

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
SEPTEMBER 06, 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 September 06, 2005.

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

Absent: 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.

The Chairman asked that the minutes of the August 15, 2005 Board of Commissioners' work session be removed from the Consent Agenda.

Commissioner Emerson moved, seconded by Commissioner Outz to approve the Agenda and Consent Agenda with the noted request as follows:

CONSENT AGENDA

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held August 15, 2005 ~~and Work Session held August 15 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:

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|----|--------------------------|----|----------------------|
| A. | <u>J. McCrimmon Lane</u> | B. | <u>Copeland Road</u> |
| C. | <u>Wisteria Lane</u> | | |

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

3. **Health Department FY 03-04 Debt Write-Off:** Consideration of a request to approve the FY 03-04 Debt Write-Off for the Chatham County Health Department in the amount of \$45,365.89

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

4. **Funds Acceptance for Health Department:** Consideration of a request to accept funds in the amount of \$30,135 awarded to the Chatham County Health Department by the University of North Carolina at Chapel Hill

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 \$700 awarded to the Chatham County Health Department for Childhood Lead Poisoning Prevention from the North Carolina Department of Environment and Natural Resources (NCDENR)

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 \$500 awarded to the Chatham County Health Department's Environmental Health Division from the North Carolina Division of Environmental Health

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

7. **Notification of Change in Medicaid Rates:** Notification of change in Medicaid rates for public health departments

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

8. **Tax Collector's Annual Settlement and 2005 Order of Collection:** Consideration of a request to approve annual settlement and 2005 Order of Collection, attached hereto and by reference made a part hereof

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

9. **Tax Releases and Refunds:** Consideration of a request to approve tax releases and refunds, attached hereto and by reference made a part hereof

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

10. **Charging Off 1995 Tax Bills:** Consideration of a request to approve charge-off of 1995 tax bills, attached hereto and by reference made a part hereof.

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

11. **Department of Social Services Contract:** Consideration of a request to approve a contract for the Fiscal Year July 01, 2005 – June 30, 2006 for the Chatham County Department of

Social Services as follows:

1. Carol Holcomb Attorney –CPS/APS

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

12. **Library Board Correction:** Consideration of a request to appoint Edith Calhoun, 295 Blackwig Road, Pittsboro, NC, to the Chatham County Library Board for a term expiring on June 30, 2009

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

13. **Southern Supreme Project Ordinance:** Consideration of a request to approve project ordinance for Southern Supreme as proposed by staff, attached hereto and by reference made a part hereof

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

14. **Resolution Confirming Appointment of Area Director of Orange-Person-Chatham Mental Health, Developmental Disabilities and Substance Abuse Authority:** Consideration of a request to adopt **Resolution #2005-49 confirming Appointment of Area Director of Orange-Person-Chatham (OPC) Mental Health, Developmental Disabilities and Substance Abuse Authority**, attached hereto and by reference made a part hereof

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

15. **Resolution Authorizing Orange-Person-Chatham Mental Health, Developmental Disabilities and Substance Abuse Authority to Acquire and Hold Title to Real Property:** Consideration of a request to adopt **Resolution #2005-50 Authorizing Orange-Person-Chatham Mental Health, Developmental disabilities and Substance Abuse Authority to Acquire and Hold Title to Real Property**, attached hereto and by reference made a part hereof

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

- **END OF CONSENT AGENDA**

PUBLIC INPUT SESSION

Robert Eby, 19 E. Madison Street, Pittsboro, NC, urged the Board to find construction funds for new schools. He stated that Chatham County may increase their sales tax by 1%; that this would be the revenue for the third school needed; that the impact fee increased to \$2,900 recently and that that fee would provide sufficient funds to proceed with all three new schools. He asked three questions: 1) What was the basis for the \$2,900 impact fee? 2) Why is the Board delegating this issue to the legislature over whom we have little control? 3) Why not do what they already have the power to do?

Rita Spina, 12 Matchwood, Pittsboro, NC, stated that the CCEC Board would like to know why there is not a commercial corridor ordinance that covers the major highway corridors. She stated that in October 2003, there was a formal request to the Planning Board from CCEC for this ordinance to help prevent commercial sprawl, provide guidance for developers, and provide for proactive consideration for this request; that in December 2003, Commissioner Morgan stated that developers should not be punished for past sins of

omission; that CCEC asked for a public hearing on this matter; that commercial decisions are being made incrementally; and that CCEC would be happy to work with the Planning Board. She further questioned what is going on with the ordinance urging the Board of Commissioners to seriously look at this issue. She stated that CCEC would like to preserve Chatham County's uniqueness along its most busy corridors.

PLANNING AND ZONING

CDBG Scattered Site Bid Award: Consideration of a request to award FY 04 CDBG Scattered Site bid for housing rehabilitation

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Keith Megginson, Planning Director reviewed the bid submittals for the CDBG Scattered Site Housing Rehabilitation program.

Commissioner Emerson moved, seconded by Commissioner Cross, to award the FY 04 CDBG Scattered Site bid for housing rehabilitation to Johnson-Lee-Harnett Community Action and to award the heating systems bid to Davis Heating and Air Conditioning. The motion carried five (5) to zero (0).

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BOARD OF COMMISSIONERS' MATTERS

Resolution Honoring Ruth Horton: Consideration of a request to adopt **Resolution Honoring Ruth Horton for Her Years of Service on the Occasion of Her Impending Retirement from Chatham County**

Chairman Morgan read the Resolution Honoring Stella Ruth Horton and thanked her for her years of dedicated service to Chatham County and its citizens.

Commissioner Emerson moved, seconded by Commissioner Outz, to adopt **Resolution #2005-51 Honoring Ruth Horton for Her Years of Service on the Occasion of Her Impending Retirement from Chatham County**. The motion carried five (5) to zero (0).

Chapel Ridge: Report from Chapel Ridge on DENR violations

David Edwards, Vice President of Jordan Lake Preserve Corporation, owner and developer of the Chapel Ridge Subdivision located on Old Graham Road, stated that they had asked for the meeting with the Board so that they could present information about a recent erosion control failure that they had at their property while they were approaching the finishing stages of construction of the golf course which resulted in the State issuing Notices of Violation. He stated at the heart of the problem was a failure to install sod on several golf holes prior to decreasing the size of sedimentation basins located down-gradient of the fairways; and that Mark Ashness is in attendance to give more particulars about what happened and what is being done to rectify the situation.

He apologized and expressed his sincere regret for the mistake on their part. He stated that they have taken their responsibilities to the County and to the State very seriously; that they have worked very hard to achieve an excellent record of compliance with environmental laws and regulations; that at Chapel Ridge, the State had inspected their project on several occasions and found them to be in compliance with all requirements; that many times they have been accused of wrongdoing where there was none; that despite that, they also have to admit an error when it occurs on their watch; that while they had no control over the 4.75 inches of rain that fell on July 29, 30, 31, 2005, they did have control over the status of their golf course construction operation and accept full responsibility for it; that having acknowledged their mistake, the key thing now is moving forward with diligence and speed to correct the violations and restore the situation; that

they are well on the road to doing so; that for the last several weeks, they have undertaken a massive effort to correct all violations at the site, to repair damaged sedimentation control measures, to document the extent of impacts, and to complete sodding and seeding of all exposed areas; and that all of this work is essentially complete.

Mark Ashness, 30020 Village Park, Chapel Hill, NC, stated that the site was canvassed within days of notice of violations; that several of the structures were compromised; that structures along Dry Creek were sound; that along the two buffer channels, there were more compromises; that the golf corridor had been sodded; that the problem areas have been built up or mucked out; that two State agencies, the Division of Land Quality and the Division of Water Quality have been present; and that the problem was the decision to shrink the traps before the golf course stabilized.

BOARD AND COMMITTEES

Pittsboro-Siler City CVB Advisory Committee: Consideration of a request to appoint/reappoint members to the Pittsboro-Siler City CVB Advisory Committee

Commissioner Barnes moved, seconded by Commissioner Outz, appointed Ms. Phoebe Lockley-Fox, 2000 Farrington Village, Pittsboro, NC; Mr. Guy Loeffler, 466 Vineyard Ridge, Siler City, NC; Ms. Jane Wrenn, 1609 East Eleventh Street, Siler City, NC; and reappointed Ms. Wendy Dufour, PO Box 1775, Pittsboro, NC to the Pittsboro-Siler City CVB Advisory Committee. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

The County Manager reported on the following:

Grants and Special Projects Manager:

The County Manager introduced Debra Henzey, Grants and Special Projects Manager. He stated that Ms. Henzey has worked with the North Carolina Association of County Commissioners, the North Carolina General Assembly, and most recently the School of Government at UNC-Chapel Hill. He informed the Board that Ms. Henzey began work on September 1, 2005 and will be focusing on securing grant funding for various departments and other special projects.

Architectural Review Committee:

The County Manager requested that the Board appoint one of its members to sit on the Architectural Review Committee which will review the proposed capital projects provided for in the budget.

Commissioner Emerson moved, seconded by Commissioner Cross, to appoint Commissioner Barnes as the Board's representative on the Architectural Review Committee. The motion carried five (5) to zero (0).

Business Park Water Update:

Fred Hobbs, with Hobbs Upchurch & Associates, described the proposed business park. He stated that as they began the design, they completed the wetland and stream surveys; that there is a lot of interference with regulatory streams; that they tried to select an alignment that had less of an impact; that the main corridor runs north-south; that the latest iteration has been shared with the hospital's architects; that it is the best they can do to minimize impact on regulatory areas. He further stated that they visited with the North Carolina Juvenile Justice regarding lot #19; that there are 5.5 buildable acres that would suit their needs; that

lot #9 is slated for Central Carolina Community College; and that there are several options available for the college.

He stated that there will be a crossing over Loves Creek; that the Corps of Engineers is coming to concur in the survey and mapping process; that water and sewer will run with the road; that there will be a pump station at the southernmost end; that the issue to work out with the hospital will be construction access to the hospital site; that they will coordinate the critical times for construction for the roads and hospital; and that the eastern boundary has moved east to allow for more buildable alignment after the road adjustment.

Commissioner Emerson moved, seconded by Commissioner Cross, that the road be relocated per the engineer's recommendation. The motion carried five (5) to zero (0).

Jordan Lake West Intake Update:

Mr. Hobbs continued and provided an update on the Jordan Lake west side intake project.

Fred Hobbs, with Hobbs Upchurch & Associates, stated that several years ago they had discussions with the Division of Water Quality (DWQ), Durham and OWASA about a west side intake; that the Corps has an agreement with DWQ that there will be only two intakes on the lake; that a multi-jurisdictional entity could control the other intake; that what has been discussed has been initiating the discussions about a west side intake; that they can enlist the support of Durham, maybe OWASA; that the agreement would try to quantify some of the things needed to move this process along; that if we don't do it now, that the east side participants may increase their intake; and that there is enough west side interest to balance the scales.

Commissioner Emerson moved, seconded by Commissioner Cross, that management secure the services of Hobbs Upchurch and Associates to pursue the Jordan Lake west side intake. The motion carried five (5) to zero (0).

Fuel Update:

The County Manager provided a report on the measures taken by County staff to reduce fuel consumption stating that only mandatory training and travel is approved and that departments have been asked to supply plans on steps taken to reduce fuel consumption.

Silk Hope Water Line:

The County Manager asked the Board to set a date for the groundbreaking of the Silk Hope water project.

By consensus, the Board agreed that the groundbreaking would be on Monday, September 12, 2005 at 8:30 AM at Silk Hope School.

COMMISSIONERS' REPORTS

Chairman Morgan announced that Commissioner Cross had been elected as the District representative on the North Carolina Association of County Commissioners Board.

Volunteer Awards Ceremony:

Chairman Morgan announced that he would be unable to attend the Chatham County Volunteers awards ceremony on September 25, 2005 at 3:00 PM and asked for another Commissioner to represent the

Board and distribute awards.

Commissioner Emerson agreed to attend the awards ceremony on behalf of the Board of Commissioners.

Soil Survey:

Commissioner Outz stated that the soil survey was completed, but there was no funding to provide for the printing and distribution of the survey. He asked that a letter be sent to Representative Bob Ethridge and Representative David Price for assistance in securing the necessary funding.

Department of Transportation:

Commissioner Outz requested that a letter be sent to the G. R. Kindley with the North Carolina Department of Transportation requesting that the shrubbery along US Highway #64 East over Jordan Lake be trimmed.

ADJOURNMENT

Commissioner Barnes moved, seconded by Commissioner Cross, to adjourn the regular meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 11:00 AM.

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Bunkey Morgan, Chairman

ATTEST:

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