

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
AUGUST 07, 2006

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 10:00 AM on August 07, 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 10:03.

The County Manager reviewed the Work Session Agenda.

Work Session

1. Noise Ordinance Draft
2. School Bonds: Request for delay of referendum and funding by COPS
3. Chatham-Cary Joint Area Plan Update
4. Covenants for Central Carolina Business Campus
5. Board of Commissioners: IRS and Expenses
6. Consideration of a request to convey officer weapon to retiring deputy
7. Consideration of a request to approve a loan to the Chatham County Council on Aging for the Siler City Senior Citizens Center
8. Chatham/Harnett Transmission Mains, Pumping Facilities and Storage Facilities Professional Services Contract Surveying and Preliminary Design Services
9. Closed Session to discuss litigation

REDISTRICTING

Dr. Tom Wagner, Jr., Chairman of the Redistricting Committee, stated that the members of the Redistricting Committee have been extraordinarily efficient and pleasant and that he had enjoyed working with them.

Dr. Wagner stated that after considering sixteen different maps, the Redistricting Committee recommends map #5-3 for consideration by the Board of Commissioners; that the reasons for choosing this map are as follows: 1) The boundaries are well defined because they follow roads and streams. They are clean looking and the districts are compact. 2) Based on the official 200 census figures, the population numbers of each district are as nearly equal as practicable. 3) They have been sensitive to minority concerns which were voiced at the public input session at the July 18, 2006 Board of Commissioners’ meeting. 4) They have complied with the requests of each of the town boards that their towns not be divided. 5) They have complied with the requirement that they not interfere with the unexpired term of any sitting Commissioner. The new districts will take effect for the 2008 election. The terms of current Commissioners Cross and Barnes expire in 2008.

He stated that the newly drawn boundaries would affect current and prospective Commissioners as follows:

District #1: Incoming commissioner Lucier and current Commissioner Barnes both live in District #1. In 2008, Commissioner Lucier will still have two years left to serve. Therefore, Commissioner Barnes would need to wait two years if he chose to file for reelection.

District #2: If Commissioner Cross chooses to seek reelection in 2008, he would run in his newly defined District #2.

District #3: Mr. Vanderbeck resides in the current District #4 and if he is elected in 2006, he would then serve four years in new District #3.

District #4: Mr. Karl Ernst resides in the current District #4. If he is elected in 2006, he would then serve four years in the new District #4.

District #5: Incoming Commissioner Carl Thompson's district would not change

Note: Depending on who is elected in November, 2006 (Mr. Ernst or Mr. Vanderbeck) the seats to be filled in the election of 2008 will be either District #2 and District #3 or District #2 and District #4.

The Board thanked the committee for their efforts.

Draft maps of the proposed Board of Commissioners districts (Plan 5-3) and proposed Board of Commissioners districts with current Board of Commissioners' districts are attached hereto and by reference made a part hereof.

BOARD OF EDUCATION

Ms. Debs McManus, representative of the Board of Education, stated that at their July 24, 2006 Board of Education meeting, their board voted to request a delay of the November, 2006 bond referendum and ask that Certificate of Participation (COPs) funds be employed to build the new high school.

A considerable amount of discussion ensued by the Board of Commissioners regarding the request by the Board of Education to delay the bond referendum and to fund the new high school with COPs.

The Board of Education expressed concern about not having enough time to mobilize a supporting public.

The Board of Commissioners expressed concern that irreparable damage had already been done because the Board of Education had prematurely determined by public comment that there was insufficient time to mobilize to pass a bond referendum.

After further discussion, Commissioner Emerson moved, seconded by Commissioner Barnes, to remove the bond from the fall election at the Board of Education's request. The motion carried five (5) to zero (0).

The Board of Commissioners agreed to meet with the Board of Education on Monday, August 14, 2006 at 6:00 PM at the Administrative Offices of the Board of Education to further discuss the matter.

BREAK

The Chairman called for a short break.

COVENANTS

Paul Messick, Attorney, introduced Eric Vernon and served as translator for the County.

Eric Vernon, Attorney for Chatham Hospital, Charles Johnson, Chairman of the hospital board, and Carol Straight, hospital administrator, appeared before the Board of Commissioners in an attempt to clarify some remaining issues with the proposed restrictive covenants for the Central Carolina Business Campus as follows:

1. The Board of Commissioners agreed that as far as incompatible uses were concerned, originally set forth in a proposed Section 3.07, the hospital could have a right of first refusal to purchase any lot adjoining Lot #7, including those on the opposite side of the proposed roads. The hospital would have sixty (60) days within which to exercise the right.
2. The Board of Commissioners agreed to allow the hospital a grace period of two years following completion of its facility within which a proposed use that conflicted with an existing service or use or one reasonably expected to be used or provided by the hospital would require the consent of the hospital and that it would have 180 days within which to grant or deny consent. After the initial grace period, the hospital would have the right to consent only if the proposed use conflicted with an existing service or one that the hospital was willing to commit to provide within two years of the request for consent. The hospital would then have only 60 days within which to grant consent or commit.
3. As far as site plan review was concerned, the Board of Commissioners agreed to accept a copy of the plans submitted to the Town of Siler City and additional information concerning exterior materials and impervious surface data. The County would review the information unique to these County requirements, but otherwise to rely upon the Town's review.
4. The Board of Commissioners agreed to exclude the hospital from the two year repurchase requirement if required by any of its lenders instead of just HUD.

LUNCH BREAK

The Chairman called for a short lunch break.

COUNCIL ON AGING – SILER CITY SENIOR CENTER

Charlie Horne, County Manager, explained that in Fiscal Year 2006, the Board of Commissioners approved a \$300,000.00 loan to the Council on Aging for the Western Senior Center; that originally, these funds were going to be used to purchase the building; that the Council on Aging was able to obtain a loan for the purchase; that the Council on Aging is now requesting release of the \$300,000.00 loan in order to complete construction within the facility; that the Council on Aging has requested that no loan payments be made for five years and that the loan be zero percent interest; that the Board may wish to grant these terms or they may wish to consider granting the funds to the agency without requiring repayment; that this would bring the County's total contribution to this project to \$600,000.00; that granting the funds would have little impact on the County in the near term; that the "loan" amount has already been allocated from the Fiscal Year 2006 budget; that since the loan would not be paid for five years, these funds would not be available to the County for this period of time; that not requiring repayment would have a larger impact on the Council on Aging, as it can use its funds to provide senior programs instead of making loan payments.

Renee Paschal, Assistant County Manager, distributed a detailed project budget. She also quantified the approximate annual benefits to the County by the Council on Aging. She stated that the

Council on Aging, as a non-profit agency, is a function of County government and operates almost independently from the County. Copies of the capital project and the annual savings are attached hereto and by reference made a part hereof.

Lonnie West, Council on Aging Director, explained the benefits of the building to the County. He stated that the building could also be used as an emergency shelter, if needed.

Chairman Morgan moved, seconded by Commissioner Cross, to grant funds in the amount of \$300,000.00 to the Council on Aging. The motion carried five (5) to zero (0).

Chairman Morgan moved, seconded by Commissioner Cross, to approve the letter of commitment, authorize the County Attorney to draw up an agreement with the Council on Aging, and authorize the County Manager to execute the agreement. The motion carried five (5) to zero (0).

NOISE CONTROL ORDINANCE

Capt. Roy Allen reviewed the proposed changes in the Noise Control Ordinance.

The proposed Noise Control Ordinance is to be reviewed by the County Attorney, advertised for a public hearing, placed on the County web site for review by the public, and returned to the Board of Commissioners for a public hearing on August 21, 2006.

Award of Service Revolver:

Chairman Morgan moved, seconded by Commissioner Emerson, to confer his service revolver to retiring Officer Mike Miller with the Chatham County Sheriff's Office. The motion carried five (5) to zero (0).

WATER

The County Attorney explained that it was the Board's request to review and clarify plans for water system requirements for private developments where the water is regulated by the Utilities Commission; that the review by the County would be very limited; that the County would look at hydraulic reviewing, water main sizes, and fire hydrant placement only; and that the proposed amendment provides clarification by amending the County's water policy.

Commissioner Barnes moved, seconded by Commissioner Cross, to adopt **Resolution #2006-41 Amending the Chatham County Water Policy**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Projects Update:

Tim Carpenter, Hobbs, Upchurch & Associates engineer, reviewed the Southeast Water District, Phase I, Construction Cost Estimate which includes Chatham Church Road from Pete Roberson Road to Old Sanford Road. He also reviewed the preliminary cost estimate of Old Sanford Road. Both estimates are attached hereto and by reference made a part hereof.

SOUTHEAST CHATHAM WATER DISTRICT

Commissioner Emerson moved, seconded by Commissioner Cross, to go out of Regular Session and convene as the Southeast Water District Board. The motion carried five (5) to zero (0).

REGULAR SESSION

Commissioner Emerson moved, seconded by Commissioner Cross, to reconvene as the Chatham

County Board of Commissioners. The motion carried five (5) to zero (0).

Updates:

Tim Carpenter informed the Board that Pea Ridge Road was almost complete; that they were waiting for permit approval from the State for bridge crossing to get water to Silk Hope School. He reviewed other areas of concern in the County.

The Chairman asked the County Manager to contact Representative Hackney to ask for his help in expediting the process.

Harnett Transmission Mains, Pumping Facilities and Storage Facilities Professional Services Contract:

Mr. Carpenter explained that Harnett County is beginning the preliminary work for the EA as well as the surveying; that the surveying will take approximately three months; that to accomplish this, it was agreed that Hobbs, Upchurch & Associates would provide a proposal to Chatham County to start the surveying function of the design; that this surveying work was inclusive in their design fee represented in the original design contract that was sent to the Board on June 6, 2006; that the contract has not yet been signed by the Chatham County Board of Commissioners; and that their estimate of fees for the surveying and preliminary design functions associated with the project is \$107,000.00.

After considerable discussion, the Board delayed a decision on this matter until the August 21, 2006 at the Board of Commissioners' work session.

PLANNING

Chatham County/Cary Joint Planning Update:

Keith Megginson, Planning Director, reviewed the report from the Cary Planning staff that was approved by the Cary Town Council. He stated that the schedule was a joint effort of the Chatham County and Cary Planning Departments. He pointed out the joint Town Council and County Board meetings, the third community meeting, and the final action the 2nd quarter of 2007. He asked that the Board review the report, date and times, and let him know of any changes. Commissioner Barnes said it looked fine to him and no other Board members voiced objections. A copy of the report is as follows:

STAFF REPORT

Town Council, July 27, 2006

Chatham-Cary Joint Area Plan Update (PL07-002b)

Consideration of Schedule Update to Chatham-Cary Joint Land Use Plan Speaker:
Scott Ramage, Principal Planner

From: Jeffery G. Ulma, Planning Director

Prepared by: Scott Ramage, Principal Planner

Approved by: William B. Coleman, Jr., Town Manager

Approved by: Benjamin T. Shiver, Assistant Town Manager

A. Background

In December 2005, the Cary Town Council and Chatham County Board of Commissioners adopted a Joint Resolution for the development of a Joint Land Use Plan for the portion of Chatham County located east of Jordan Lake, south of Durham County, and north of White Oak Creek. The Joint Resolution included a draft project schedule, which recommended that the first community meeting be held in March 2006, and that the Plan should be completed and ready for public hearings by

June/July 2006. Due to logistical difficulties and resource limitations, it has not been feasible to adhere to that original schedule. This staff report proposes an updated project approach and work plan for Council's consideration.

B. Project Milestones to Date

Town of Cary and Chatham County Planning staff began work on the joint Chatham-Cary Land Use Plan in January 2006. Background data collection and baseline data mapping proceeded during February – May 2006. An initial community open house was held on June 7, to introduce the project to area landowners and residents, and to gather public input that would be used to help guide the process. Citizen comments from that meeting were accepted through mid-June, and have been transcribed for inclusion on the project Web site. The citizen comments have also been organized by topic.

C. Expedited Nature of this Request

Both the Chatham and Cary Planning staffs require expedited endorsement and concurrence on the proposed schedule and work plan revision, in order to move forward on the project in a timely manner. Accordingly, this staff report is being forwarded directly to Council, rather than through Planning & Development Committee.

D. Nature of Revisions to Work Plan/Schedule

The Chatham County Planning Director provided a project update to the Chatham Board of Commissioners on June 19. At that meeting, the Board recommended that a draft plan be developed for interim review by the Board in September, prior to holding any further community meetings.

The joint planning staffs met on July 12 to review the schedule suggested by the Chatham Board at their June 19 meeting, and to develop the revised work plan presented in this staff report in Section E., below. The revised work plan reflects a modification to the Board's suggestions of June 19. With the revised work plan, the joint staff recommends that the first draft of the plan be prepared by August/September, followed by a second community open house in late September/early October, in order to obtain citizen feedback prior to holding an interim review meeting with either elected body. With this approach, the elected bodies can receive both a briefing on the first draft as well as a summary of the public responses to that draft. This should enable the elected bodies to provide more valuable guidance at the check-in meeting.

The revised work plan also recommends that the interim review of the draft Plan by elected officials should be done as a joint meeting between the Chatham Board of Commissioners and Commissioners-elect and the Cary Town Council. This approach should help facilitate timely joint consensus on the project direction by both elected bodies, as opposed to holding separate interim briefings.

The revised work plan presented in Section E., below, also recommends holding a third community meeting in January 2007, for citizens to review and comment on the second draft of the plan. (The December 2005 Joint Resolution recommended two community meetings.) The joint staffs feel this additional, third meeting is necessary so that citizens can review changes made to the draft plan subsequent to their comments on the first draft at the second community meeting. This will also help staff make appropriate revisions prior to public hearings in early 2007.

Following Cary Town Council endorsement of the revised work plan, the Chatham County Planning Director will present the same revised work plan to the Chatham County Board of Commissioners the first week of August, along with any additional comments or modifications requested by the Cary Town Council. If both elected bodies concur on the work plan approach, the joint staff will move forward under the new schedule.

E. Revised Work Plan

The revised work plan recommended by the joint staff is as follows. Please note that project dates are tentative.

Phase 1: Project Initiation	1st & 2nd Quarters, 2006
• Chatham-Cary organizational staff meetings	
• Delineation of study area	
• Background meetings with local, federal, and state agencies	
• Geographic data collection and mapping	
• Community Meeting #1: project kick-off	June 7, 2006
• Summarize and review public input from kick-off meeting	
• Update elected officials re. public input from Community Meeting #1, and project schedule	June 2006
Phase 2: First Draft of Plan	3rd & 4th Quarters, 2006
• Background meetings with local, federal, and state agencies	
• Revise work plan and project schedule	July-August 2006
• Develop draft parameters, goals to guide charrette	
• Joint staff charrette for development of 1 st Draft of plan	mid-August 2006
• Community Meeting #2: public review of 1 st Draft	Sep.-Oct. 2006
• Summarize and review public input from Community Meeting #2	Oct.-Nov. 2006
• Check-in: Joint meeting(s) with elected officials and Commissioners-elect. Present 1 st Draft and summary of citizen feedback. Officials provide direction for next steps.	Oct.-Nov. 2006
Phase 3: Second Draft of Plan	4th Quarter, 2006 & 1st Quarter, 2007
• Staff revises plan into a 2 nd Draft	Oct.-Dec. 2006
• Community Meeting #3: public review of 2 nd Plan Draft	January 2007
• Summarize and review public input from Community Meeting #3	January 2007
Phase 4: Second Interim Review	1st Quarter, 2007
• Staff revises plan into a 3 rd Draft	Feb. 2007
• Joint work session(s) of Board of Commissioners and Town Council, to review the draft Plan. Determine process for joint or coordinated public hearings and review by elected officials and Planning Boards.	Feb.-Mar. 2007
• Joint staffs revise draft Plan based on work session input.	Feb.-Mar. 2007
Phase 5: Public Hearings and Plan Adoption	1st & 2nd Quarters, 2007
• Hold official Commissioners/Council public hearings	
• Planning Boards' review, hearings, and recommendations	
• Identification of final Plan revisions in response to official reviews and public hearings	
• Final action taken by elected bodies.	

F. Fiscal Impact: None. Work on the project is being done by Town and County staff.

G. Staff Recommendation: Provide an endorsement of the revised project work plan, as described in this report. Council's endorsement will be forwarded to the Chatham County Board of Commissioners for their consideration when they review the same proposed work plan.

End of Report.

Pittsboro ETJ:

Keith Megginson explained that the Pittsboro Town Board, on August 14, 2006, would be considering a request by developer O'Neil for release of land within the Town's ETJ back to the County; that the property is south of US Highway #64 and west of Adolph Taylor Road, west of Pittsboro; that the property of approximately 557 acres lies within both jurisdictions with 389 acres within the County's jurisdiction and 168 acres within the Town's jurisdiction; and that Mr. O'Neil would like the property considered by the County so the review process and regulations are consistent.

Board members said they were interested in knowing the development plans for the property but were not opposed to considering acceptance of the area.

IRS EXPENSE UPDATE

Vicki McConnell, Finance Officer, informed the Board that the County had been audited by the IRS and that during the audit, the agent pointed out that the Commissioners must either provide documentation for mileage and technology allowances or the allowances will need to be reported as income.

Commissioner Cross elected to provide documentation for his mileage and receive the technology allowance through payroll; Chairman Morgan chose to provide documentation for both the mileage and technology allowance; Commissioners. Barnes, Emerson, and Outz elected to receive their allowances through payroll.

CLOSED SESSION

Commissioner Emerson moved, seconded by Commissioner Cross, to go out of Regular Session and convene in Closed Session for the purpose of discussing litigation. The motion carried five (5) to zero (0).

REGULAR SESSION

Commissioner Emerson moved, seconded by Commissioner Cross, to adjourn the Closed Session and reconvene in Regular Session. The motion carried five (5) to zero (0).

Casper v Chatham County Litigation:

Commissioner Emerson moved, seconded by Commissioner Outz, to defend the Casper v Chatham County appeal of the Conditional Use Permit issued to Jesse Fearington, pursuant to the terms of the permit. The motion carried five (5) to zero (0).

ADJOURNMENT

Commissioner Emerson moved, seconded by Commissioner Outz, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 2:56 PM.

Bunkey Morgan, Chairman

ATTEST:

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