

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
OCTOBER 01, 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 October 01, 2007.

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

Absent: Commissioner Patrick Barnes

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 Chairman called the meeting to order at 9:07 AM.

AGENDA AND CONSENT AGENDA

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

The Chairman explained that the request by Nicolas P. Robinson, Attorney-at-law on behalf of Baycorp Development, Inc. for an extension of Conditional Use Permit deadline might be delayed while an issue is being researched.

Commissioner Lucier moved, seconded by Commissioner Cross, to approve the Agenda and Consent Agenda as follows:

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held September 17, 2007 and work session held September 17, 2007

The motion carried four (4) to zero (0).

2. **Chatham County Parks and Recreation Master Plan:** Consideration of a request to award a Parks and Recreation Comprehensive Master Plan bid in the amount of \$49,000.00 to McGill Associates, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

3. **Budget Amendment:** Consideration of a request to approve Fiscal Year 2007-2008 Budget Amendments, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

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

Royce Webster Drive

The motion carried four (4) to zero (0).

5. **Domestic Violence Awareness Month Resolution:** Consideration of a request to adopt **Resolution #2007-36 Proclaiming Domestic Violence Awareness Month**, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

6. **Award of Security Systems Bid:** Consideration of a request to award the security systems bid for County buildings, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

7. **Pittsboro Volunteer Fire Department:** Consideration of a request to approve a letter in support of the borrowing of funds in the amount of \$500,000 for the construction of a new fire department substation, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

8. **Resolution Declaring Property Surplus and Authorizing the Sale of Said Property:** Consideration of a request to adopt a **Resolution #2007-37 Declaring Property Surplus and Authorizing the Sale of Said Property**, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Ken Boggs, 371 River Road, Pittsboro, NC, stated that he was asking the Board of Commissioners to set up a task force consisting of the Board of Education (Norman Clark), Sheriff Webster, Chairman of the Board of Elections (Maja Kricker) to solve a continuing problem, namely obtaining a location for early voting in the 2008 Primary in May and in the 2008 General Election in November in the northeast. He gave the following reasons this is an unsolved problem:

- The State Board of Elections recommends using schools as polling places.
- Early voting may be a period of up to three weeks long.
- North Chatham Elementary was a candidate, but it is now over committed by at least 300 students. Every nook and cranny is stuffed with kids. Perry Harrison Elementary is in a similar condition. There is no way they can ask these schools to give up the necessary space for up to three weeks.
- There is a fire station across from Ferrington on Highway #15-501 that would work, but it would take County money to make a space within it secure for storing the voting equipment.
- The Sheriff has been considering placement of a substation in the northeast. If this is done, then that space could be expanded to include secure voting space. However, there is no committed plan yet by the Sheriff's Department and it would take additional County monies.
- There is empty storefront space in the Cole Park area which would be an ideal location and new state law opens the possibility of using such rented space if no other space receiving public money is available.
- Note that any solution must be approved by the State Board of Elections and their single focus so far has been to use school.

Mr. Boggs stated that a multi-board, multi-department task force is needed to solve this problem including getting appropriate approvals, appropriation of County monies, and follow-through of implementation plans. He asked the Board to please set this up and have the Assistant County Manager chair it.

Commissioner Lucier thanked Mr. Boggs, stating that he had raised an issue that had been a problem; that if the Board continues to wait, it will again be a problem in May; and

that he supports the request. He asked if Mr. Boggs had talked with the fire department regarding their response to renovating the facility.

Mr. Boggs replied that he had spoken with the Elections Director, Dawn Stumpf, and that she had had some contact with them; that she reported to the Board of Elections that there was space in the fire department building; that it did provide free access to all the people; and that it stored some of their emergency equipment; however, it would be a disruption to them to have to store that equipment out of that space, and have a door and lock installed so that the space would be secure.

Commissioner Lucier asked if they were willing to put up with disruption. Mr. Boggs stated that he could not speak to what they were willing to do.

Chairman Thompson stated that he felt it was certainly worth pursuing.

Commissioner Vanderbeck stated that, as Mr. Boggs mentioned, the State would allow other voting places if nothing suitable could be found; that he believes that the new task force could sort this out; and that he thinks it is the only way that they are going to get same-day, voter-registration in early voting.

Jeffrey Starkweather stated that the State law now allows the Board of Elections to go to different entities after it is shown that there is no other entity suitable; that in his talking with the attorney for the State Board of Elections, he learned that they do not really care that it is inconvenient for the schools; that the Board of Elections actually has the power to require a government facility to be made suitable; that he doesn't feel that there is any entity (fire departments or the schools) that aren't voluntarily doing this; that they would love to have the Board put voting in the fire department for three weeks; that they think this would be the lesser of evils in terms of inconvenience unless the Board is going to create a whole new facility; and that he was told that they would not accept a non-government facility because they consider the schools to be suitable.

The County Manager stated that the Assistant County Manager could chair the meeting if she was available stating that he would like to reserve that discretion.

Commissioner Cross stated that he appreciated Mr. Boggs' opinion; that he didn't see why the County Manager couldn't take care of this without having another committee.

Commissioner Vanderbeck stated that he saw it as being open and sharing it as a community problem; that there were problems with it last year; that the County Manager seems to think that it might be able to be taken care of very quickly; that he thinks that with different perspectives, they might end up with the quickest and best solution; and that he doesn't have a problem with the task force.

Commissioner Lucier stated that he felt the make-up of the committee, as suggested, was appropriate. He stated that he thought that in the long-run, they might make the entire thing happen faster.

Commissioner Lucier moved to form the multi-board, multi-department task force, as recommended by Mr. Boggs, to look at the early voting issue in northeast Chatham.

Commissioner Vanderbeck seconded the motion and asked that the motion be amended to not necessarily ask the Assistant County Manager to chair the committee but that someone from the County Manager's Office take care of that duty.

The Chairman called the question. The motion carried four (4) to zero (0).

PLANNING AND ZONING

Conditional Use Permit Deadline Extension for Baycorp Development, Inc.:
Consideration of a request by Nicolas P. Robinson, Attorney-at-law on behalf of Baycorp Development, Inc. for an extension of Conditional Use Permit deadline

The Planning Director explained that this request was brought to the Board by Nick Robinson on behalf of Baycorp Development, Inc. for an extension of a Conditional Use Permit deadline at the intersection of Mann's Chapel Road and US Highway #15-501. He stated that their permit will expire on October 19th; that they came to the Board's last meeting and asked for an extension due to difficulty they were having in getting someone to lease/buy the property in such a short time frame; that it was tabled at the last meeting; that the Planning Board had voted five to five (tie) to neither approve nor deny it; that the Planning Department had recommended in favor of it; that the Board may wish to consider some time period less than the time they asked for; that the Major Corridor Task Force is working on, not only specific locations of where businesses should be located, but also design standards for that; that their work is done within the time period of the moratorium; that if the Board was to consider a time period of less than ten months, it would give the Major Corridor Task Force time to consider work; and if these folks have a tenet before then, they will be fine under their old permit and if not, the permit will expire and they will have to resubmit for a Conditional Use Permit to do whatever is required at the time.

Commissioner Lucier stated that there were three issues that argue in favor of this request; that one is that the Major Corridor Task Force is still deliberating; that the chance that this will not be a commercial node are close to zero; that it is economic development which they want to encourage; and that there was a provision for an extension in the original approval. He stated that the one argument against it is that the Major Corridor Task Force will also try to establish some design guidelines along the commercial nodes; and that if the Appearance Committee, in his mind, has made recommendations, the developer has agreed to them, then he is comfortable with the request.

Nick Robinson, attorney, read his remarks from the Board of Commissioners' meeting where the vote was five to zero. He stated that his recall was that they met with the Appearance Committee; and that they incorporated their changes into the site plan before it received approval.

Commissioner Vanderbeck suggested nine months would be sufficient.

Mr. Robinson replied that nine months goes by quickly and that if the Board could approve a one-year extension, it would be great. He stated that this had been going on a long time; that it was not due to inactivity; that there was plenty of motion but not a lot of action.

Jim Hinkley, Planning Board Member, stated that either by omission or commission, the Planning Director did not include in his statement a major portion of the discussion which resulted in the five to five vote by the Planning Board; that it involved traffic congestion with access and egress and the possibility of beginning a "strip" on the western side of the intersection; that the intersection is quite congested at this time; that there are reportedly frequent "fender-benders" there; that in the area of work that the Major Corridor Task Force is doing, he suggests that consideration be given to the point that no more development of this type be allowed at that intersection except within the nodes that the Task Force has suggested (Cole Park Plaza and Chatham Crossroads); that if development was required to go into those nodes where there is empty space, the congestion at the intersection would not be increased as this proposal would allow; that this was an important issue to the Planning Board; that regarding traffic congestion, eliminating strip development, as there is across the street from the proposal, and the possibility of extending the strip on the south side next to the service station needs to be considered before approval is given.

Commissioner Cross stated that it is his understanding of the forthcoming commercial node for designation will be that this is where the Board will desire commercial activity; that he has never heard any indication that they will require that this is the only place that commercial activity can go; that in his opinion, nothing to do with this; that they have the permit and are only asking for an extension; that the intersection and the interest of the property are two different pieces; that the property is not entered at the intersection; and that all the traffic etc., has already been discussed.

Commissioner Cross moved to approve the twelve-month extension.

Commissioner Vanderbeck stated that he felt that twelve months was a little long; that there was some provision for an extension; that as far as Mr. Hinkley has suggested, they

do have the Corridor Ordinance; that the node is where they would like to see it go; that there will be certain design standards within that area; and inasmuch as there was a provision for the extension, he would like to give it to them; however, he feels that nine months is more suitable; that they have had it for a long time; and that if they don't make it and reapply, then it will have to conform to certain uses.

Commissioner Cross stated that that is a problem; that they are again applying rules that are not in force; and that the County does not have a Corridor Ordinance yet.

Commissioner Lucier stated that he thought the only point of disagreement is nine months or twelve months.

Chairman Thompson stated that he didn't think that twelve months was asking for too much; that he didn't feel that twelve months was unreasonable; and that he would be in favor of giving them twelve months.

Commissioner Lucier stated that they deserve the extension; that the Major Corridor Task Force is scheduled to complete their work in June; that he thinks the extension should be granted until July 1, 2008; that if that gets to be a problem, Mr. Robinson can return and ask for an additional extension; that he would favor the nine months for that reason because it is consistent with the time frame in which the Major Corridor Task Force will be performing their work; and that he would also add an additional provision that any recommendation made by the Appearance Committee would be followed by the developer.

The Planning Director stated that one of the stipulations of Condition #6 is about various screenings and width and whether they are to be opaque or semi-opaque.

Commissioner Lucier stated that the Appearance Committee had already looked at it and whatever recommendations they had made would be followed; that it sounds like, from the minutes, they were; and that they would not have to go back before the Appearance Commission again unless there was some question about the interpretation of what they were saying.

Mr. Robinson stated that the way Commissioner Lucier stated that that it would be nine months and there would still be an opportunity to come back if either of the Corridor Task Force doesn't finish its work or there is some other contingency, that he feels it would be satisfactory.

Commissioner Cross withdrew his motion.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, moved, to approve the extension for nine months with the provision that all previous Appearance Committee requests be made and that there will be an opportunity, if the need arises, to return to the Board of Commissioners for an additional extension.

MANAGER' S REPORTS

Vandalism and Racial Overtones:

The County Manager explained that the following resolution is a follow-up item to the Board from the August 20th Board of Commissioners' meeting; that it refines the Board's expressed concern of the vandalism that had significant overtones; and that it is ready for formalized review and adoption if the Board desires.

Commissioner Cross moved, seconded by Commissioner Lucier, to adopt **Resolution #2007-38 Concerning Vandalism with Racial Overtones**, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

Commissioner Vanderbeck asked that the County Manager send the adopted resolution to other municipalities for their consideration for adoption.

COMMISSIONERS' REPORTS

Big Woods Property:

Commissioner Lucier expressed congratulations to everyone who worked on the closure of the sixty plus acres located on Big Woods Road to be used for the County Northeast Park.

Land Transfer Tax:

Commissioner Lucier stated that there seems to be some confusion about how the Commissioners would use the funds for the Land Transfer Tax if passed on the November ballot. He stated that he had heard all kinds of things that range from spending none of the funds on the schools, etc.; that the Board previously voted unanimously that the vast majority of the funds would go to the schools; that he feels it may be useful to have another vote confirming the Board's intent and to alleviate the confusion; that there are a number of school needs; that it is likely that all the LTT proceeds would be used for schools because of the great need; that if there were other projects to come up, they would have to be financed through other revenue streams; and that it seems to him that the Board might want to take another vote and say that all the funds would be used for the schools.

Commissioner Cross stated that he would not have a problem doing that except that he didn't think it was legal; that the statute says that it can be used for any legal expenses; that he agrees that most and probably all of it will be used for the schools due to the demands; that the statute says that it can be used for any lawful purpose; and that he asks if the Board of Commissioners has the authority to say that it can only be used for one purpose.

The County Attorney stated that it seems to him, that a restriction can be placed on the funds, but that he will defer to the Finance Officer for that.

The Finance Officer stated that funds can be restricted.

Commissioner Vanderbeck stated that he attended an Association of County Commissioners meeting and learned that the wording on the ballot could not be changed nor restricted; that he believes that other counties had adopted resolutions stating how they were going to use the funds; that he feels that there is so much confusion, people are getting scared and are thinking of this as enabling sprawl; and that in order to end this, he would endorse the 0.04% going to the schools.

Commissioner Lucier stated that three of the present Board of Commissioners would be in office until the end of 2010; that after that, another Board could come in and potentially change this; and that he thinks the Board should, at least through the end of 2010, set use of the funds entirely for the schools.

The County Attorney stated that the Finance Officer would probably like a recommendation about how those funds should be restricted. He asked the Finance Officer how the funds would be restricted.

The Finance Officer stated that the Board should make a motion to restrict the funds.

Chairman Thompson stated that the Board would probably use most of the funds based on what they see as their particular needs; that his question to the Board would be, if they would want to restrict 100% of the funds; that legally, they would not have to do so; that there is something to be said for having the leeway of the option to be able to spend any small percentage of those funds for something else; that he supposes that the Board could return to "un-restrict" the funds if need be; and that he suspects that that would not play out too well.

Commissioner Lucier stated that his feeling was that if the Board had other projects that needed funding, they should use a different revenue stream for it; that the obvious other one would be property taxes; that if that's what the Board needed to do, then that's what they would have to do; that he is detecting confusion among the voters about how the funds will

be used; that it is a new tax to Chatham County; and that his feeling is that the voters do have a right to know with some specificity.

Commissioner Cross stated that when they started the campaign two and a half years prior, the request was for land transfer tax for capital improvements; that no one seemed to be excited until the approval to vote on it was received; that he agrees that it is a revenue option looking to other portions of the request to the legislature; that they have another revenue option; that they asked for it for capital improvements; that his inclination is to not change what it is authorized to be used for; and that there may be something to come up and it has to be used for.

The County Manager stated that as a point of consideration in the Board's deliberations, there are occasions when things come up that require funds that are not anticipated; that currently that would be the only thing that he would be somewhat concerned about earmarking funds to be directed toward that which was chosen; and that sometimes events come up that are unexpected and that require funds.

Chairman Thompson stated that he sensed the confusion; that some people do not trust them to do what they said they would do; that he is not sure if it is prudent and makes business sense to bind themselves if they do not have to do so; that there may be other needs that arise; that it may not be fair to the citizens of the County to limit the money to the schools when there are other needs which arise; and that he feels a little uncomfortable specifying that one hundred percent of the funds be used for schools.

Gerald Totten, Board of Equalization and Review Chairman, stated that revaluation is forthcoming in the County; that it will involve reappraisal of every piece of property in the County; that that is another option, as far as the tax rate is concerned, by reducing it; that the feeling that he gets from the people with whom he has talked, as the Board is taking a thousand dollars away from the schools out of the Impact Fee which was guaranteed to the schools; that that is where the "rub" is coming, with that reduction; that he agrees with the reduction, because if the other goes through, then the amount of money will be greater; that he thinks that to set some percentage, he doesn't think that all of it should be restricted, but that a substantial percent which would equal what is presently obtained from the Impact Fee would be important...possibly 85-90% which would still allow the General Fund to accumulate from the revaluation as well as the increase received from the new homes being built; that he doesn't know if it all works together but it seems that the Board will have more Capital Funds available to spend either way they go. He stated that the \$1,900 Impact Fee is inadequate to satisfy what the schools need nor what the County needs.

The County Manager explained that if the Board wanted to dedicate the amount of funds from the Land Transfer Tax that the already established Impact Fee would have brought in to schools, that school capital fund would not realize a loss.

Commissioner Lucier stated that, in reality, the County has two new schools that it has to build within the next three years; that they will have increased operating expenses; that several of the older schools will need renovations; that he appreciates the comments that Mr. Totten made; and that if the motion refers to 85-90% of the funds to be used for the schools, it would seem to be the best option.

Chairman Thompson stated that he was comfortable with 85%.

Commissioner Vanderbeck stated that that also works for him; that the Land Transfer Tax is supposed to be a supplementary tool; that they are still expecting good returns from their investment in consultation on an economic development plan, etc.; and that everyone has to remember that it does not cover everything.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to direct 85% of the proceeds of the Land Transfer Tax (LTT), if passed in November, to the schools. The motion carried four (4) to zero (0).

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to approve that this restriction be effective until at least the end of 2010. The motion carried four (4) to zero (0).

Rocky River Stakeholders:

Chairman Thompson stated that he and Commissioner Lucier attended a meeting of the Rocky River Stakeholders on Thursday; that he was pleased that the meeting was not contentious and that everyone had their say; that it was a good meeting with a resolve to move forward to try and jointly solve the problem; that one of the things he thought about was how much they could accomplish in this County by continually working and cooperating as County officials with the towns and other organizations; that he would like to recommend the establishment of a forum to consist of the chair and vice chair of the Board of Commissioners, mayors of the three municipalities, and designee of the mayor; that within the next 35-40 days, the group would come together and talk about time frames in which they would like to meet; that he feels it is important, given the fact that they are moving forward as a Board of Commissioners in a lot of areas; that the County can not progress unless it is working together; that there are so many issues including but not limited to water and wastewater issues, an economic development study, some of the towns have revitalization issues; that he would like to propose the creation of the forum to the Board of Commissioners; that he has spoken with the Goldston Mayor who is in favor of it; that he has been unable to reach the Pittsboro Mayor, but knows that he is in favor of it from past conversations; that he spoke with the Siler City Mayor who spoke favorably; that he feels as though everyone will be on board; that he thinks it is long overdue; and that he would like the Board's permission to proceed with the creation of this forum whom, he hopes, will function well into the future.

Commissioner Lucier stated that it gets his strong support; that he thinks it is a great suggestion; that he would like to move on it as quickly as they can; that they are all together in Chatham County; that what is good for Pittsboro, Siler City, and Goldston is good for the County; and that he strongly supports the proposal.

Commissioner Vanderbeck also voiced his support, as did Commissioner Cross.

Commissioner Lucier moved, seconded by Commissioner Cross, to establish a forum of the County and three (3) towns in Chatham County, consisting of the chairs, vice chairs, mayors, managers, and an additional designee from each town to meet on a regular basis to discuss issues of mutual concern. The motion carried four (4) to zero (0).

The Chairman asked the County Manager to proceed with this within the next 45 days.

ADJOURNMENT

Commissioner Cross moved, seconded by Commissioner Vanderbeck, to adjourn the meeting. The motion carried four (4) to zero (0), and the meeting adjourned at 9:59 AM.

Carl E. Thompson, Sr., Chairman

ATTEST:

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