

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
APRIL 17, 2006

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the District Courtroom, 12 East Street, located in Pittsboro, North Carolina, at 6:00 PM on April 17, 2006.

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 6:03 PM.

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 as follows:

CONSENT AGENDA

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held April 03, 2006 and work session held April 03, 2006

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. Dr Truitt Road
- B. Burns Way

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

3. **Naming of Chatham County Public Library System:** Consideration of a request to adopt “Chatham County Public Libraries” as the official name for the library system, effective July 1, 2006

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

4. **Funds Acceptance for Teen Center Operations:** Consideration of a request to accept funds in the amount of \$5,000 for the Health Department’s TeenWorks teen center after-

school program operations

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

5. **Funds Acceptance for Youth Tobacco Prevention Program:** Consideration of a request to accept funds in the amount of \$38,457 to support the Youth Tobacco Prevention Program from February 1, 2006 – June 30, 2006

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

6. **Sketch and Preliminary Approval for Variance from Chatham County Subdivision Regulations:** Consideration of a request by David C. Johnson for a variance from the Chatham County Subdivision Regulations, Section 6.4, Lots, (B), Arrangement (3) and for subdivision sketch and preliminary approval of **“Fern Creek Subdivision”**, consisting of four (4) lots on twenty (20) acres, located off SR #1714, Sugar Lake Road, New Hope Township

As per the Planning Department and Planning Board recommendation, approval of the road name “Fern Creek Trail” and the variance request from the Chatham County Subdivision Regulations, Section 6.4, Lots, (B), Arrangement (3) and approval of the subdivision sketch and preliminary requests were granted as submitted.

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

7. **Preliminary Approval of “Legend Oaks”:** Consideration of a request by Trenton Stewart on behalf of HBP Properties, LLC for subdivision preliminary approval of **“Legend Oaks”**, (formerly Bland Tract) consisting of 63 lots on 110 acres, located off Highway #15-501 North, Williams Township

As per the Planning Department and Planning Board recommendation, approval of the road names “Legend Oaks Drive, Grassy Creek Way, Peak View Place, Duelling Oaks Drive, and Little Bend Court” and approval of the preliminary plat were granted with the following condition:

1. The final plat shall show a utility easement along the common boundary lines of Lots 40 and 41.

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

8. **Final Plat Approval of “Scarlet Oak”:** Consideration of a request for Steve Christopher for subdivision final plat approval of **“Scarlet Oak”**, consisting of seven (7) lots on twelve (12) acres, located off SR #1530, Polks Landing Road, Baldwin Township

As per the Planning Department and Planning Board recommendation, final approval of “Scarlet Oak Subdivision” was granted with revisions to the mylar as follows:

1. The mylar copy of the plat shall have a note stating that a public or community water system is not presently available to the subdivision lots.
2. The mylar copy of the plat shall be revised to show that the “reserve strip” was deeded to the subject property in deed book 1170, Page 41.

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

9. **Final Plat Approval of “Bobcat Point Subdivision, Phase IV”:** Consideration of a request by Ricky Spoon Builders, Inc. for subdivision final approval of **“Bobcat Point**

Subdivision, Phase IV, Lots 110 and 127 – 135”, consisting of ten (10) lots on approximately 58 acres, located off SR #1559, Emerson Cook Road, Hadley Township

As per the Planning Department and Planning Board recommendation, approval of the road name “Three Forks Lane” and final approval of Bobcat Subdivision, Phase IV, Lot 110 and Bobcat point Subdivision, Phase IV, Lots 127 – 135 with the following conditions:

1. The mylar copy of the plat shall display a Voluntary Agricultural District certificate.
2. The plat shall not be recorded until staff has received a copy of the commercial driveway permit for “Three Forks Lane”.

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

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10. **Grant Application Approval for Non-Intensive Family Preservation Services:** Consideration of a request to approve a “Non-Intensive Family Preservation Services” grant application to continue funding for Department of Social Services social worker that provides in-home counseling and support to prevent or delay placement of children into foster care

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

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- ~~11. **Set Public Hearing Date for Goldston Volunteer Fire Department:** Consideration of a request to set May 23, 2006 at 7:00 PM as the date and time on which to hold a public hearing by the Goldston Volunteer Fire Department for the purpose of receiving public comments on the proposal to purchase an emergency response vehicle at a cost of \$282,600.00~~

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See Manager’s Reports. The above item was amended as follows:

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11. **Appoint Goldston Volunteer Fire Department Chief to Conduct Public Hearing:** Consideration of a request to appoint Chief Todd Elixson to conduct a public hearing on May 23, 2006 at 7:00 PM at the Goldston Volunteer Fire Department for the purpose of receiving public comments on the proposal to purchase an emergency response vehicle at a cost of \$282,600.00

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

12. **Contract Between Alamance County and Chatham County for Provision of Library Services:** Consideration of a request to approve the contract between Alamance County and Chatham County for provision of library services, attached hereto and by reference made a part hereof.

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

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13. **Award of Auditor Contract:** Consideration of a request to award auditor contract

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

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END OF CONSENT AGENDA

PUBLIC INPUT SESSION

John Parry, 127 Carolina Meadows Villa, Chapel, NC, stated that all of the confusion regarding voting machines has resulted from the rather arbitrary attitude of the Board of Elections in making a

decision on the type of equipment used in Chatham County in the future; that the Board of Elections did not hear the citizen's expression of concern and made a decision based on flawed cost analysis; that it's probably that the analysis was compiled to justify their decision rather than to guide it; that a partial correction was made when the action was taken to purchase an Optical Scan unit for each precinct; that unfortunately, this decision was also made without following the required legal procedures; that he wants to introduce an additional thought for the Board's consideration; that it is the intent of the "Help America Vote Act" (HAVA) provisions regarding the accommodation of the disabled voter; that the disabled have long demanded the ability to vote independently, without help, using the same procedures as the able voter; that the recommendation before the Board today does not provide for this and potentially opens the door for a discrimination claim; that able voters will use the personally marked paper ballot to be inserted in an optical scanner which is a fine system; that it has served well in Chatham County in the past; that if the resolution before the Board today is adopted, the disabled voter will be required to use a different system; that the tabulation of votes in the DRE, separate from the Optical Scan totals, effectively reveals the vote of this minority group; that this is not only of questionable legality, but it complicates the voting process by making verification of the vote process more complex, especially if a discrepancy occurs; that the disabled community in Wake County was consulted by their Board of Elections; that they endorsed the Automark system to supplement the Optical Scan; that the Automark provides a capability for the disabled voter to independently mark the ballot to be inserted into the Optical Scan unit; that their vote is then just like a regular voters; that a goal the disabled have worked for many years but is not to be realized if the resolution is approved at the night's Board of Commissioners' meeting; and that he believes, with careful examination, that the Board will also find the combination of the Automark with the Optical scanner to be a more economical system for the County in future elections.

RURAL OPERATING ASSISTANCE PROGRAM

Public Hearing:

Rural Operating Assistance Program: Public hearing to receive public comments on the FY 2006-2007 Rural Operating Assistance Program

Helen Stovall explained that the North Carolina Department of Transportation Public Transportation Division (NCDOT/PTD) has combined their three operating assistance programs into one application process; that these three programs are Rural General Public (RGP), Elderly and Disabled Transportation Assistance Program (EDTAP), and the Work First Transitional/Employment Transportation Assistance Program; that EDTAP funds are used to provide additional transportation services for the elderly and disabled, exceeding the quantity of trips provided prior to receipt of the funds; that the Work First Transitional/Employment Transportation Assistance program supports transitional transportation needs of Work First participants after eligibility for cash assistance has concluded and other general employment transportation needs; that the Rural General Public funds must be used in a manner consistent with the local General Public Service Plan already approved and on file with NCDOT/PTD.

She explained that County governments are the only eligible applicants for these funds; that it is the responsibility of the County Commissioners to sub-allocate and distribute the funds to local agencies; that NCDOT/PTD has allocated \$50,177 in Rural General Public (RGP) funds to Chatham County for FY 2006-2007; that RGP funds can only be allocated to the local Community Transportation System which in Chatham County is Chatham Transit Network (CTN); that these funds require a local match which is provided to CTN by United Way of Chatham County; that Work First Transitional/Employment funds can only be allocated to the Community Transportation System (CTN) or Department of Social Services; that Chatham Transit Network has always been the recipient of these funds; that the total amount allocated for Chatham County is \$6,064; and that the EDTAP allocation for the County is \$47,386.

She stated that the Board of Directors of Chatham Transit Network is recommending the following distribution of these funds:

Chatham County Council on Aging	\$34,637
Chatham County Group Homes, Inc.	2,074

Chatham Transit Network	<u>10,675</u>
Total	\$47,386

The allocation to Chatham Transit Network will be used in the following manner:

Chatham Trades	\$ 3,000
Central Carolina Community College	1,500
Early Intervention and Family Services	500
OPC Mental Health	3,000
Chatham County Together	1,675
Chatham County Group Homes	<u>1,000</u>
Total	\$10,675

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

The Chairman closed the public hearing.

- **FY 2006-2007 Rural Operating Assistance Program:** Consideration of a request to approve the sub-allocation of the FY 2006-2007 Rural Operating Assistance Program (ROAP) funds

- Commissioner Emerson moved, seconded by Commissioner Outz, to approve the sub-allocation FY 2006-2007 Rural Operating Assistance Program (ROAP) funds. The motion carried five (5) to zero (0). The allocation recommendation is attached hereto and by reference made a part hereof.

- **CONVEYANCE OF LAND FOR CENTRAL CAROLINA BUSINESS CAMPUS**

- ***Public Hearing:***

- **Conveyance of Interest in Land at Central Carolina Business Campus:** Public hearing to receive public comments on the conveyance of a fee simple interest in a tract of land at the Central Carolina Business Campus

Woodrow W. Hathaway, Jr., 535 City Lake Road, Siler City, NC, thanked the Board for the opportunity to speak and for giving consideration to convey the property. He recognized other hospital dignitaries in attendance. He updated the Board on the plans for their new facility stating that they have received their Certificate of Need from the State of North Carolina which was granted on January 28, 2006; that this was a major accomplishment with the State recognizing the need for this facility; that they intend to build a twenty-five bed, critical-access, free-standing, not-for-profit hospital; that they have their financing “on the road”, have met with HUD officials, have been approved in Washington, DC, and are looking forward to applying which is basically seventy percent of the battle; that they look forward to receiving tax-exempt financing from this agency; and that they are very excited about moving forward with the project.

Tony Tucker, Chatham County Economic Development Commission President, stated that they heartily endorse the new Chatham Hospital; that this has been ongoing for quite a few years; that the County has been wrestling with the property; that the name has been changed to “Central Carolina Business Campus” as it has been envisioned as more than just an industrial site but as a place where other businesses can prosper and grow; that they are envisioning half of the property for commercial businesses and the other half for traditional industrial type manufacturing; that the hospital will be highly visible and will receive a lot of traffic; that a lot of people will be looking at it; that they have already had a lot of

inquiries from auxiliary type businesses interested in locating close to the hospital; that the hospital will attract a lot of attention and activity in the future; and that it will be good for the County and for Siler City.

The Chairman closed the public hearing.

Commissioner Emerson moved, seconded by Commissioner Outz, to adopt **Resolution #2006-18 Authorizing the Sale of Real Property for Economic Development Purposes**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

PLANNING AND ZONING

Subdivision Sketch Approval of “Pennington Subdivision”: Consideration of a request by Dan Sullivan on behalf of Pennington Family Trust for subdivision sketch design approval of **“Pennington Subdivision”**, consisting of 18 lots on 97 acres, located off SR #1716, Big Woods Road, New Hope Township

As per the Planning Department and Planning Board recommendation, Commissioner Emerson moved, seconded by Commissioner Cross, to grant sketch design approval of “Pennington Subdivision” with the following conditions:

1. The preliminary and final plats shall include a utility easement to the Jordan Woods property at a location determined suitable by the engineer and Chatham County Utilities Department
2. At preliminary plat review, the developer shall provide a letter from the Chatham County Utilities Department stating that the water plans have been reviewed and approved by Chatham County.

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

Subdivision Sketch Design Approval of “Dixon Property”: Consideration of a request by Glenn M. Phillips, P. E., Ballentine Associates, P. A., on behalf of James E. Dixon for subdivision sketch design approval of **“Dixon Property”**, consisting of 28 lots on approximately 83 acres, located off SR #1532, Mann’s Chapel Road, Baldwin Township

As per the Planning Department and Planning Board recommendation, Commissioner Emerson moved, seconded by Commissioner Outz, to grant sketch design approval with the following conditions:

1. The Mann’s Chapel Road right-of-way/Dixon property entrance issue be resolved prior to the applicant submitting for preliminary plat review.
2. The Persimmon Hill Homeowners Association shall sign the major subdivision preliminary application unless the land transfer between James E. Dixon and the Persimmon Hill Homeowners Association is completed prior to submittal of the preliminary plat for review.
3. The preliminary plat shall show the correct radius for each cul-de-sac and shall include a temporary turn-around as recommended at the end of Road “C”.
4. Road “A” as shown on the sketch design plan shall be stubbed out on the west side of the creek and shall not extend to the eastern boundary line of the Dixon property. A temporary turn-around, meeting the size requirements for a cul-de-sac as specified in the Subdivision Regulations, shall be built at the end of Road “A”. A 50 foot wide dedication of public right-of-way shall be shown from the end of the cul-de-sac on the west side of the creek to extend across the creek to the balance of the Dixon property.

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

Revision to Existing “Booth Mountain Planned Unit Development”: Consideration of a request by Nick Robinson, Attorney, on behalf of MacGregor Development Company for a revision to the existing “**Booth Mountain Planned Unit Development**” to relocate the amenity area. The project area consists of 180 lots on approximately 294 acres located off SR #1717, Jack Bennett Road, and SR #1721, Lystra Road, Williams Township

As per the Planning Department and Planning Board recommendation, Commissioner Outz moved, seconded by Commissioner Cross, to adopt **Resolution #2006-19 Approving the Application for an Amendment to a Conditional Use Permit Requested by MacGregor Development Company**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

BOARD OF COMMISSIONERS’ MATTERS

Resolution Approving Purchase of Voting Machines and Equipment: Consideration of a request to reconfirm purchase of voting equipment on January 17, 2006 by adopting **Resolution Approving the Recommendation of the Board of Elections to Purchase Voting Machines and Equipment**

The County Attorney explained that the new resolution reaffirms the Board’s action of January 17, 2006 confirming approval of the Board of Election’s action to purchase various voting machines; that there is litigation pending questioning whether the Board of Elections, meeting on January 17, 2006, was proper; that out of the abundance of caution, the Board of Elections reaffirmed their position on this last week; that since the voting system to be used in the County has to be the recommendation of the Board of Elections and has to have the approval of the County Commissioners, it is recommended that the Board of Commissioners adopt the resolution.

Karl Kachergis, 1417 Morris Road, Pittsboro, NC, voiced concern that this issue was on the agenda for approximately 8:30 PM and due to the earlier than anticipated time frame, there might be others who wished to speak to the issue that would not be present until 7:30 PM or later.

Gretchen Lothrop, 1 Elf Way, PO Box 1562, Pittsboro, NC 545-0280 stated that she had filed suit, along with Gael McKeon, against the Chatham County Board of Elections; that the suit was filed on March 31, 2006; that the Board of Elections has quickly restated the resolution before the Board of Commissioners knowing that they have asked for a substantive hearing on the merits of this case as outlined; that the reason they brought their case against the Board of Elections is because of their withholding of minutes and scheduling their meetings amounting to numerous violations of public records and public document laws which prevented them from bringing the facts before the Board of Commissioners and addressing the facts that they questioned with the Board of Elections; that there were some important statements made by the Board of Elections through an ill-considered resolution as follows: 1) There was no HAVA deadline; that there was a document distributed by the NC Association of County Commissioners which stated that: It is our understanding that Help America Vote Act (HAVA) funds are NOT in jeopardy if counties do not meet the State Board of elections’ (SBOE) January 20, 2006 suggested deadline to order new elections equipment in time for the May 2, 2006 primary; that when the Board of Commissioners considered the resolution on January 17, 2006, the Board of Elections insisted that the Board of Commissioners had to decide on that date; that it was a fictitious deadline; that the Board of Elections insisted that the Board of Commissioners had to decide on January 17th; that the Board of Elections has stated that Optical Scanning machines cannot be used for early voting; that she had a letter from *Printelect* dated December 8, 2005 stating clearly that Optical Scan can be used for multiple precincts; that the Board of Elections has stated that Optical Scan cannot be used by the handicapped; that Jack Parry addressed this stating that the AutoMark is a state-of-the-art device for use by the handicapped with the Optical Scan; that the Board of Elections has told the Board of Commissioners that touch-screen DREs are less expensive than Optical Scan; that this is untrue; that the DREs cost at least twice as much to test and are considerably more expensive to maintain; that there has been and continues to be wide-

spread evidence that DREs are unreliable; that the majority of states in the United States have had a series of problems with touch-screen voting; that votes have been lost and votes have changed; and that this is a very serious issue. She asked that the Board reject the current Board of Elections' resolution which she stated is based on falsehood. She stated that the resolution seems to ask the Board of Commissioners to approve spending \$447,447.00 when in fact the Board of Elections has already decided to spend at least \$100,000.00 more than the Board of Commissioners has approved for them to spend; that she is asking the Board of Commissioners to reject the resolution and ask that they require the Board of Elections to file an immediate request with the State Board of Elections asking for approval of the use of paper ballots for this primary election so that they can carefully reconsider the best way to have a maximum transparency and reliably with the wisest use of the taxpayers money.

Nick Meyer, 988 Booth Hill Road, Chapel Hill, NC, stated that that there are two issues at hand: 1) open and accountable government; that this is not about anything else that is going on; that it is only with the Board of Elections and this particular issue; that their decision-making process throughout has been secretive and arbitrary; that he thinks that everyone needs to be as open as possible and to consider the opinions and the rights of the voters; 2) How is the County going to go about being fiscally responsible?; that it should hold its various bodies to the strictest standards of accountability, both to the public and to the Board itself; that the resolution set out a certain amount of money; that they spent money in ways that were not in the original supporting schedule that accompanied the original resolution they passed; that spent money that were not in any of the resolutions that were considered; that this doesn't seem to be a very good way of going about government; that the reason a board of commissioners is elected is to look after the taxpayers pocketbooks; that that should be one of their first considerations; that they are the ones who have the responsibility for being fiscally responsible; and that if decisions are made based upon untrue numbers or numbers that appear to be unrelated to the facts and other expenditures are made without being accountable in any way, he doesn't understand how the Board of Commissioners can be accountable.

Commissioner Cross stated that since the Board voted on the resolution on January 17, 2006 and voted to amend the motion on March 20, 2006, he doesn't see why the resolution is being considered for the third time. He stated that if it had anything to do with the upcoming lawsuit, he felt that the Board was placing itself in jeopardy with the courts and he doesn't desire to do that.

The County Attorney stated that he doesn't see how it could place the Board of Commissioners in jeopardy with the courts; that whatever action the Board of Commissioners takes tonight is not before the court; that he thinks that in order to show that this Board does support the decision made on January 17, 2006, it needs to do that to send a message.

Commissioner Barnes stated that it probably was Chatham County politics; that the entire thing to him has been a disappointment from day one and a mess from day one; that he has had people calling to blame it on the Board of Commissioners; that the Board of Elections are three people elected by the Democrat and Republican parties; that he didn't nominate or appoint them; that he doesn't understand because no member sitting on the Board appointed any of them.

Chairman Morgan stated that he did vote for them at the Democratic meeting.

Commissioner Barnes stated that now the Democratic party is blaming the two delegates it voted for; that they need to clean up their own house and their own appointees before they come fussing to the Board of Commissioners; that his concern is similar to Commissioner Cross'; and that he would like to see the matter tabled until the next meeting in order to hear what transpires in court.

The County Attorney explained that the law is that it has to be referenced and approved by the Board of Commissioners and by the Board of Elections. He explained that it is being done again due to Ms. Lothrop filing a suit contending that the Board of Elections' initial action was improper. He stated that the Board of Elections has redone their resolution; that if it was improperly done, the new resolution

took care of it and the Board of Commissioners is voting on what the Board of Elections has recommended.

Chairman Morgan stated that the Board of Commissioners voted to support the Board of Elections' actions on January 17, 2006; that the amendment was approved at the March 20, 2006 Board of Commissioners' meeting; that he received an e-mail from the Chairman of the Democratic Party asking that the Board of Commissioners table any action with regard to support of the Board of Elections' resolution until the legal process has run its course; and that he said that he would relay the request to the Board.

Commissioner Outz asked if the Board needed to take action before it understands what the legal situation is.

The County Attorney explained that the Board would need to adopt its resolution approving the recommendation of the Board of Elections to purchase the voting machines and equipment before the set court date.

Commissioner Emerson stated that it is unfortunate that this situation has been a mess; that much of it is political; that he is a loyal Democrat; that the Board of Commissioners acted in good faith on their first vote; that there was a lot of people who disagreed with the action which was their privilege; that the Board reaffirmed the action on March 20, 2006 with an amendment; that the County Attorney is now advising the Board that the Board of Elections has taken additional action to clarify and strengthen their previous actions; that he is recommending that the Board of Commissioners reaffirm what they have done twice; that the machines have already been ordered; that they have already arrived; that he voted during the day and the machines worked like "a top"; that it also has a paper ballot which he checked before it rolled up; that everyone is entitled to an opinion; that he still maintains that each one on the Board of Elections is honorable; that if they made a mistake, they remain honorable people; that if a mistake was made, it was not done intentionally to injure anyone in the County; that it was in their purview to make the decision; that the Board of Commissioners had to confirm the purchase of them because the Board of Commissioners controls the purse; that they did not have the authority to change it; that if they had not supported the Board of Elections, they would ultimately have had to go into mediation; and that the smart political thing he should do is not make a decision before the election; however, it is not the right thing to do.

Commissioner Emerson moved to adopt **Resolution #2006-20 Approving the Recommendation of the Board of Elections to Purchase Voting Machines and Equipment**. Chairman Morgan seconded the motion.

Mr. Parry stated that there is a provision in HAVA to provide for aid to the disabled voter; that they do not want to be segregated into another form; that the system that is being voted on does exactly that; that it segregates disabled people and ambulates their vote on a different system; that it is not an independent voting system with which they can feel confident; that when the Wake County Board of Elections considered this problem, they very clearly consulted the disabled voter; that the disabled voter looked at the AutoMark system which permits them to mark the paper ballot and feed it into the same scanner that others use; and that it is not tabulated in a separate register.

Karl Kachergis stated that the County Attorney has said that the first resolutions were fine; that he wonders why it should be revisited; that as the Board of Elections was concerned, he probably would have voted for them as part of the Democratic Party; that they did seem like fine and honorable folks; that voting machines have been discussed for the last four years and they felt that they were on the same page as the Board of Elections; that the more he heard about these machines from the people who were close to computers, the less they trusted them; that data from all over the United States showed that these machines were unreliable; that the Democratic Party did vote to have the Board of Elections removed; that it is very hard to have a Board of Elections removed; that there has been a revamping of the State Board of Elections; that they are the most unaccountable group; that Wake County made its decision

thirty days after the Chatham County Board of Commissioners made their decision; that the Board of Elections was not giving the Board good information; that the DRE machines are much more expensive; that the Board of Elections has mismanaged funds; that with real paper ballots, voters feel secure; that that is what they are used to; and that if necessary, the ballots can always be recounted.

Ms. Lothrop stated that she was only interested in accuracy; that she was not politically motivated; and that at the January 17, 2006 meeting, the audio confirms that several Board members felt under pressure to meet the January 20th deadline.

Commissioner Barnes confirmed what Ms. Lothrop said, however, he stated that Ms. Lothrop's "E-News Update" from the North Carolina Association of County Commissioners (NCACC) was misleading; that he still has his actual copy of that bulletin; that the headlines plainly state that the Board had until January 20, 2006 to make their decision and that it was a mandated law; that the paper that was distributed by the North Carolina Association of County Commissioners plainly stated the deadline; that that is why the Board voted on that night; that the issue at hand is not what is to be ordered; that the machines are already here; that we are going to vote with what we have regardless; that what Ms. Lothrop has is misleading as it is not what the Board had on the night of January 17, 2006; that the reason the Board voted the way they did was because of what they were told by the State Board of Elections and the NCACC; that they were told if the Board did not vote, the matter would go to mediation; that he is not making excuses for why anyone voted the way they voted; that he is just saying why they voted; that telling him that he knew that the January 20th deadline was false, did not have anything to do with it; that they voted because the January 20th deadline was in fact the correct deadline.

Ms. Lothrop stated that it was unfortunate that the State Board of Elections had not upheld it.

Commissioner Barnes stated that according to what the NCACC told them, they had until January 20, 2006 to make their decision and that is why they voted on January 17th.

Bonnie Bechard, 238 Bartlett Drive, Pittsboro, NC, stated that there was a memo from the Board of Elections that they could have presented that night; that it may have needed a little tweaking; that the problem with introducing any new voting system is that there are so many unknowns; that everyday they learn something new; that she did a cost analysis the day before and it already needs to be updated; that the estimated cost is \$447,447.00 and the purchase order totals \$457,000.00; that there are some things that are not on it that she understands have been ordered such as racks for the DREs which are required for transportation which adds another \$12,000.00; that the voting booths, originally thought to be needed are also not included; that the item that causes her the most concern that is not included is the cost of logic and accuracy testing which is so important with any voting system; that she is afraid that the County is digging itself into a hole incurring all the extra costs for the DREs; that the taxpayers expect fiscal responsibility; that there are many needs; that by allowing the Board of Elections to waste money on DREs is unacceptable; that when the Board of Elections was opposed to Optical Scan because of the time involved in sorting ballots; that there were sixty days to get the results by precinct to the parties; that even this was done by hand, it would take six to ten man-hours from the election to sort them by precinct; that the County has volunteers to help do this; that after each precinct has been batched they are run through a tabulator to get a count for each precinct; that there is a card available for the Optical Scan that automates counting up to eighteen precincts; that it is a little confusing if there are a lot of different ballot types, but that is why some counties hand-sort; and that the State Board of Elections approved both systems.

Jim Lewis, 1540 Windy Ridge Road, Chapel Hill, NC, asked what the ramifications were if there was a motion and second if it does not pass.

The County Attorney stated that there was no answer except what he has already stated; that if the court agreed that the action taken by the Board of Elections on January 17th was not appropriate, they might have a question as to whether or not the County has a system that has been approved.

The Chairman called the question.

The motion carried three (3) to two (2) with Commissioners Cross and Barnes opposing. The resolution is attached hereto and by reference made a part hereof.

MANAGER' S REPORTS

The County Manager reported on the following:

Chairman Morgan moved, seconded by Commissioner Cross to amend Consent Agenda Item #11 as follows:

11. **Appoint Goldston Volunteer Fire Department Chief to Conduct Public Hearing:** Consideration of a request to appoint Chief Todd Elixson to conduct a public hearing on May 23, 2006 at 7:00 PM at the Goldston Volunteer Fire Department for the purpose of receiving public comments on the proposal to purchase an emergency response vehicle at a cost of \$282,600.00

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

COMMISSIONERS' REPORTS

There were no Commissioner's reports.

ADJOURNMENT

Commissioner Emerson moved, seconded by Commissioner Outz, to adjourn the regular meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 7:37 PM.

Bunkey Morgan, Chairman

ATTEST:

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