

**MINUTES  
CHATHAM COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING  
JUNE 05, 2006**

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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 June 05, 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

**PLEDGE OF ALLEGIANCE AND INVOCATION**

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

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The meeting was called to order by the Chairman at 9:01 AM.

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**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:

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held May 15, 2006, work session held May 15, 2006, and budget work session held May 22, 2006

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

2. **Appointment of Goldston Fire Chief to Hold Public Hearing:** Consideration of a request to appoint Chief Todd Elixson to conduct a public hearing on July 11, 2006 at 7:00 PM at the Goldston Volunteer Fire Department for the purpose of receiving public comment on the proposal to purchase an emergency response vehicle at a cost of \$213,938

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

3. **Reappointment of Chatham County Tax Assessor:** Consideration of a request to reappoint Kimberly Oldham Horton, CAE as Chatham County Tax Assessor as per GS 105-294

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

4. **Refund of Overpaid Excise Stamps:** Consideration of a request by Benjamin Spence Albright for a refund in the amount of \$550.00 for overpaid excise stamps

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

5. **Reappointment to Recreation Advisory Board:** Consideration of a request to reappoint Ernest Clemons, 1711 Farrington Road, Chapel Hill, NC, to the Chatham County Recreation Board by Chairman Morgan

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

6. **Appointment to Recreation Advisory Board:** Consideration of a request to appoint Curt Farrell, 200 McGhee Road, Chapel Hill, NC, to the Recreation Advisory Board to replace Allan Baddour by Chairman Morgan

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

7. **Project Ordinance Amendments:** Consideration of a request to approve Fiscal Year 205-2006 Project Ordinance Amendments, attached hereto and by reference made a part hereof.

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

8. **Budget Amendments:** Consideration of a request to approve fiscal Year 2005-2006 Budget Amendments, attached hereto and by reference made a part hereof.

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

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

- A. Price Mitchell Road
- B. Lesters Way
- C. Wesley Lynn Road

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

#### **END OF CONSENT AGENDA**

#### **PUBLIC INPUT SESSION**

**Joe Fraser**, 4 Fearington Post, Pittsboro, NC, Vice Chair of the Chatham County Recreation Advisory Board, stated that while the idea of building an auxiliary gymnasium at Northwood High School may present benefit to Northwood, the utilization of 1.7 million dollars of the recreation fees does not appear to be the best use for this money; that to repeat what Allen Baddour, retired chairman of the Chatham County Recreation Advisory Board said, the County only has two park facilities: 1) the ball park at Bynum and 2) the new Southwest Park; that the County needs a park in the northeast, especially considering all of the new development; that currently, there is an on-going search for a site in the northeast to fulfill these needs; the Chatham County Parks and Recreation board questions the use of 1.7 million dollars of recreation funding for an auxiliary gym at Northwood; that according to Superintendent Ann Hart during the Board's last work session, the "pecking order" for use of a new gym would be: 1) high school kids, 2) inter-intramural, 3) then the public; that all would have to be scheduled through the school; that it is doubtful that this gym would be available and have public access during school hours; that there is already very little parking at the school; that currently the Northwood main gym is over-crowded; that Northwood needs all the financial help it can get, but there needs to be a source of funding that does not take away from the recreational needs of the public; that the Recreation Advisory Board recommends against this specific use of these recreational funds; that they also recommend that Tracy Burnett, Director of the Chatham County Parks and Recreation Department, who spends a great deal of

time preparing budget needs, planning and scheduling of County recreation needs, be made an integral part of the decision process; that this is called proper palling; and that together, with all parties involved, a better decision can be made.

**Bobby Hussey**, 106 Westover Drive, High Point, NC, employee of Weiser Security Services, voiced concern over the award of the contract process and the handling of the evaluation for the collection centers. He stated that he has worked with the centers for thirteen years; that he has never seen anything take place the way this process took place; that he has a lot of county and state bids and has never been through anything like this; that out of thirteen years, he has met with County employees each month for ten years; that during that ten year process, he has never received a bad report from the County; that after this past evaluation, Weiser Security Services was voted the worst of five companies who bid on the job; that stated that he wondered why, if they were the worst company, the County did not rate them as such during his ten-year tenure; that if they are the worst company, why did the County want to keep his employees; that there are a lot of questions that need to be asked; and that he is personally protesting the award of the contract and the way things were handled.

**Lee Emerson**, 760 Lee Emerson Road, Bear Creek, NC, stated that he had worked for Weiser Security Services for over ten years; that he retired in October 2005; that his relationship was good with them and Waste Management throughout that time; that he supervised the work of 25-30 guards who were staffing the centers; that as far as he knows, they were doing an acceptable job; that he was satisfied with his relationship with Weiser Security Services and felt that his relationship with the County was the same.

The Chairman closed the Public Input Session.

The County Attorney stated that they were in the process of answering the Weiser protest; that he will get with the County Manager to draft a response; that this is a personal services contract; that it is in a different category from regular construction contracts; that he will explain that in his response; that it has already been before the Board as the Board has awarded the contract; that if the protest is not granted, the bidders have to determine whether or not it is appropriate for judicial review; that he does not think that it is because it is a personal services contract and the County has great leeway in that; that the County is not bound by the same rules as construction and purchase contracts; and that they will review it.

Commissioner Barnes stated that he attends and monitors the Solid Waste Advisory Board very closely; that it is one of the best and most conscientious boards that the County has; that he was impressed from the very start that private citizens would meet and work as hard as they do; that he was surprised at the time and effort they put into it; that they go overboard; that the discussion regarding the new security contract was not taken lightly; that there were serious discussions on it; that it went on for a while; that what they did, in the view of the Solid Waste Advisory Board, was in the best interest of the County; that they were not putting Weiser Security down; that he disagrees with Mr. Hussey in saying that it was the worst of the interviewed groups, as it was not; that the group to which they awarded the contract, in the view of the board, was somewhat better for the County and the people working for them; that it was not done in a malicious manner, but for the best of all concerned.

Chairman Morgan stated that because the Solid Waste Advisory Board made the recommendation, and the Board of Commissioners approved the contract based on their recommendation, the next step for Weiser, once the information is received from the County Attorney, they could decide if they wished to proceed further.

## **BOARD OF COMMISSIONERS MATTERS**

### **Public Hearing:**

**Public Hearing On Economic Development:** Public hearing to receive public comments on a proposal to construct certain improvements in the Central Carolina Business Campus for an economic development project to approve contracts for:

1. Sanford Contractors in the amount of \$5,480,407.67 for streets, water, and wastewater improvements
2. Dellinger, Inc. in the amount of \$924,000.00 for arch culver installation

Consideration of a request to adopt **Resolution Authorizing the Execution of Construction Contracts for Economic Development Purposes**

**Tony Tucker**, 118 West Street, Pittsboro, NC, Economic Development Corporation President, stated that the County already has three entities committed to locating in the business park and two others interested in doing so; that a lot of time, energy, and money have already been expended toward the park; that they need to move forward to make it a reality; that they have a lot to do over the next few months; that they have had a lot of issues with driveway permits, stop lights, buffer zones, creeks, etc.; that they have finally been resolved; that they are now at the point where they will be able to promote business and industry in the County; and that for those reasons and many others, they urge the Board of Commissioners to proceed forth with the contracts.

Commissioner Emerson stated that there is a lot of interest in the jobs for the correctional institution; that approximately 60-65 proposed various jobs; and that he would like to see a process established where local people can make applications to the State for the jobs. He asked if the Economic Development Director could make contact with the State to get the word out at the proper time.

Mr. Tucker assured the Board that he would do everything possible to make certain that local people have the opportunity to apply for the jobs.

Chairman Morgan closed the public hearing.

Commissioner Emerson moved, seconded by Commissioner Barnes, to adopt **Resolution #2006-27 Authorizing the Execution of Construction Contracts for Economic Development Purposes**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0). The contracts are also attached hereto and by reference made a part hereof.

## **MANAGER' S REPORTS**

The County Manager asked the Board to receive a presentation on "Land for Tomorrow".

### **LAND FOR TOMORROW PRESENTATION:**

Kate Dixon, stated that "Land for Tomorrow" is a state-wide coalition of individuals and organizations representing a diversity of interests - including business and industry, education, tourism, community development and conservation - is urging the General Assembly to approve a \$1 billion general obligation **Land and Water Conservation Bond** for voter approval this fall.

She stated that the funds would be used to support the preservation of land and water, and North Carolina's "special places" - the natural, cultural, historic, and community resources that define our state's character and that this statewide initiative will also help create jobs and promote economic development.

Ms. Dixon's presentation is as follows:

### **WHO ARE WE?**

Land for Tomorrow is a diverse partnership of businesses, conservationists, farmers, environmental groups, health professionals and community groups committed to securing support from

the public and General Assembly for protecting land, water and historic places.

We're asking the North Carolina General Assembly to enable a bond issue for \$200 million a year for five years to preserve and protect its special places before it's too late. Land for Tomorrow will help the state reach its goal of conserving a million acres, ensuring that working farms and forests; sanctuaries for wildlife; land bordering streams, parks and greenways; land that helps strengthen communities and promotes job growth; historic downtowns and neighborhoods; and more, will be there to enhance the quality of life for generations to come.

Land for Tomorrow is North Carolina's best chance to ensure that future generations continue to enjoy clean water and air, vibrant communities and economic progress in our State.

We must use "every appropriate way to preserve as part of the common heritage of this State its forests, wetlands, estuaries, beaches, historical sites, open lands and places of beauty."

According to the US Census Bureau, over the next 25 years North Carolina's population will increase by about 50 percent to more than 12 million people. North Carolina, now tenth, will become the seventh most populous state — surpassing New Jersey, Michigan and Ohio.

The effects of population growth have already been felt. Over the last decade more than one million acres of natural and rural areas have been developed, or 100,000 acres lost per year. Between 1987 and 1997, North Carolina lost more prime farmland than any other state except Ohio and Texas. And for the first time since the 1930's, the State is experiencing falling forest acreage.

Fortunately for North Carolinians, a Constitutional mandate is already in place to help deal with these issues. North Carolina voters overwhelmingly approved Article XIV, Section V of our State Constitution in 1971, which mandates the conservation of our natural resources. The amendment says we must use "every appropriate way to preserve as part of the common heritage of this State its forests, wetlands, estuaries, beaches, historical sites, open lands and places of beauty." Land for Tomorrow builds on that Constitutional foundation for conservation.

## **WHY PROTECTING LAND IS IMPORTANT**

The quality of North Carolina's lands and drinking water are as important now as they were 400 years ago when English explorers declared what they had seen "to be the goodliest soil under the cope of heaven." Much of the state's gross product is generated by agriculture, tourism, forestry, fishing and military bases. The future of jobs associated with these industries is in jeopardy. Our public health depends on clean water and air and places to exercise.

Our quality of life and communities are enhanced by our state's parks and trails, places celebrating our history and the sheer beauty of the land. It's a quality that plays an increasingly important role in attracting new businesses to our state. North Carolina's geographic diversity produces a special variety of native plants and animals that makes this one of the world's ecological "hot spots." North Carolina needs the investment of \$200 million for the next five years to protect and preserve its goodliest land. Every year it becomes harder and more expensive to protect the places that make North Carolina special. We must act now.

## **WHY WE NEED YOUR HELP**

Land for Tomorrow will be working with the General Assembly to reach the State's goal of conserving a million acres, and ensuring that working farms, forests, land bordering streams, parks, greenways, and historic places and more will be there to enhance the quality of life for generations to come.

We cannot do this without your help. We need you to communicate with your legislators to ask

them to support Land for Tomorrow's goals. We need you to spread the word about Land for Tomorrow to organizations you belong to, your family and friends.

You can join the effort now to help preserve and protect clean drinking water, working farms and forests, historic places, game lands and parks for future generations to enjoy. Saving our goodliest land will be one of the smartest investments ever made by North Carolina's citizens.

Contact Us:

If you have questions about Land for Tomorrow or if you would like more information please contact us at, 919-403-8558, extension 1009 or by e-mail at <mailto:kdixon@landfortomorrow.org>.

Tandy Jones stated that he would like to speak as a Chatham County citizen and as an employee of the Triangle Land Conservancy; that he believes this gives everyone the opportunity to do even more work; that he is very proud of the work that Triangle Land Conservancy has done; that in the next eighteen months, they expect to close ten projects, about 550 acres with an approximate work of four million dollars primarily with funds from the Conservation Trust Funds; that all of the projects will be on public water source rivers; that in case, they have approximately one hundred twenty acres around the Pittsboro water intake; that protecting these lands is a valuable benefit to the citizens of the County in terms of water quality; that another aspect that they have done is with the Agricultural Advisory Committee recently forming a Working Lands Committee which will endorse one of their largest hurdles to get money to leverage the federal funds that are already available for working lands protection; that since Chatham County doesn't have a program, there is no money available to leverage the funds; and that they are talking about additional funds to be added to the federal funds if a Chatham County program can get started.

Kurt Bradley stated that he believes that green infrastructure is equally important as grey infrastructure for quality economic development; that while they do a lot of things with the State, they need a bond issue to accelerate things; that Chatham County would benefit from a bond. He urged the Board of Commissioners to support it stating that he felt it was very important for continued and quality growth now being experienced in Chatham County.

Commissioner Emerson moved, seconded by Commissioner Outz, to adopt **Resolution #2006-28 in Support of "Land for Tomorrow"**.

Commissioner Emerson stated that consideration should be given to allowing Land Use Taxation to timber companies in order to provide an incentive not to sell timber tracts and that even under Land Use Taxation such tracts would be profitable to the County due to lower level of service required. He suggested this topic should be discussed with those involved in the conservation movement.

The Chairman called the question on the resolution. The motion carried five (5) to zero (0). The resolution is attached hereto and by reference made a part hereof.

## **COMMISSIONERS' REPORTS**

### **Affordable Housing Luncheon:**

Commissioner Cross stated that the Affordable Housing Luncheon went well. He stated that they collected more sponsorship funds than they needed which will be carried over in case additional funds are needed for functions in the future.

### **Joint Meeting with the Town of Cary:**

Commissioner Cross reminded everyone of joint planning meeting with the Town of Cary at North Chatham Elementary School. He stated that it was not a public hearing but for public input only and

stressed that the meeting was an opportunity to work together for a mutually agreeable plan.

### **Planning Board Appointments:**

Commissioner Barnes moved, seconded by Commissioner Cross, to appoint Sally Kost, 1101 New Hope Church Road, Apex, NC, to the Chatham County Planning Board. The motion carried five (5) to zero (0).

Commissioner Cross moved, seconded by Commissioner Barnes, to appoint Evelyn Cross, 4964 Corinth Road, Moncure, NC, to the Chatham County Planning Board. The motion carried five (5) to zero (0).

Chairman Morgan moved, seconded by Commissioner Emerson to reappoint Cecil Wilson, 489 Hollands Chapel Road, Apex, NC, to represent the minorities of the County to the Chatham County Planning Board to replace Jennifer Andrews who does not wish to be reappointed. The motion carried five (5) to zero (0).

Commissioner Outz moved, seconded by Commissioner Emerson, to appoint Mary Nettles, PO Box 1629, Pittsboro, NC, to the Chatham County Planning Board. The motion carried five (5) to zero (0).

### **Old Sanford/Chatham Church Roads:**

Commissioner Outz voiced concern with regard to the residents of Old Sanford Road and Chatham Church Road and their need of water. He stated that no concrete action between Chatham County and the Town of Pittsboro had been taken and that he would like to see this matter resolved.

Chairman Morgan stated that as per Roy Lowder, Interim Utilities Director, forty-two citizens had signed up for water; that he doesn't have any problems providing water to these folks as lines are going to be installed on the lower end of Chatham Church Road; that he does have a problem with the County installing the lines and Pittsboro providing the water.

The County Manager stated that it would be an alternate bid process for the western water projects; that there would be no way that Pittsboro could serve it, even if the County ran the line, because there is no connection to Pittsboro water; and that the construction documents need to be completed so that the westward projects can be in place which is the next stage of the water system.

The engineers are to be asked to bid on the process.

### **Taxing Easements:**

Commissioner Outz asked about taxing easements.

The County Attorney explained that land was taxed to the owner; that the value of the land is affected by the easement; that that is taken into account; and that the landowner can use the land for anything that does not interfere with the easement.

Chairman Morgan asked that Kim Horton, Tax Assessor, be present to give an update on this matter at the next meeting.

### **ADJOURNMENT**

Commissioner Emerson moved, seconded by Commissioner Cross, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 10:09 AM.

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Bunkey Morgan, Chairman

ATTEST:

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