

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
MARCH 07, 2005

The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in the Agricultural Auditorium Building, 45 South Street, located in Pittsboro, North Carolina, at 9:00 AM on March 07, 2005.

Present: Chairman Bunkey Morgan; Vice Chair, Tommy Emerson; Commissioners Patrick Barnes, Mike Cross, and Carl Outz, County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Assistant County Manager, Renee Dickson; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

The meeting was called to order by the Chairman at 9:01 AM.

PLEDGE OF ALLEGIANCE AND INVOCATION

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

AGENDA AND CONSENT AGENDA

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

Commissioner Emerson moved, seconded by Commissioner Cross to approve the Agenda and Consent Agenda. The motion carried five (5) to zero (0).

CONSENT AGENDA

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held February 21, 2005, work session held February 21, 2005, and special meeting held February 28, 2005

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

2. **Road Names:** Consideration of a request from citizens to approve the naming of private roads in Chatham County as follows:

A. Morris Wood Lane B. Pin Oak Knoll

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

3. **Chatham County Board of Social Services Expansion of Board:** Consideration of a request to approve a request from the Chatham County Board of Social Services to expand

their board from three to five members

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

4. **Mowing Contract:** Consideration of a request to approve contract for mowing services for the 2005 growing season, attached hereto and by reference made a part hereof.

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

5. **Funds Acceptance for Health Department:** Consideration of a request to accept funds in the amount of \$5,606.91 awarded to the Health Department's Environmental Health Division from the NC Division of Environmental Health

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

6. **Funds Acceptance for Health Department:** Consideration of a request to accept funds in the amount of \$10,300 from the Family Resource Center for the Health Department's Family Planning Program

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

7. **Funds Acceptance for Health Department:** Consideration of a request to accept funds in the amount of \$420 awarded to the Health Department by the NC Department of Public Health

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

8. **Animal Control Program Software:** Consideration of a request to approve the utilization of \$8,500 to purchase software needed for the Animal Control Program

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Brenda Turner, 449 Wall Road, Goldston, NC, thanked the Board for the opportunity to explain the need of taxpayers to have the information necessary to make informed decisions about the correctness and uniformity of their property tax base. She stated that she was not asking for intervention in her tax valuation; that she is asking that the "Property Tax Card" be incorporated into every valuation change notice; that an itemization is standard business practice; that the Water Department separates basic usage from additional usage and shows pricing by category; that one's knowledge of changes from the Water Department does not exceed the need of like information for their property tax base of every business transaction, whether financial (bank statements), medical (doctor's visits, lab tests), insurance (liability, comprehensive), etc; that only the Tax Department offers "All tax assessment records are open to public inspection."; that this one sentence is at the bottom of the last page on the green tri-fold sheet; that she would assume that this meant that she would find her 2005 valuation is set at \$380,000, which she already knows; that since February 10th when she found out about the property tax card from an appraiser (not the Tax Department), she has not found one person other than Mac Nevens, appraiser, who has seen or know that an itemized schedule of their value is available; that this includes her sister-in-law, Lola Allen Gibbs, who has worked in the law office of Moody, Williams & Roper for forty-four years where she uses the tax records for estate work but has never seen or known of

this itemized statement; that when she showed her neighbor their 2004/2005 property tax card, they were pleased that the mobile home site valued on the 2004 card was now removed on the 2005 card, but wondered how many years they had paid tax on a site they never had.

She continued by stating that Schedule 5, the fifth schedule presented at her March 1st informal interview originally scheduled with "Teresa", was given to Mr. McCarthy, an outside consultant from Lincolnton, NC who was brought in to handle industrial/commercial property interviews; that she asked if he was also doing residential interview to find that she was his only residential; that this might have been beneficial; that he listened for 1 ½ hours following her plentiful and complete support; that Schedule 5 contains only her file copies that she requested as her right on February 10th; that the message sent back was that everyone was too busy, that Ms. Horton would bring them the next morning at their 10:00 AM meeting at her house with Mr. Harris who represented the state appeal; that there was no time to study so the tax cards sat on the side table while she gave her argument based on costs and fee for a one-month old house.

She distributed copies of Schedule 5 and explained the specifics of each page. She stated that she presented an analysis schedule to Mr. McCarthy of hers and four adjacent properties and found a range of percentage increases in FMV from 6% to 101% on open acres; that he stopped her to show him her backup and she had already attached the five sets of Property Tax Cards to his schedule; that only the cards allow one to analyze for uniformity which the green tri-fold states "The most important point to remember is that the primary goal of reappraisal is uniformity."; that she understands that the Board of Commissioners oversee the Tax Department; that she has presented examples of extreme carelessness, what she thinks is a valid question of ethics in procedure based on her experience, and a policy of disclosure that while not physically closing the door to public information, in reality has effectively not provided the information necessary to achieve their goal of uniformity.

She asked the Board to oversee good government practice to require the Property Tax Card to be printed with all notices of tax base change as necessary information to property owners to allow an informal judgment of the correctness of their valuations and the means to correct if warranted.

Chairman Morgan asked Ms. Turner if she would be willing to serve as an alternate on the Chatham County Board of Equalization and Review.

Ms. Turner expressed her willingness to do so.

Board of Equalization and Review Appointments:

Commissioner Emerson moved, seconded by Commissioner Outz, to appoint Herbert Gaines, 4284 Siler City Glendon Road, Bear Creek, NC, and Brenda Turner, 449 Wall Road, Goldston, NC as alternates to the Board of Equalization and Review. The motion carried five (5) to zero (0).

Junius Terrell, 1319 Old Lystra Road, Chapel Hill, NC, stated that he was present to defend his property rights, the safety of his family, and his neighborhood; that on October 18th, the Board passed a resolution to authorize a complete stranger to move into their area to control their neighborhood; that he has created complete havoc; that he thinks that the Board members were deceived by the application; that it wasn't checked out properly; that he led the Board to believe in his sworn testimony that there would be no more than one truck per hour; that he has observed the traffic during which one one-hour period, there were thirty-one trucks; that for 2 ½ hours that day, there were sixty-two dump trucks; that it has created a real safety issue; that the ordinance states (15.1) "In considering an application for a conditional use permit, the Board of Commissioners shall give due regard that the purpose and intent of this ordinance shall be served,

public safety and welfare secured, and substantial justice done.”; that the complete reverse has happened; that they are afraid to drive out of their driveway; that his wife is fearful for him to walk in the woods to observe the place; that he has misled the Board; that he thinks that it is time for the Board to rescind the authorization; that the applicant said that the application was a conditional use granted in the 1990’s when the dirt was sold out of the place; that this is untrue; that Mr. Megginson explained that the Board had no jurisdiction over that; that the applicant said that the site was for temporary use; that five years is not temporary; that he said that there were large depressions and pits left; that this was untrue as stated in the letter from the NC Department of Transportation; that he claimed that it was at a level of 510 feet across the area; that he knows that it never was having lived there for thirty years; that they have now been authorized to build up the elevation for 11 ½ acres; that he indicated that Old Lystra Road was capable of handling 12,000 vehicles per day; that this is untrue as stated in the letter from the NC Department of Transportation; that he said that due to minimal proposed traffic and operation at site for applicant’s use only, no adverse impact to surrounding property is anticipated; that he is not a real estate agent; that he engaged a real estate appraiser to look at the property; that he contacted Mr. Emerson from his hospital bed as he could not attend the hearing by the Planning Board and told them that the appraisal was coming; that he wrote a letter to the Board requesting that they defer the issue at the meeting so that the report would be in; that he left the hospital early to get the report in, but the board refused to accept it; that if they had not planned to accept the appraisal, they knew it was coming and he should have been informed to save the costs he incurred; that the letter that Lynn Richardson sent out indicating the time of the hearing states that “Written comments are encouraged and will be copied by the staff and distributed to all board members for consideration prior to a decision on the request.”; that if there were no intentions to follow the letter, it has a misstatement and should be removed.

Attorney Gunn stated that the case was heard in superior court the prior week; that the judge upheld the decision by the Board of Commissioners.

Mr. Terrell stated that Mr. Moser has breached the rules; that the Board of Commissioners has every right to rescind their decision if they have the courage to do so; that specific authorization for the driveway stated 300 feet from the eastern line; that the driveway is only 192 feet; that this has been reported to the Planning Director’s office; that he thinks it is time for the Board to act; that the application was filed on September 2, 2004; that the letter was mailed on the 3rd setting up the hearing; that he was out-of-town; that when he called and was sent the application, he had only three-four days to study it; that that was impossible to do within that length of time; that the issue was rushed through; that Mr. Moser misled the Department of Transportation; that he has created a terrible situation; and that he feels if Mr. Moser had told the Board that there would be 75-100 trucks per day, it would not have been approved.

He further stated that the court had given the County’s attorney thirty days notice to file a complete record; that it was filed ten days late; that the judge said that it was ok to accept it; that by looking at the complete record, he found it was incomplete; that it did not include his letter requesting a postponement and stating that Mr. Craig’s letter would be coming in; that he asked the Clerk why she had left it out and why it was late; that she responded that the County Attorney handles all of it; that he doesn’t understand what is going on; that he is afraid that someone is going to be killed; that he doesn’t understand why the permit was granted for five years; that there are enough problems to withdraw the approval; and that he feels it is time that the Board faces Mr. Moser about misleading them and rescind the application.

Keith Megginson, Planning Director, stated that this is more of an enforcement action than the actual request by Mr. Moser to get it approved; that they have had calls from Mr. Terrell as well as neighbors in the area regarding operations; that some have sent e-mails which he has forwarded to Mr. Moser so that he would be aware of the concerns; that it is a situation where in the conditional use, conditions of Mr. Moser’s permit were stated; that they have found nothing at this point to start fining him for violations; that there were various things that he stated generally as to how his business operates as to where he works, hours of operation, etc.; that it is their position that those were general statements about his operations; that they do not

see, at this point, that it is a violation of the conditions of the permit; that it is a fine line between juggling how far afield he goes from the general nature of his operations to something that the Board saw to grant; that with regard to the driveway, it is a matter of moving it from the top of the hill where the original driveway was located to where there is a horizontal curve and getting it in between the two at the safest location; that the approval was for approximately 300 feet; that there is no stake to exactly locate the corner; that they do not see any benefit in making him move the driveway; that it appears that the most the driveway could be moved is twenty-five feet further away from Mr. Terrell's property; that they have a copy of the approved commercial driveway where it is now located; that they looked at their records and do not find anything regarding the number of vehicles on the permit; that they asked DOT if it was based on the number of vehicles and were told that it was not; that it is a safety location situation; that the road is not rated for a certain weight, therefore it is not a weight restricted road; that it is approved for five years; that, hopefully, if he operates beyond his time limit for each day, it will shorten the number of years that he will be there.

The Planning Director stated that Mr. Moser had stated that most of the trucks would be traveling down Highway #15-501 as method of access to the property instead of coming down Old Lystra Road; that Mr. Moser got a job at Meadowmont that he didn't know that he was going to be getting; that the shorter distance to get to Meadowmont is coming down Old Lystra Road; that it is a matter of putting more traffic on heavily traveled Highway #15-501 which is under construction or to travel a shorter distance to get to the property; that he felt like the shorter distance exposed fewer people to the traffic dangers of trucks; that they are building the berms, but they have to get the dirt in order to build the berms.

Chairman Morgan stated that he felt the Board was limited as to what they could do if Mr. Moser was conforming to the permit.

Mr. Terrell stated that Mr. Moser has proven unreliable; he hopes that the Board won't rely on him another five years; that there was nothing in the record to indicate that the Board members who voted for the resolution had visited the site before it was approved.

Chairman Morgan stated that he had visited the site twice before the matter was voted on.

Commissioner Barnes stated that he had visited the property three times in the last two weeks; that he had counted the trucks; that there was one truck in under two minutes; that there were approximately thirty trucks per hour and 240 trucks per day; that the traffic situation is tough; that he personally owns dump trucks and tractor trailers; that Old Lystra Road is not adequate for this type of traffic; that he sat on the shoulder of the road and then moved when a couple of trucks came in because he wasn't comfortable sitting there; that the trucks come in hot and they have to get on brakes pretty hard; that the road is dusty and gravel; that the truck traffic is consistent and constant; that he is unsure of the original agreement and legalities, but it is treacherous; and that he does not think that it is what the Board originally intended.

Connie McAdams, 597 Alston Chapel Road, Pittsboro, NC, stated that she is very much opposed to the proposed US #15-501 bypass around Pittsboro; that she understands that the project is primarily the jurisdiction of the Town of Pittsboro; that she is concerned that if the Board adopts the resolution that they are endorsing the US #15-501 bypass as the number one priority on the Town of Pittsboro list; that since most of the families who would be most directly affected by this proposed project have no voice in Pittsboro government, she hopes that the Board of Commissioners will stand up for the Chatham County citizens living in the Pittsboro ETJ and challenge this priority by not including it in the resolution.

She stated that the North Carolina Department of Transportation claims that this "corridor improvement" is needed because of the "congestion and unsafe conditions along Highway #15-501 in Pittsboro" and "many conflicts occurring between automobiles, trucks, and pedestrians in and around the

traffic circle.”; that although she disagrees with that assessment, even if it were true, many of the other projects listed in the joint resolutions could address these issues without spending \$68.5 million on seven miles of new pavement through what is now private property; that Item #2 on the TARPO list for Pittsboro could help relieve congestion on Highway #15-501 north of Pittsboro; that Item #3 and Item #6 could help reduce traffic in Pittsboro by allowing travelers to more easily bypass downtown Pittsboro by using the existing Highway #64 bypass and a newly improved Highway #87; that Items #4 and #5 could help relieve congestion on Highway #15-501 south of Pittsboro; that Item #1 on the CDHC MPO list could also help relieve congestion; that she believes that all of these smaller, less expensive, and more practical projects should be implemented before even considering using the right of eminent domain to force citizens to sacrifice their homes for the Highway #15-501 bypass.

She summarized by stating that she is fervently opposed to the implementation of the Highway #15-501 bypass for three reasons as follows: 1) Based on available data and her own observations, she doesn't believe it is needed or desired. 2) She thinks that the \$68.5 million estimated price tag for a two-lane road (about nine million dollars per mile) is excessive. 3) She thinks the individual cost to families and businesses around Pittsboro, to taxpayers of North Carolina, and to the environment greatly exceeds any small benefit the new road might provide. She stated that she was counting on the Board to protect the citizens of Chatham County, and the rural paradise she calls home by excluding the proposed Highway #15-501 bypass from the joint resolution the Board is considering. She thanked the Board for their consideration.

Commissioner Cross stated that these decisions must be weighted on what is best for the State, County, and a number of Chatham County citizens that will have to be dislocated.

Dorothy Hammett, 649 Meadow Branch Road, Pittsboro, NC, an active volunteer at the Chatham PTA Thrift Shops and a member of the board of directors stated that she was in attendance to ask permission to carry large discarded items from the thrift shops to the Chatham County collection centers.

She stated that the PTA Thrift Shop is a non-profit organization that gives all of its profits to the Chatham County Public Schools; that since 1984, the amount has totaled nearly \$3 million; that they are currently donating nearly \$300,000 per year to the schools; that local residents donate all of the merchandise sold in their stores; that these are items that could potentially be part of the waste problem but they are turning them into funds to benefit the County students; that a considerable portion of the donations they receive are not sale quality items; that they pay for trash pickup at each store; that Cole Park and Pittsboro stores must pay for two large dumpster pickups each week; that they sell discarded clothing to a recycler; that this is profit made on items that would definitely be solid waste; that the primary source of their donations is drop boxes located at schools and parking lots in the County; that they cannot control the items left at the drop boxes; that they do receive large items at the boxes that should have been brought by the residents to the County Collection Centers; that an example is a couch with the upholstery stained or ripped; that if this item was left at the side of the road or just 100 feet from their drop box location, the County would have to deal with it; that they are currently required to take the items to the transfer station in Siler City; that they limit the number of paid staff at the stores to maximize the profits for the schools; that they cannot spare staff for the trip to the transfer station; that they rely on volunteers for this task; that these volunteers are the average citizens of Chatham County; that often a volunteer cannot easily be found to take items to the transfer station; that storage of these items at the stores is a nuisance and potential health hazard; that the items to the County Collection Centers would solve this problem; that they do not receive more than two items a week for most of the year; that staff would be able to handle most of the items since it is a short trip from the stores; and that it would be possible to recruit a volunteer more readily for the short trip. She asked that the stores be allowed to bring large discarded items to the County Collection Centers instead of the transfer station and thanked the Board for the opportunity to bring this concern before the Board.

Commissioner Cross stated that Waste Management had done research on this problem; that they had surveyed eight surrounding counties as to handle this problem; that if the County allowed this for one non-profit that it would have to allow it for all non-profits; that the County cannot afford to do that; that he believes that hauling would be thought of as part of the cost of operation.

Chairman Morgan reiterated Mr. Cross' comments adding that the items could be taken to the County Landfill and did not have to be taken all the way to the Siler City transfer station. He suggested that Ms. Hammett address her concerns to the Waste Management Advisory Board.

TRANSPORTATION IMPROVEMENT PROGRAM

- **Transportation Improvement Program:** Consideration of a request to approve Transportation Improvement Program (TIP) 2007-2013 resolutions recommending projects to the Triangle Area Rural Planning Organization and Durham-Chapel Hill – Carrboro Metropolitan Planning Organization

Jason Sullivan, Planner, updated the Board on the Transportation Improvement Program (TIP) 2007-2013 and resolutions recommending projects to the Triangle Area Rural Planning Organization and Durham-Chapel Hill.

Commissioner Emerson moved, seconded by Commissioner Outz, to adopt the **Joint Resolution #2005-09 in Support of Projects to be Included in the Transportation Improvement Program (TIP) 2007-2013 for Projects in Chatham County in the Triangle Area Rural Planning Organization**, with noted change, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0). With noted change

Commissioner Emerson moved, seconded by Commissioner Cross, to adopt **Resolution #2005-10 in Support of Projects to be Included in the Transportation Improvement Program (TIP) 2007-2013 for Projects in Chatham County in the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

FINANCE OFFICE

- **Fiscal Year 2004-05 Budget Amendments:** Consideration of a request to approve Fiscal Year 2004-2005 Budget Amendments

Commissioner Emerson moved, seconded by Commissioner Barnes, to approve fiscal year 2004-2005 budget amendments, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

BREAK

- The Chairman called for a five-minute break.

BOARD AND COMMITTEES

- **Appearance Commission Appointments:** Consideration of a request to appoint a member to the Appearance Commission by Commissioners Barnes (1)

Commissioner Barnes deferred his appointment to the Appearance Commission until a later date.

Board of Equalization and Review Appointments: Consideration of a request to appoint two (2) alternates to the Board of Equalization and Review

See Public Input Session above:

Cape Fear River Assembly Appointment: Consideration of a request to appoint/reappoint a member to the Cape Fear River Assembly by Commissioner Barnes (1)

Commissioner Barnes deferred his appointment until a later date.

The Board appointment to the Cape Fear River Assembly was deferred until a later date.

Housing Authority Appointment: Consideration of a request to appoint/reappoint a member (1) to the Housing Authority

An appointment to the Housing Authority was deferred until a later date.

Piedmont Conservation Council Appointment: Consideration of a request to appoint a member (1) to the Piedmont Conservation Council

An appointment to the Piedmont Conservation Council was deferred until a later date.

Recreation Advisory Board Appointment: Consideration of a request to appoint a member (1) to the Recreation Advisory Board

An appointment to the Recreation Advisory Board was deferred until a later date.

Adult Care Home Committee Appointments: Consideration of a request to appoint/reappoint a member to the Adult Care Home Committee by Chairman Morgan (1) and one appointment by the Board (1)

Chairman Morgan deferred his appointment to the Adult Care Home Committee until a later date.

An appointment to the Adult Care Home Committee was deferred until a later date.

BOARD OF COMMISSIONERS' MATTERS

Chatham County Sedimentation and Erosion Control Ordinance Introduction: First reading of the proposed Sedimentation and Erosion Control Ordinance; and set March 21, 2005 as the date on which to hold a public hearing on Chatham County Erosion and Sedimentation Control Program Ordinance

Renee Dickson, Assistant County Manager, explained that the Board had been talking about taking over administration of the State Sedimentation and Erosion Control Program for approximately two years; that funds were included in the current year budget to hire an officer and being administration of the program locally; that the Board held a decision on the matter pending a decision about the program; that in anticipation of that, the County applied for the matching State funds to make certain that that option is viable for the upcoming budget; that the funds were approved; that in order to utilize the funds, the County has to have an ordinance adopted by April 1, 2005; that that puts the County under a time crunch; that the Board received a copy of the draft ordinance which is a model of the State's ordinance; that there is quite a bit of work to be done to finalize the ordinance before it is adopted; that she doesn't feel that the work can be completed before April 1st; that it would be decided that the ordinance would be introduced at the day's meeting, the public

hearings held at the March 21, 2005 and April 4, 2005 meetings; and that the ordinance would be revised between now and July 1st and the process would be repeated; that this has to be done in order to meet the State's deadline. She asked if the Board wanted to take over local administration of the program.

Chairman Morgan stated that he thought that it was a consensus of the Board at the last year's budget process that the Board would look at this; and that there seems to be more than one person needed.

Holly Coleman, Environmental Health Supervisor, stated that there was a review of what the program would entail; that one of the main concerns, in any department, would be administrative back up; that with one Sedimentation Control Officer who did field work and plan review, there would not be any administrative support for collecting fees, doing paper work, etc.; that they decided that the request should be for one officer and one administrative support; that given the projected growth within the next five years, one officer may not be adequate.

Chairman Morgan stated that he didn't think that there was any doubt that the majority of the people think this service is needed and that he feels that the County would have much better control. He stated that the concerns were with regard to the fees to be able to compensate for the officer, administrative support, and possibly a second officer.

Commissioner Barnes stated that this issue was near and dear to his heart; that they are talking 1,500 acres per year for many years to come; that it may actually be larger than that; that he feels that the only mistake they have made in the Erosion Control Officer is that it hasn't already been done; that he doesn't feel one person is adequate; that having backup in the office is absolutely essential; that with the expected growth in the County, and that it is going to cost the County but that it needs to be done.

Commissioner Cross stated that he felt the County was behind in this area; that even though what the Board does now will not satisfy their needs, it will give them a start-up; and until additional officers can be added, the Board will have to set a priority list on where the disturbed property may cause the most harm.

Commissioner Emerson stated that he feels the Board should go ahead and set the date for the public hearing; and that he would request that the water conservation people receive a copy of the proposed ordinance so that they can make comments.

Commissioner Outz stated that he was all for saving the soil; that he cannot justify two people being involved at the beginning of the program; that he feels that whatever department they're based out of could provide at least quarter time support for the administrative position.

The Board heard the first reading of the Sedimentation and Erosion Control Ordinance after which Commissioner Emerson moved, seconded by Commissioner Outz, to set March 21, 2005 as the date on which to hold a public hearing on the Chatham County Erosion and Control Program Ordinance. The motion carried five (5) to zero (0).

The Chairman asked that the proposed ordinance be placed on the County web site for easy citizen access.

Telephone System for Department of Social Services: Consideration of a request to approve telephone system purchased with grant funds for the Department of Social Services

Chairman Morgan moved, seconded by Commissioner Cross, to award the bid to Nu-Vision for the

Department of Social Services telephone system in the amount of \$105,267.51 with approximately \$69,000.00 to come from the CPS State Grant and remainder, approximately \$36,000.00, of the funding to be taken from DSS lapsed salaries. The motion carried five (5) to zero (0). The bid is attached hereto and by reference made a part hereof.

After discussion and by consensus, the Board agreed to further research the extended area telephone service from Siler City to Raleigh. Staff is to look further into the matter.

MANAGER' S REPORTS

The County Manager had no reports.

COMMISSIONERS' REPORTS

Fees for Low-Pressure Pipe Systems:

The Chairman stated that he was receiving a lot of calls with regard to having to pay \$300-400 per year for inspections on their low-pressure systems and that last year the County began charging a \$50 fee. He asked if they Board should just charge the fee every three years since it is inspected every third year. He stated that this sounds like "double dipping". He asked Ms. Coleman to explain further about the situation.

Ms. Coleman explained that the initial fee is what they pay their operator; that the State On-Site Wastewater Rules require that certain types of systems be monitored by the local health department and also that certain types of systems have a private operator operate the systems; that when they are saying that they are paying \$300-400, she is certain that they are talking about what their operator is charging them; that an individual can go to the special training and become their own operator; that the certification has to be maintained; that the \$50 per fee for the Low Pressure Pipe (LPP) Type Four Systems is what the Board adopted when the monitoring program was presented.

Chairman Morgan asked that if the operators are licensed by the State, could their evaluation not be accepted by the health department.

Ms. Coleman stated that operators are required to submit reports to the health department to be reviewed; that the same rule, The Rules for Sewage Treatment and Disposal Systems (15A NCAC 18A.1900) also require that the local health department conduct inspections every three years on Type Four Systems and every year or semi-annual basis on a Type Five (pre-treatment systems) at a cost of \$200 per year. She stated that there were approximately three hundred low-pipe systems in the County; that when they first started, 131 of them received delinquent letters from the Environmental Health Division because no one was monitoring their systems nor submitting reports on them; that they are scattered all over the County; that some they are just now finding; that only the LPPs that were approved after 1992 are required to have the operator or if it is an older LPP was has been repaired; and that there are a lot that they are still trying to find. Ms. Coleman reported that an offer to meet with owners of monitored systems was included in correspondence and that fewer than ten owners came to the office to meet with staff to discuss the new program. Ms. Coleman reported further that she, as program director, had only been contacted by two owners to discuss the new fee.

Ms. Coleman also stated that other avenues for fee collection could be considered, such as adding to the tax bills, charging the full fee every three years, etc.

Commissioner Emerson recommended that management and staff study the problem and return to the Board with a recommendation.

River Corridor Watershed Ordinance:

Commissioner Cross stated that the Williams Pond request for RA-90 density averaging includes some combination of gazebo-like structures, decks, and 400' buffers with variations in clearing; that this will result in better protection than the current zoning allows; that DENR disagrees that this will result in overall protection and states that the watershed should be held with the change denied; that DENR also suggests 800-1000' buffers with development being designed so as not to be visible by park users on the Lower Haw River State Natural Area; that if the County allows density averaging under the requested criteria, many other River Corridor properties may be affected (5 large parcels on the Rocky River above Siler City intake, 2 large parcels on Haw River above Pittsboro intake, 17 large parcels on Deep River/Cape Fear River above Sanford intake); that if the County relaxes the criteria, it only makes sense to strengthen the protection; that the resolution he presented last month as a proposed amendment to the watershed ordinance has criteria that falls between what the County has and what it requests and less than suggested by DENR; that it also has the approval of active citizens.

He suggested that the Board process Williams Pond without setting an uncertain precedent as follows: March 21, 2005 hold public hearing on the amendment, April 5, 2005 go to Planning Board for review and recommendation, April 18, 2005 the Board make a decision with regard to Williams Pond. He stated that this will also provide enough time for the developers to go back and provide evidence of minimum or no impact and for a peer review; and that to forego this action and make an exception for Williams Pond, without the proposed resolution, will in essence be threatening the viability of the Water Protection Ordinance for the benefit of "one month" delay in approving the project. He further stated that after the public hearing was held, Williams Pond developers changed their entire setup

Commissioner Cross moved to set March 21, 2005 as the date on which to hold a public hearing on the River Corridor Watershed Ordinance amendment, set April 5, 2005 as the date to which it goes to the Planning Board for review and recommendation, and to return to the Board of Commissioners for a decision on the ordinance amendment on April 18, 2005.

After considerable discussion, the County Manager asked that a decision on the matter be delayed until the General Statutes can be checked for advertising requirements.

Commissioner Cross withdrew his motion for clarification of advertising requirements.

Chatham School Needs vs. Funding:

Commissioner Cross stated that the County now has approximately twenty-two residential developments in build-out, approved, or on the table for approval somewhere in the area of nine thousand homes; that the Board and a \$103 million request from the Chatham County School Board that does not include Powell Place, River Oaks, Booth Mountain or Williams Pond; that he doubts that it includes Amberly (5,000 homes) or Stonewater (Cary) subdivisions that plan to bleed into Chatham County; that this needs assessment appears somewhat minimal; that the school impact fee, in place in late 1999, to date has generated only five million dollars in revenue; that balance in this account is 3.8 million dollars; that the loan debt service on the \$103 million is plus or minus ten million dollars annually; that he sees two possible options to obtain financing: 1) **Bond** referendum with County-wide vote to coincide with municipal elections this fall; 2) **Certificate of Participation** (COPS) – loans within authority of the Board of Commissioners with no vote required; that the Board has three possible options to generate debt service revenue: 1) **1% Land Transfer**

Fee - tax on all real property purchases within the County (not yet authorized by the General Assembly); 2) Increase **School Impact Fees**- tax on new residential construction. This can be done either with a higher impact fee County-wide or on a graduated scale by school districts based on district needs. 3) **Increase Real Property Taxes** – County-wide. Generating revenue for plus/minus ten million in debt service will require plus/minus \$.18 in tax rate increase (\$588,000=\$.01); that his preference, in both cases, is option #1; that the bond referendum would allow citizen participation in this decision; that whatever option he chooses, he desires this to be an “all inclusive loan package.”; that 1% Land Transfer Fee , a decision by the General Assembly, will surely be made by the fall vote and is clearly the best option and worth waiting for; and that he realized that the Board needs to move forward, but since there has been a ten-year wait, what is waiting eight more months. He stated that he supported the statement, “People tend to support best that which they help create”.

The County Manager stated that this item would be part of the afternoon Work Session.

Residential Moratorium:

Commissioner Cross stated that he had no desire to restrain local developers, builders or real estate professionals’ ability to do business, but that he feels it is time for this discussion; that he has major concerns of just how residential development is going to pay for the services and capital improvements the County must already provide. He provided a list of facts and needs and stated that revising the application process, clearing up a few ordinances, communicating with the neighbors and nailing down where the revenue is coming from would greatly enhance the County’s ability to smoothly process future proposals. He stated that he does not want to see a full moratorium on residential development, but limiting the number of homes per development, for a period of time, while the Board organizes and answers some hard questions, appears prudent to him.

This item will be discussed at a later date.

Chatham-Orange Boundary Line:

Commissioner Outz stated that a man had called him regarding approximately one hundred acres of land on which his family has paid property taxes on for seventy-five to one hundred years; that Orange County wants to claim sixty acres for their tax base; and that this is one of the ones on the line that has been disputed for some time.

The County Attorney stated that the Legislature passed some action during the last session fixing the county lines with the approval of the Chatham and Orange County Boards.

Mountaineer Poultry Farms:

Commissioner Outz asked about the situation with Mountaineer Poultry and if a letter had been written to the State.

Chairman Morgan explained that the Mountaineer officials had brought some information to the County Attorney showing that they had all of their applications with the State.

The County Attorney stated that they had made their applications; that they have a “pump and haul” permit; and that they have a letter from the Fayetteville district office stating that the “pump and haul” (while it is only good for six months) would be reissued provided Mountaineer lives up to their obligations and are actively pursuing a permanent solution to the matter.

ADJOURNMENT

Commissioner Emerson moved, seconded by Commissioner Cross, to adjourn the regular meeting to the scheduled work session. The motion carried five (5) to zero (0), and the meeting was adjourned at 11:47 AM.

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Bunkey Morgan, Chairman

ATTEST:

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