII, Section 2:  
By adding the following statement:

Full guidelines are detailed in the Chatham County Reduction in Force Policy

This is to reflect the approval of the Reduction in Force Policy.

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Article X, Section 2:  
By changing to:

Only the following information on each County employee is public information:

- A. Name;
- B. Age;
- C. Date of original employment or appointment to County service;
- D. The terms of any contract by which the employee is employed whether written or oral, past or current, to the extent that the county has the written contract or a record of the oral contract in its possession;
- E. Current position;
- F. Current salary;
- G. Date and amount of each increase or decrease in salary with that county;
- H. Date of each promotion, demotion, transfer, suspension, separation, or other change in position classification;
- I. Date and general description of the reasons for each promotion with that county;
- J. Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by that county. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the county setting forth the specific acts or omissions what are the basis of the dismissal; and
- K. The office to which employee is currently assigned.

After the passage of SL2010-169 (House Bill 961) in July 2010, the type of information open in an employee's personnel record that is open to public inspection changed. New items include D, I, and J. Revised items include G and H.

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Article X, Section 3:  
By changing to:

As required by NCGS 153A-98(b), any person may have access to the information listed in Section 2 of this article for the purpose of inspection, examination, and copying during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Board of County Commissioners may adopt. Any person denied access to any record shall have a right to compel compliance with these provisions by application to a court for writ of mandamus or other appropriate relief.

State Statute citation change.

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Article X, Section 3, Subsection A:  
By changing to:

All information contained in a County employee's personnel file, other than the information listed in Section 2 of this article, will be maintained as confidential in accordance with the requirement of NCGS 153A-98(b) and shall be open to public inspection only in the following instances:

State Statute citation change

Ms. Miller answered questions from the Board.

Commissioner Cross moved, seconded by Commissioner Petty, to adopt **Resolution #2011-15 Amending the Chatham County Personnel Policy - March 2011**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

### **COMMISSIONER PRIORITIES**

**LEED Certification Policy with Capital Construction Projects:** The Board will vote on whether to continue with LEED certification in construction projects or pursue other efficiency options

Chairman Bock explained that this item had been discussed earlier in the afternoon. He stated that the issue was whether to continue the requirement of the policy they have to require LEED Silver on all public buildings over 20,000 square feet.

Commissioner Petty stated that he didn't feel that it was an issue of wanting to be efficient where we can. He thinks it is an issue of the earlier discussion that they want the flexibility to make that decision on a building-by-building basis.

Commissioner Petty moved to rescind the policy.

Commissioner Petty further stated that he didn't think this is an issue of whether we want to be efficient or not as a County stating that he thinks that is a given. He stated that they want to be efficient where they can and also be responsible with tax dollars in order to get a good return on investment; however, he feels that this is about the ability to have some flexibility on a by-building basis rather than all inclusive of all County buildings over 20,000 square feet.

Commissioner Petty restated his motion to rescind the LEED Certification Policy with Capital Construction Projects. Commissioner Stewart seconded the motion.

Commissioner Kost stated that the two buildings to which this will apply are the Justice Center and the jail. Those are the two immediate projects. During the afternoon Work Session,

she stated that she made a very strong case that the jail should be built to LEED standards because it is a 365 days/24 hours-per-day operation. If ever the Board wanted to make certain that they have a well-designed, energy-efficient building, it should be one with that much use. The other is the Justice Center which has already been designed and has already been bid. The work has been ahead and the last part of it would only be the certification for the building. She stated that she was going to vote against the motion as she believes that the policy that the Board now has, the materials that were designated by the architect said LEED Silver is really the basic building that one builds in these times. These are guidelines to help the Board provide the taxpayer with buildings that are energy-efficient and she thinks it is a mistake to change it.

Commissioner Stewart stated that she agrees that they have to do want to ensure that they are energy-efficient. She also wants to ensure that we don't box ourselves in to not pursue other opportunities for being energy-efficient. If you pursue just LEED, then you're basically going in a certain path and these are the guidelines. She stated that she thinks that there may be other opportunities along the way. She would like to see the Board be flexible, not to lose any energy-efficiency, but to be open and flexible to other possibilities.

Commissioner Cross stated that he certainly wants the County's buildings to be built to LEED standards, but he doesn't see anything wrong with a little flexibility. He would like to be able to see with each individual building decision to see what is going to be added extra past the efficiency equipment and how much the cost is going to be. He stated that they had not discussed anything about cost. We know it costs more to get a certificate, but how much more, is it worth it, and what is the difference in the equipment that will be installed in the building versus what will not be. It is really hard to make a decision about this without knowing what we are saving. We may not be saving anything.

Commissioner Kost stated that the materials that were given to the Board at their last Work Session used the reference of the new Wake Tech Campus. The payback for building that building to LEED standards was five years. She stated that she thinks that they will get the pay back and savings. The material that were given to them and explained by Alicia said that integrating into the building design, didn't end up costing any more.

Commissioner Cross stated that he was not suggesting that they not continue to build to LEED standards. He stated that he had heard numbers up to \$200,000-300,000 difference just to get a certificate; that he doesn't know if is true or not, but if it is, he might not want to put that certificate on every building; and that it is not going to change the efficiency of the building.

Commissioner Kost stated that the numbers in materials that she saw was \$30,000.

Commissioner Cross stated that that confirms that they see everything, but do not know; that they look at one building at a time, talk with the architects, and ask what it is going to cost to be energy efficient versus how a plaque could be energy efficient.

Commissioner Petty stated that the key to this is understanding that we are not necessarily advocating changing what we are doing on a particular building right now, just the flexibility to make that decision.

Chairman Bock called the question. The motion carried four (4) to one (1) with Commissioner Kost opposing.

## **MANAGER' S REPORTS**

The County Manager had no reports.

## **COMMISSIONERS' REPORTS**

### **World Trade Center Memorial:**

Commissioner Stewart stated that they will be having a meeting this week about the World Trade Center Memorial. They expect the piece that they have been awarded from the Port Authority in New York to be brought back to Chatham County sometime around March 24<sup>th</sup>. They will be putting together a core team and sub-team who will be looking at how and where this piece will be presented. It will be a community type project. They are going to look for

private funding for this and as time goes on, many of the Board may want to be involved in it in some way. There will be more information to come on the project.

**Broadband:**

Commissioner Stewart stated that they were looking at the data from the Broadband results with regard to the ENC project getting broadband to the rural counties in North Carolina. They are finding that the data that has been provided to the State is incorrect. There will be a town hall meeting at the end of April when they will ask citizens to come together. They would like to get CenturyLink, Verizon, and Time Warner, who are reporting back to the State that they are providing substantial and adequate broadband access to the County, to also be there to answer any public questions, especially those who say that they are not getting coverage when the State is saying that they are. They are seeing some discrepancies and are trying to address them. There are meetings going on at the State level and there are some issues with ideas on how to provide better service in the County.

Commissioner Kost stated that the Board was to have an update from Action Audit, the consultant that was doing the work in December. She stated that Staff had recommended that they wait a while for the new Board to come up to speed. She thinks that has happened, and asked when the update was going to be done. She stated that she would add AT&T to the list as they have the other side of the lake completely covered and she knows first-hand that her neighbors do not have it and it is their number one complaint. She would like to hear the results of Action Audit found and their suggestions and she would like to have it before the town hall meeting.

Commissioner Stewart stated that she had met with Action Audit a couple of times. They have met approximately five hours reviewing the extensive report; that they haven't yet completed the report; that they do have another meeting scheduled for March at which time they hope to complete their review; and at that point, they will have their recommendations and there will be a full report to the Board.

**CLOSED SESSION**

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

**REGULAR SESSION**

Chairman Bock moved, seconded by Commissioner Petty, to adjourn the Closed Session and reconvene in Regular Session. The motion carried five (5) to zero (0).

**ADJOURNMENT**

Commissioner Kost moved, seconded by Commissioner Stewart, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 7:26 PM.

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Brian Bock, Chairman

ATTEST:

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