

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
MAY 07, 2007

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Agricultural Building Auditorium, 45 South Street, located in Pittsboro, North Carolina, at 9:00 AM on May 07, 2007.

Present: Chairman Carl Thompson; Vice Chair, George Lucier; Commissioners Patrick Barnes, Mike Cross, and Tom Vanderbeck, County Manager, Charlie Horne; Assistant County Manager, Renee Paschal; Interim County Attorney, Jep Rose; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

INVOCATION AND PLEDGE OF ALLEGIANCE

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

CALL TO ORDER

The meeting was called to order by the Chairman at 9:12 AM.

Chairman Thompson asked that Consent Agenda Item #3, Consideration of a request to appoint Mr. Gabriel Soltren (Department of Social Services nomination) to the Chatham County Board of Social Services be removed from the Agenda.

Chairman Thompson asked that a time and place be added to Consent Agenda Item #9 as follows: Public Input Session, Western Chatham Senior Citizen’s Center, 112 Village Lake Road, Siler City, NC, May 24, 2007 at 6:00 PM.

Commissioner Vanderbeck asked that Item #7 be removed from the Consent Agenda and placed on the Regular Agenda for discussion.

AGENDA AND CONSENT AGENDA

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

Commissioner Lucier moved, seconded by Commissioner Barnes, to approve the Agenda and Consent Agenda with the noted requests as follows:

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held April 16, 2007, work session held April 16, 2007, joint public meeting held April 17, 2007, and joint Board of Commissioners/Board of Education meeting held April 30, 2007

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

2. **Budget Amendment for Grant Funds:** Consideration of a request to accept Technology Planning Grant funds in the amount of \$19,633.00 to be used to enlist the services of RB Software and Consulting, Inc. to develop a comprehensive technology plan and to create a “Request for Proposals” for the acquisition of a new automated library system, attached hereto and by reference made a part hereof.

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

3. ~~**Chatham County Board of Social Services Appointment:** Consideration of a request to appoint Mr. Gabriel Soltren (Department of Social Services~~

~~nomination) to the Chatham County Board of Social Services for a three year term beginning July 01, 2007 through June 30, 2010~~

This item was removed from the Consent Agenda to be considered at a later date.

4. **Chatham County Board of Social Services Endorsement by the North Carolina Social Services Commission:** Consideration of a request to endorse the nomination of Ms. Linda Starkweather to the North Carolina Social Services Commission for appointment to the Chatham County Board of Social Services for a three-year term beginning July 1, 2007 and ending June 30, 2010

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

5. **Chatham County Solid Waste Advisory Committee:** Consideration of a request to accept the Siler City Town Board of Commissioners re-appointment nomination of Mr. John McSween as the Town's representative to the Chatham County Solid Waste Advisory Committee

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

6. **Interlocal EMS Agreement Between Chatham and Wake Counties:** Consideration of request to approve the Interlocal Agreement Between Chatham County and Wake County regarding provision of automatic emergency medical service response by Wake County to certain portions of Chatham County, attached hereto and by reference made a part hereof.

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

7. ~~**Appointment of Deputy Clerk:** Consideration of a request to appoint Liz M. Marcum as Deputy Clerk to the Board~~

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

8. **Set Date for Budget Public Hearing:** Consideration of a request to set May 21, 2007, 6:00 PM as the date on which to hold a public hearing on the proposed 2007-2008 Chatham County Budget, in the Superior Courtroom

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

9. **Set Date for Budget Public Input Session:** Consideration of a request to set May 24, 2007 as the date on which to hold a public input session on the proposed 2007-2008 Chatham County Budget in Siler City

(Amended to read: Consideration of a request to set May 24, 2007 as the date on which to hold a public input session on the proposed 2007-2008 Chatham County Budget at the Western Chatham Senior Citizen's Center, 112 Village Lake Road, Siler City, NC, at 6:00 PM.)

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

10. **Business Park Resolution:** Consideration of a request to adopt **Resolution #2007-20 Proposing Certain Street and Highway Improvements to the Chatham County Business Park**

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

END OF CONSENT AGENDA

BOARD OF COMMISSIONERS' MATTERS

Appointment of Deputy Clerk: Consideration of a request to appoint Liz M. Marcum as Deputy Clerk to the Board

Commissioner Vanderbeck stated that he would like to formally recognize Liz Marcum's appointment as Deputy Clerk to the Board of County Commissioners.

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to appoint Liz Marcum as Deputy Clerk to the Board. The motion carried five (5) to zero (0).

PUBLIC INPUT SESSION

There was no one present who wished to make public comments.

PLANNING AND ZONING

Preliminary Design Approval of "The Glens": Consideration of a request by Community Properties, Inc. on behalf of Hilda McBane for subdivision preliminary design approval of "The Glens" (fka McBane Property Subdivision), consisting of 109 lots on 159 acres, located off SR #1520, Old Graham Road, Hadley Township

The Planning Director explained that this item was on the Board of Commissioners' April 16th Agenda; that it had been tabled from the March 19th meeting to allow time for the NC Division of Water Quality to make a site visit and stream delineation verification of the consultant's work; and that the site visit was done.

Commissioner Cross moved to approve "The Glens" preliminary design.

The motion failed for lack of a second.

Commissioner Vanderbeck moved to approve the conditional resolution of designation the area noted as Stream B; that all parties will note the designation, abide, and protect, as necessary, whether it turns out to be a significant drainage area, stream, stream with wetland, or wetland.

He further stated that this has come up about what it really is; that it has been disputed; that there have been visits by the State; that there was recent testing done there after two weeks of no rain; that using the DWQ and ACO Methodology, that he would make his motion contingent upon finding out what this is and that it is treated as whatever it works out to be.

Commissioner Cross stated that this issue was tabled at last Board of Commissioners' meeting to receive legal opinion; that it was received that the developer has gone beyond the conditions of the County's ordinances; that the appropriate people did visit the property and made their comments at the last meeting; that he doesn't see where anything has changed that legal opinion; and that he feels the project should be approved.

County Attorney Jep Rose stated that a legal opinion with regard to this matter should be given in Closed Session which was done at the last meeting as it is an attorney/client matter.

The Planning Director asked for clarification on who makes the determination on streams stating that it is typically the Division of Water Quality. He stated that Commissioner Vanderbeck's motion seemed to indicate that it may be someone other than DWQ.

Commissioner Lucier stated that this development creates some dilemmas; that it is at the preliminary stage; that he doesn't believe that the development, as it is now put together, is one for which he would have voted in sketch design; that he doesn't think that the creeks that should be protected are being protected under the current situation; that other developments in that area have fouled dry creeks that are already impaired; that it is likely that this development will further damage the area; and that he would not have voted for it

without an Environmental Impact Assessment which should have been required at sketch design.

Chairman Thompson asked that Commissioner Vanderbeck elaborate on "Stream B".

Commissioner Vanderbeck stated that it had been called several things such as a drainage area.

Commissioner Lucier explained that it is the one that bisects Lots #51, #50, and below Weatherly Court, Lots #57, and #56.

Chairman Thompson seconded Commissioner Vanderbeck's motion.

Nick Robinson, attorney, stated that if the motion is to wait until there is a determination by DWQ, then he feels that DWQ has already been to the property; that they made their determination; that they made a written assessment; that either the condition has already been fulfilled or he does not understand the condition; and that he would like that point made for the record.

Tommy Fonville, developer, stated that he was present at the meeting; that they did not know that the chairman of the Environmental Review Committee was going to be at the meeting; that no one had asked for permission to allow her on the property; that when they didn't come on the property, he thought that he should offer them the opportunity to go on the property; that they declined; that he hates that it happened that way, but that they were not told in advance that they would be coming. He stated that both the Corps and DWQ had both ruled on the stream.

Commissioner Lucier stated that he thought the visit should have been postponed until she was given permission.

Commissioner Barnes stated that he was not in favor of this subdivision; that he thinks this is a "cookie cutter" of the same problems as in the past; and that he is opposed to it.

The Chairman called the question. The motion failed two (2) to three (3) with Commissioners Barnes, Lucier, and Cross opposing.

The Planning Director cautioned that the Subdivision Regulations state that the Board has to approve the request, approve the conditions, or deny for reasons; that he doesn't feel that the Board has done this; that they have failed to approve the request but they have not denied it for reasons and have not approved it for conditions; and that if they deny the request, there have to be conditions stated as to why it was denied.

The County Attorney stated that the Board could simply do nothing and the request would be approved by failure to turn it down or approve or deny the conditions.

The Planning Director stated that as of the 17th, if the Board had not taken action, the request would be approved.

Commissioner Barnes suggested that the matter be discussed in Closed Session.

MANAGER' S REPORTS

The County Manager reported on the following:

Western Transmission Mains Contract #3:

The County Manager explained that bids were accepted on January 30, 2007 for Contract #3 of the Western Transmission Mains; that Contract #3 consisted of a base bid of a 500,000 gallon elevated tank with an alternate bid for a 750,000 gallon elevated tank to be located on Alex Cockman Road between Highway NC #902 and US Highway #64; that two bidders were present at the bid opening; that base bids ranged from a high bid of \$1,213,917.00 to a low bid of \$969,300.00 submitted by Caldwell Tanks; that alternate bids

ranged from a high bid of \$1,430,160.00 to a low bid of \$1,238,000.00 also submitted by Caldwell Tanks; that this tank will serve as the main supply reservoir for the western and central portion of the county; that it will provide Chatham County the hydraulic capability to sell bulk water to Siler City and Pittsboro, and it will provide the majority of the storage volume for the Gulf-Goldston and Southwest Chatham regions.

Commissioner Lucier moved, seconded by Commissioner Barnes, to award the 750,000 gallon tank alternate bid to Caldwell Tanks for their bid amount of \$1,238,000.00. The motion carried five (5) to zero (0). The contract, bid summary, project budget summary, and map are attached hereto and by reference made a part hereof.

Chatham County Attorney:

Commissioner Barnes moved, seconded by Commissioner Lucier, to hire Kevin Whiteheart as County Attorney, effective June 04, 2007. The motion carried five (5) to zero (0).

Chatham County Health Director:

Commissioner Barnes moved, seconded by Commissioner Lucier, to hire Holly Coleman as Chatham County Health Director at an annual salary of \$88,000.00. The motion carried five (5) to zero (0).

Proposed FY 2007-2008 Chatham County Budget:

Renee Paschal, Assistant County Manager, gave a presentation on the proposed FY 2007-2008 Chatham County Budget as follows:

Highlights:

- Total property valuation is \$7.0 billion, a 6.9 percent increase
- A two-cent increase in the tax rate is proposed; one penny generates \$682,001
- Increase in Building Inspection fees recommended
- Fully funds CIP items approved for 2008

Highlights:

- Two cents is earmarked for increased school funding:
 - Additional operating costs of Virginia Cross Elementary
 - Increase in teachers supplement
 - Other expansion requests
- All recommended expansion items are given in terms of effect on tax rate so that Commissioners have options for reducing the rate

Commissioner Priorities:

- Direction at Budget Summit was to TRY to maintain the tax rate
 - Not possible with additional operating costs of Virginia Cross and other school and County needs
 - ✓ Funding a Human Relations Director
 - ✓ Funding the economic development plan and priorities
 - ✓ Greater funding for recreational opportunities

Commissioner Priorities:

- ✓ Funding for renovations to high schools
- ✓ Designate one-half penny on tax rate for non-profit agencies
- ✓ Funding for:
 - Office space needs
 - Update to the Recreation Master Plan
 - Update to the Impact Fee Study

Major Funds:

- General Fund: \$76,524,903 – a 4.5 percent increase
- Water Fund: \$4,903,600 – a 5.1 percent increase
- Waste Management: \$2,850,280 – an 11.8 percent increase

Fund Balance:

- Large appropriation in FY 2007; currently 9.1 million
- Staff estimates we will use approximately \$4 million
- Stated goal is 20 percent; should be at 25.95 percent at the end of FY 2007
- Recommending an appropriation of \$5.9 million in FY 2008; all earmarked for non-recurring expenses, including school capital outlay and CIP
- Staff estimates fund balance will drop to 22.53 percent at end of FY 2008

Highlights:

- 16.25 new positions recommended; two existing positions increased to full time
 - 3 positions in Sheriff's Office, Facilities Management, and Health
 - 2 positions in Social Services
 - Other positions in recreation, MIS, Manager's Office, Permitting, Building Inspections, and Erosion Control

Chatham County Schools:

- Request was \$25,628,170, a 19 percent increase
- Recommendation is \$24,018,284, an 11.8 percent increase
 - Includes fully funding request for increase in teacher's supplement
 - Includes funding all Category 1, Category 3 capital needs; recommends funding some technology out of School's fund balance
- Difference is \$1.6 million, 2.36 cents on the property tax rate

Non-profit Agencies:

- Manager made minor changes in Panel recommendations
- Staff recommends designating one of budget work sessions for non-profits
- Written recommendations from Panels will be shared later this week

Administrative Priorities:

- Making a Difference through Public Service:
 - Service to Customers and Residents
 - Employee Development and Retention
 - Resource Stewardship
 - Vital Communications

Scheduled Meetings:

The County Manager reviewed the scheduled Board meetings as follows:

June 4, 2007	Budget Work Session on the afternoon of the regularly scheduled Board of Commissioners' meeting - Nonprofits
June 6, 2007	Budget Work Session, 9:00 AM
June 11, 2007	Budget Work Session, 9:00 AM

Meeting locations will be announced.

The public hearing was set for May 21, 2007, 6:00 PM, in the Superior Courtroom.

COMMISSIONERS' REPORTS

EIS Project Team for Western Wake Wastewater Appointment:

Commissioner Vanderbeck moved to appoint Bill Sommers as the Board's representative to the EIS Project Team for the Western Wake Wastewater.

Commissioner Barnes moved to amend the motion to include Commissioners Lucier and Barnes to the EIS Project Team for the Western Wake Wastewater. Commissioner Vanderbeck seconded the motion. The motion carried five (5) to zero (0).

Adult Care Home Committee:

Commissioner Vanderbeck stated that Lonnie West, former Council on Aging Director, is still on the Adult Care Home Committee. He asked that the new Council on Aging Director, Angel Dennison, be appointed as Mr. West's replacement.

Commissioner Vanderbeck moved, seconded by Commissioner Cross, to appoint Angel Dennison as Lonnie West's replacement to the Adult Care Home Committee and that this seat be tied to a Council on Aging Director position. The motion carried five (5) to zero (0).

Haw River Assembly:

Commissioner Vanderbeck read a proposed Resolution Honoring the 25th Anniversary of the Haw River Assembly.

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to adopt **Resolution #2007-21 Honoring the 25th Anniversary of the Haw River Assembly**. The motion carried five (5) to zero (0). The resolution is attached hereto and by reference made a part hereof.

Adult Care Home Committee:

Commissioner Barnes moved, seconded by Commissioner Vanderbeck, to appoint Evelyn Kidd, 2023 Silk Hope-Gum Spring Road, Pittsboro, NC, to the Adult Care Home Committee. The motion carried five (5) to zero (0).

RECESS

Commissioner Lucier moved, seconded by Commissioner Barnes, to recess the regularly scheduled Board of Commissioners' meeting until 11:00 AM. The motion carried five (5) to zero (0), and the meeting was recessed at 10:10 AM.

RECONVENE

The Chairman reconvened the meeting at 11:06 AM.

PLANNING AND ZONING

"The Glens":

The Chairman asked if there was motion from the Board with respect to "The Glens".

There was no motion.

Moratorium:

A discussion on the moratorium ensued.

Jep Rose, County Attorney, stated that a former discussion by the Board on the moratorium seemed to be a general agreement that the moratorium should apply to residential subdivisions of 25 lots/units; that the Board further discussed whether it should

apply to commercial or non-residential development and if it should apply to commercial or non-residential development or if it should apply to all retail sales, institutional, etc.

After considerable discussion, Commissioner Lucier moved, seconded by Commissioner Cross, to exclude commercial business retail activity from the moratorium. The motion carried five (5) to zero (0).

Commissioner Barnes moved, seconded by Commissioner Lucier, to adopt **Resolution #2007-22 Calling a Public Hearing on the Question of Whether a Temporary Moratorium Should be Imposed on Certain Development in Chatham County, North Carolina**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

(The public hearing will be held on May 21, 2007 at 6:00 PM in the Superior Courthouse, Pittsboro, NC on new subdivisions containing twenty-five or more residential lots or units.)

Budget Public Hearing:

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to set May 21, 2007, 6:00 PM, as the date on which to hold a public hearing on the proposed 2007-2008 Chatham County Budget, in the Superior Courtroom. The motion carried five (5) to zero (0).

ADJOURNMENT

Commissioner Lucier moved, seconded by Commissioner Barnes, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting adjourned at 11:28 AM.

Carl Thompson, Chairman

ATTEST:

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