



Chatham County, NC

Meeting Minutes

Board of Commissioners

Monday, January 23, 2017

8:45 AM

DSS Conference Room

Legislative Breakfast

CALL TO ORDER

After a short breakfast Chairman Crawford welcomed everyone in attendance and called the meeting to order at 9:01 AM.

Also present from the County were County Manager Renee Paschal, Assistant County Manager Dan LaMontagne, Deputy County Manager Vicki McConnell, Community Relations Director Debra Henzey, Sheriff Mike Roberson, County Attorney Jep Rose, Paralegal and Deputy Clerk Lisa Gentri and Clerk Lindsay Ray.

Representative Robert Reives was in attendance. Senator Valerie Foushee sent her apologies that she could not be present due to a death in the family.

Present from Siler City were Mayor John Grimes and Town Manager Bryan Thompson.

Present from Pittsboro were Mayor Cindy Perry and Town Manager Bryan Gruesbeck.

Present from Goldston were Mayor Tim Cunnup and Commissioner Steve Cunnup.

Present from Chatham County Schools were Superintendent Dr. Derrick Jordan and School Board Chair Gary Leonard.

Present from Central Carolina Community College was Provost Mark Hall.

Present: 5 - Chairman Jim Crawford, Vice Chair Diana Hales, Commissioner Walter Petty, Commissioner Mike Dasher and Commissioner Karen Howard

[17-2026](#)

Discuss Legislative Goals

Attachments: [2017 Legislative Breakfast Agenda Items Final](#)
[Chatham County Schools 2017 Legislative Priorities](#)

County Manager Renee Paschal introduced the Legislative Goals. (Legislative Goals attached)

The County Manager spoke about broadband barriers. Ms. Paschal stated many of the county residents are not adequately served. They either don't have service or are under served. The County's hands are tied. The County is asking the legislators to support legislation that would allow local governments to provide service or at least have more opportunity for impact. The County asks for their support of state funding for broadband and some way to address the situation where providers have complete

control of areas that are served. Broadband impacts our quality of life, education, and economic development.

Assistant County Manager Dan LaMontagne spoke about the Jordan Lake Rules. Mr. LaMontagne stated Jordan Lake is the main water source for the Triangle area. It is also a prime recreational area. The recent Solar Bees were a failure and they have been removed without a replacement plan for the lake. The County thinks the General Assembly should immediately proceed with the implementation of some sort of the Jordan Lake Rules.

The County Manager spoke about sales tax county assignment. Sales tax assignment was an issue the County raised last year. State law doesn't prescribe how vendors assign sales tax or report sales tax by county. Many use just the five digit zip code and this unfairly impacts Chatham County. Several of the county zip codes are associated with Apex, Chapel Hill, etc. If they only use the five digit zip code, those sales tax dollars are reported to the other counties. In addition, three of the counties that surround Chatham have higher sales tax rates. If Chatham residents have goods delivered to their homes they are paying higher sales tax than what they should be. The County asks that the State address this by requiring vendors to use a more precise way to assign sales tax to counties. There are a couple of solutions. One is using the nine digit zip code. Another idea that has been tossed around by several entities including the Department of Revenue is a state wide database of addresses.

The County Manager spoke about the Special Assessment for Chatham Park. The County appreciates all of the legislators' efforts last year to get this legislation through. It almost passed. The County asks for their help again in getting the legislation passed.

Mr. LaMontagne spoke about the safety of coal ash removal. Mr. LaMontagne stated legislation related to coal ash clean up and disposal was passed in the 2017 Short Session. This affects Chatham County because it has the Cape Fear Coal Plant as well as a disposal area for 12 million tons of coal ash from other plants. However, House Bill 630, as ratified, did not address anything related to the protection of public health, air quality and protection of the workers involved in the process of removal and disposal. The County asks for legislation that would require air quality monitoring and ensure the health and protection of workers on the site.

The County Manager spoke about severing mineral rights after notification. The County Manager stated owning property with severed mineral rights can cause problems when property owners go to refinance or sell their property. Some of the mineral rights that have been severed have been dormant for years. The owners of those mineral rights have not properly recorded them or have not been paying taxes on those rights. There was statewide legislation in the 1980's that called for those rights to be extinguished if after ten years the mineral rights owner had not recorded those rights and been paying taxes on it. A 2015 Study on Compulsory Pooling and Dormant Mineral Rights raised concerns about the lack of notice or the adequacy of the notice that was giving to the mineral rights owners. They called for the legislation to be re-adopted with stronger notice requirements. The County asks for the legislators' support of that action. The County Manager believes this is important with the possibility of fracking in this area and how that could affect property owners that have severed mineral rights.

Community Relations Director Debra Henzey spoke about mental health services and MCO accountability. Ms. Henzey stated since the County Commissioners adopted this goal in the fall, some progress has been made. Chatham County is in a

unique position of having the biggest turnover of safety net health providers. There have been three different providers in five years. That starts to create a lot of turmoil and with each turnover you lose clients. The MCO system could use more oversight as far as ensuring that people in need are getting the services that they need. There are some hopeful signs here but it is a general accountability and transparency issue.

Mr. LaMontagne spoke about promoting CSX Railroad Easement cooperation. Chatham County has been working on a water line in the Moncure and Haywood area that goes under the CSX Railroad. CSX has failed to respond to the County numerous times. The County has reached out to them to get an easement to bore under the railroad. In that area, the County tax records show that CSX has a 100 foot right of way, the Railroad says they claim 200 feet. This brings up issues for adjoining property owners of the railroad. They are paying taxes on 50 feet they think they own that now CSX is saying it owns. The County is asking the legislators' help in getting CSX to agree to the 100 foot right of way as stated in our tax records.

Siler City Town Manager Bryan Thompson spoke about the state's economic tier system. Mr. Thompson stated the tier system is an apparatus that allows the distinction between economically distressed by county level. Tier 1 being the most economically distressed and Tier 3 being the least economically distressed. Chatham County is designated as Tier 3 but that doesn't really paint a fair picture of what is going on inside the interior walls of the county. Siler City particularly would clearly be painted as a high economically distressed community but because it is in Chatham County it is covered by the same blanket as the County and are not available for certain grants. For example, Siler City applied for over eight million dollars for an infrastructure project for the Chatham-Siler City Advanced Manufacturing site. Siler City received four million through the Golden Leaf Foundation and they are not eligible for the rest of the money due to the tier system. They are asking support to look at the tier system and reorganize it. Hopefully it will look at sub-county data so that the Siler Cities of North Carolina could actually get to the table and compete for these grant dollars and other considerations.

Mr. Thompson spoke about the water-sewer impact fee repayment. Mr. Thompson stated there is new case law that questions levied impact fees for infrastructure. Potentially the communities that have been imposing impact fees may have to pay those back. That represents a huge potential liability to those communities and potentially weakening the ability of those communities to gain the dollars necessary to grow economically. Pittsboro Town Manager Bryan Gruesbeck also spoke on the issue. Mr. Gruesbeck stated Pittsboro does have some local legislation that allows them to charge impact fees but they have held off on doing that for some of the smaller projects. They are fortunate that most of their development is developer supported so the developers pay for the cost of those impacts. On some of the smaller projects this may not be the case. They will lose their ability to maintain their resources which is the intent of the impact fee. Mr. Gruesbeck believes they would have to pass on those impacts to the existing rate payer.

Chatham County School Superintendent Dr. Derrick Jordan reviewed school-related legislative issues. (Chatham County Schools 2017 Legislative Priorities attached) Dr. Jordan stated one priority is to invest adequate resources in North Carolina Public Schools. They ask for an increase in technology funding and that the additional cuts in personnel not be considered. They also ask to restore the class size requirements that were in place prior to the most recent change. The new class size requirements would result in 30 additional teachers for Chatham County. It would adversely impact the arts offerings as some of those allotments would have to be used for core instruction. There is also a need for professional development dollars. Another priority is to increase compensation for all educators and school personnel. North

Carolina Principal pay is the lowest in the nation. They would like to move teachers closer to the national average for teacher pay.

Dr. Jordan stated another priority is calendar flexibility. Dr. Jordan thanked Representative Reives and Senator Foushee for introducing legislation to provide Chatham County with some flexibility on the calendar. It didn't make it to the floor but the schools appreciate them standing with them. An example of the complexity of the calendar laws is that schools return from winter break on January 3rd, they were out for the Martin Luther King, Jr. holiday, they had snow and ice days and they needed an early release day and a teacher work day. People want to know why they are out so many times back to back. The reality is the calendar law doesn't give the schools much flexibility in terms of turning over the semester. They have to begin by a certain date and end by a certain date. Flexibility similar to what charter schools have would be beneficial or even have the opportunity to mirror the community college schedule. This would give students an opportunity to complete exams before winter break. That would be welcomed by the teachers and the students.

Dr. Jordan stated school performance, grades and accountability is an additional priority. They would like fair accountability. An overwhelming number of F schools have 80% plus low socio economic student enrollment. The schools ask to revamp the formula so that growth would have a more prominent place. They believe minimally it should be a 50/50 proposition. 50% performance and 50% growth. He would like to see even more emphasis put on growth. They would like to remove the expectation that even schools designated as having met growth but earned a D are still seen as low performing. One final priority is accountability in school choice options. They would like to advocate for maintaining fair funding for public schools, including charter schools, preventing changes that would require local school districts to share money with charter schools for programs that charter schools don't offer. For example, there was a bill that was introduced that would require Chatham schools to share monies for child nutrition programs when some charter schools don't have those programs. They would like to advocate for a moratorium on the state expansion of private school vouchers. In doing that they hope there would be an increase in accountability for those private schools to ensure that if they are going to see state dollars there is some expectation that the needs of the students are being met.

The County Manager stated there are three additional goals in the packet that were submitted by the County's staff in Social Services and the Council on Aging.

Representative Reives asked for a point of clarification on broadband. He asked if it would be universal support of broadband. Everyone agreed. Ms. Henzey stated Randolph Telephone has really shown interest and has resources to expand but right now there are state legislative barriers. They can only inch out. It would help if counties could be in the position of leveraging public-private partnership. The County Manager stated the County cannot contract with a third party to provide broadband. The County can build the infrastructure and let the third party have it for free and that is the only way currently to address the issue. The maps that show there is full coverage are very misleading. If a couple of houses in a census tract are covered then they consider the tract covered. Commissioner Hales stated this is also a priority of the North Carolina Association of County Commissioners (NCACC). Moore County is going to be providing all their students with laptops and all the homework will be online. That is a huge disservice to those children that don't have internet access at home. Commissioner Howard asked if there is pushback at the state or county level. Commissioner Hales stated there is pushback from the providers.

Commissioner Hales stated at the NCACC legislative goals meeting she tried to float

an amendment about the economic development tiers. The amendment did not pass. She believes with the new governor this might be a good time to see if there is a way to address the tiers. Representative Reives stated this isn't so much a partisan issue as you can't figure out how to get it done and get everyone to agree with it. Mayor Grimes asked which committee would address this issue. Representative Reives believes it would be a local government committee in the House. Mayor Grimes asked if Representative Reives could let him know the right committee and the list of members on the committee.

Commissioner Howard asked if the manager and mayors associations give input on the tier issue. Ms. Henzey stated because there are more Tier 1 counties and there are cities in those counties that benefit from that designation it meets resistance. Commissioner Petty stated they are going to have to find a better way to frame it because it has come up and failed for five or six years. Representative Reives stated the more groups you can get to give input the better chance you have of getting something done. Mayor Perry stated they could bring this issue to the Triangle J Council of Governments.

Commissioner Petty stated the tier issue is similar to the sales tax issue. Chairman Crawford stated Orange County should pay back the sales tax going forward and probably from past years. Representative Reives stated he would agree with Orange County paying going forward. Commissioner Howard asked if there were county zipcodes outside of the county. The County Manager stated there is one Chatham County zipcode that goes outside the county and it is a small area. 65% of the County's building permits are in the Chapel Hill, Durham, Cary and Apex zipcodes. Close to 80% of the deliveries to residences are in those zipcodes. The County did a push a couple of years ago to educate the home builders, Briar Chapel in particular. The County did see a bump in the locally collected sales tax. Mayor Grimes stated getting industry and jobs in the county means more people shop locally.

Commissioner Hales asked what the Legislature's latest effort was for Jordan Lake. Mr. LaMontagne stated they were going to introduce mussels to the lake. Commissioner Hales asked if Representative Reives was aware of any legislation about Jordan Lake or Falls Lake. Representative Reives stated he hasn't seen anything yet. Commissioner Hales stated everyone that surrounds Jordan Lake is going to use the water. Falls Lake has some similar rules and they are on hold too. She asked for Representative Reives' support to help move the Jordan Lake Rules forward. Commissioner Hales stated the rollback of riparian buffers is scheduled to come up again. That is fundamental to water quality. Rolling it back to fifty feet or less is further degradation for everyone's drinking water.

Chairman Crawford asked what the duration of the current session will be. Representative Reives stated it could end anytime between July 1st and September 30th. Chairman Crawford told Representative Reives to let the boards know anytime they can be of service and help lobby for different issues. Representative Reives stated local boards often hear about issues from their associations before the legislators do. He asked the elected officials to let him know of those issues.

Dr. Jordan asked if he should tell school district constituents to engage with other members of the General Assembly, not just their representatives. Representative Reives stated during the special session in December he got 4,200 emails in a twenty-four hour period. He paid attention. He stated people should also talk to people from both parties.

Commissioner Petty asked Dr. Jordan to talk about meets, growth and performance and how that impacts the county. Dr. Jordan stated Virginia Cross is 90% free and

reduced lunch. The principal of that school under state statute, having been there more than two years, is required to be placed on an improvement plan. As the Superintendent he must make a recommendation on the principal's continued employment. That recommendation goes to the Board of Education and then it gets sent to the state and is filed. That causes the principal to wonder if they should stick it out even though they are meeting expected growth continuously. They know they could go to another county or another school in Chatham County. Teachers want assurance that they will not have their career interrupted as a result of these unfair designations. At least half of the schools designated as low performing met expected growth. To Dr. Jordan, expected growth is an indication that schools are doing minimally what is expected. The County Manager stated another impact is potential industry could see those school designations and that can be a factor in their decision to locate to the county. Commissioner Petty stated it sounds like there needs to be a dual ranking system. Dr. Jordan stated when you consider that the schools number of LEP students continues to rise, those students are being held to the same expectations as those students who were born in this country and have been able to receive english throughout their entire life. To think the schools have kids coming as second language learners the schools are supposed to somehow get them on the same level as their native english speaking peers.

Representative Reives asked Mr. LaMontagne to send him an email making his case for the CSX Railroad issue and he will get started on that right away.

Mr. LaMontagne stated the in most recent sessions the Legislature has tried to take local control away from local governments. He asked Representative Reives to keep that in mind. Representative Reives believe that is a intentional theme. He thinks the thought is the local governments are not capable of taking care of things and the state needs to step in. He disagrees with that and he will keep that in mind. He also stated the special assessment for Chatham Park hit a roadblock once it got to the Senate. They are going to try to let the Senate get out everything they need to get out and then get it back down to the House.

Chairman Crawford thanked everyone for their attendance.

ADJOURNMENT

The meeting adjourned at 10:15 AM.