

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
MARCH 02, 2009

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 March 02, 2009.

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

Commissioner Thompson entered the meeting at 9:18 AM.

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Cross delivered the invocation after which Chairman Lucier invited everyone present to stand and recite the Pledge of Allegiance.

CALL TO ORDER

The meeting was called to order by the Chairman at 9:09 AM.

AGENDA AND CONSENT AGENDA

Commissioner Vanderbeck moved, seconded by Commissioner Kost, to approve the Agenda and Consent Agenda as follows:

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held February 16, 2009, work session held February 16, 2009, work session held February 02, 2009 and work session held January 26, 2009

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

2. **Amendment to CCCC Building Project:** Consideration of a request to approve amendment of the Siler City Central Carolina Community College Building Project to reflect additional cost of turning-lane and adopt the revised project ordinance, attached hereto and by reference made a part hereof.

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

3. **Rehabilitation Grant Acceptance:** Consideration of a request to accept a housing rehabilitation grant from the North Carolina Housing Finance Agency in the amount of \$400,000 and to authorize the following people to sign requisitions: Charlie Horne, Vicki McConnell, Renee Paschal, and Keith Megginson, and adopt **Resolution #2009-____ Authorizing the Execution of NCHFA-2009 SFR Documents**. A copy of the grant application and the resolution are attached hereto and by reference made a part hereof.

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

4. **Set Time and Place of Zoning Public Hearing:** Consideration of a request to set April 27, 2009 at 6:00 PM in the Chatham County Superior Courtroom as the date, time and place on which to hold a zoning public hearing for business and industrial districts along the major highway corridors

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

5. **Resolution in Support of Reducing Speed Limit on Lystra Road: Consideration of a request to adopt Resolution #2009-_____ by the Chatham County Board of Education and the Chatham County Board of Commissioners in Support of Reducing the Speed Limit on Lystra Road,** attached hereto and by reference made a part hereof.

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

6. **Non-Profit Review Panel Volunteer Appointments:** Consideration of a request to appoint volunteers to the Non-Profit Review Panel as follows:

Bert Bielawski, Lakaisha Byrne, Robert Eby, Nicholas Erpelding, Mary Hammond, Barbara Hatcher, Ruth Katz, Jane Kornblut, Linda Lang, Mark Luftig, Cathy Markatos, Suzanne McMaster, Karen Moore, Margaret Tiano, Laura Wimbish, Leonard Zellar

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Jeffrey Starkweather, 590 Old Goldston Road, Pittsboro, NC, voiced concern with regard to some statements that he heard were made concerning liquor-by-the-drink. He stated that he appreciated the Board of Commissioners putting the referendum on the ballot; that he is a board member of the Economic Development Corporation; that there were two statements made as follows: 1) The County Commissioners were forcing this issue onto the towns. 2) This would likely bring honkey-tonk, juke-joints to the rural areas such as Moncure, southwest Chatham, etc.; that he thinks that they are both factually wrong; that the Economic Development Corporation was funded by the Board of Commissioners two year ago to do a comprehensive study of a strategy for economic development for Chatham County; that they held five meetings in different parts of the County with citizen input; that they had interviews with leaders and citizens from all over the County; that they had an advisory board that gave input; that the strategy has been endorsed by all the towns in the County; that there were representatives from each of the towns on the advisory board; that one of the issues was quality of place; that it is hard to think of infrastructure as just water, sewer, and streets; that we now know with the changing economy that recreation, the quality of place and downtown vitality are all key infrastructure for attracting industry to Chatham County; that one of the recommendations specifically referred to the fact that 64 cents of each retail dollar leaves the County because so many leave the County to work; that Chatham is the only county that does not have liquor-by-the-drink; that they have been trying to get a hotel in Pittsboro and one will not locate here without a bar; that he has no personal interest in liquor-by-the-drink nor does he own a restaurant nor plan to do so; that the Economic Development Board held a vote in December and it passed by the Town of Pittsboro; that they then in which the Goldston Mayor, representative of Siler City, Chairman Lucier, Pittsboro Mayor, Siler City Town Manager, and the Siler City Town Planner were in attendance and voted unanimously to request the Board of Commissioners to put liquor-by-the-drink on the ballot; that since that time, he has not heard anything from a commissioner in Siler City, Goldston, or Pittsboro saying they did not want liquor-by-the-drink on the ballot. Mr. Starkweather referenced the rules and criteria of liquor-by-the-drink in restaurants. He stated that the rules, regulations, and fees were substantial and that he didn't feel that fly-by-night, juke-joints could adhere to the stringent regulations out in the country. He thanked the Board for their time and stated that as the referendum goes forward, he hopes decisions will be based on facts instead of rumors and false information.

The County Manager stated that the date for the voter referendum election on liquor-by-the-drink had been established on May 5, 2009; that early voting would be held at the Board of Elections Office; and that other One-Stop Voting had not been established at this time.

Mr. Starkweather stated that there was going to be only one and that it would be held in Pittsboro, and that they would keep later hours.

Commissioner Thompson entered the meeting.

BOARD OF COMMISSIONER'S MATTERS

Employee of the Month: Presentation of March Employee of the Month

Carolyn Miller, Human Relations Director, stated that the Employee of the Month program was instituted in FY 2009 to honor Chatham County employees for exemplary service to citizens and their fellow employees. She explained that the March 2009 Employee of the Month is Beverly Kay, Environmental Health Technician, of the Chatham County Environmental Health Division. She stated that Beverly has been employed with Chatham County for eight and a half years, and in the Environmental Health Division for nearly two years. An excerpt from her nomination form follows:

"Beverly Kay began as an Administrative Assistant in Environmental Health just over a year ago. She walked into a situation where the division had a three year backlog of files that needed to be entered into a data base in order to retrieve data. There had been numerous problems with entering the information in the past because of software issues that could not be overcome. It was like a large elephant in the room and no one knew how to deal with it. After assessing the situation she proposed that we create our own data base using Excel. She not only designed a data base that allows us to retrieve the data needed but she also started scanning in all of the files to create an electronic backup. Within a few months she had erased the backlog and given the division a new tool that allows staff to look up files from their computers, cutting down staff time spent pulling files.

With the files under control, Beverly volunteered for a new project. In the spring of last year the state mandated that all new wells drilled after July the 1st be tested for bacteria, nitrates and minerals. After a request for a new position to take the samples was denied, Beverly took on the bulk of the additional duties, creating yet another database to track the samples and wells. She was reclassified as an Environmental Health Technician and underwent training to take water samples.

We in Environmental Health do not nominate people for special recognition lightly and we have never nominated someone who so thoroughly meets all criteria listed for Chatham County Employee of the Month. We will provide just one example of how Beverly not only meets, but exceeds the Team Work considerations, though we could provide examples of how she exceeds all the listed considerations. As you may know hard work and paperwork define Environmental Health, and if we cannot find paperwork for sites whether they be 10 days old or 10 years old we usually have to recreate the site information which can take hours in the field. After extensive searching if we cannot find paperwork on our own we put out an email to all staff to ask for help. Most employees simply acknowledge that they do not have the file in their possession, but not Beverly. She takes it upon herself to leave no stone unturned in searching for the file. Beverly goes above and beyond the call of duty by researching our database as well as the Tax Office and Deed Office databases to determine if the file could be located under a different name. She usually has located the file for you within an hour of receiving the email. There is nothing as exciting as receiving a file you thought was lost forever and having all the necessary information you need to conduct a proper site visit for a county resident.

Beverly is a great asset to the County. She is committed to making Environmental Health a smooth-running division by consistently performing her duties in an exceptionally well-organized and efficient manner. Her attention to detail, cooperative attitude, willingness to work hard, and her commitment to outstanding customer service makes her an ideal candidate for Employee of the Month."

Chairman Lucier expressed his appreciation for Ms. Kay's efforts, stating that the Environmental Health was a great department and it was because of employees like Ms. Kay; that he knows what it takes to efficiently run that department; and that on behalf of the Board of Commissioners, they appreciate her and the Environmental Health Division.

Ms. Miller explained that there would be an upcoming April and May Employee of the Month; that in June, an Employee of the Year will be selected from the previously selected Employees of the Month.

Guardians of Angels: Presentation of Guardians of Angels by Rev. Terry Dorsey

Reverend Dorsey was not present due to inclement weather and the presentation will be rescheduled for a later date.

Public Hearing:

Public Hearing on Borrowing of Funds: Public hearing to receive public comments on the borrowing of funds for and the construction of the Briar Chapel Middle School

The Finance Officer explained that the public hearing was to receive public comments on the borrowing of twenty-seven million dollars for the Briar Chapel School and also to receive comments from anyone on the construction of the project

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

The Chairman closed the public hearing on the borrowing of funds.

2010-2014 Capital Improvements Plan: Consideration of a request to adopt the recommended plan with changes previously discussed

Renee Paschal, Assistant County Manager, explained that the recommended 2010-2014 CIP was presented to Commissioners on December 15, 2008 and that the Commissioners discussed several changes as follows:

- Moving ahead immediately with the Briar Chapel Middle School and Northwood expansion projects;
- Moving ahead with the library and two community college buildings in June 2009;
- Correcting project narratives and dollar amounts for school bleacher and security camera projects; and
- Continuing to plan for the new high school so that the county can start construction sooner if needed.

She stated that the document has been changed to reflect this discussion and other changes as follows:

- Construction funds for Briar Chapel Middle, the Chatham Community Library, and two community college buildings were budgeted in FY 2009 (previously construction funds had been budgeted beginning in FY 2010). The total project amounts, just the timing of the expenditures, did not change because of this action.
- \$456,695 was added to the Siler City Community College Building for the turning lane (see project ordinance amendment on March 2, 2009 agenda).
- Certificates of participation (COPs) increased by \$456,695 to cover the cost of the turning lane.
- The School Bleacher Replacement project decreased by \$50,000 to reflect the school's use of other funds for Northwood baseball (\$15,500 in capital outlay funds) and Jordan Matthews football (\$25,000 in capital outlay funds) bleacher projects because of safety concerns.
- General Fund fund balance appropriation decreased by \$50,000 (in FY 2013).

The high school project could not be substituted for the library and community college buildings in 2009. The amount of funds being borrowed for the Briar Chapel Middle School will not allow an additional borrowing of \$44.5 million in 2009. In addition, the revised debt model is based on the high school being finished in 2014. Finally, in this current credit climate it is difficult to obtain funds to be paid back over 30 years. In order to move up the timeframe, major projects in the CIP would need to be reprioritized and the debt model revisited.

Five cents on the property tax rate and school impact fees have been designated for repayment of the debt. Projects scheduled for funding in FY 2010 operating budget will be reviewed during that process and may be postponed if economic conditions warrant.

Commissioner Vanderbeck asked how, given the recent developments in the State withholding ADM lottery funds, it affects the County.

Ms. Paschal stated that it did affect the County; that the lottery proceeds and the ADM funds are in the debt model and were programmed to repay debt on the schools; that in the current year, the amount is approximately a \$158,000 shortfall in ADM funds which, in the grand scheme of things, is not dire for the County if this is a short term action and that the County can weather it and will not create a long-term problem for the debt model; that if the State continues to take ADM funds, it creates a problem; that if they were to completely take lottery funds, it creates a much bigger problem; and that it is probably not politically viable over time since the lottery was passed for school construction.

Commissioner Kost asked how much the County receives from the ADM funds. Ms. Paschal stated that it was approximately one-half million dollars.

Commissioner Vanderbeck moved, seconded by Commissioner Kost, to adopt the FY 2010-2014 Capital Improvements Program, as revised, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Kost stated that she knows that with the State revenue changes, the debt model will change and that she wants to revisit the five cent year marking post revaluation to see how it looks.

MANAGER' S REPORTS

The County Manager reported on the following:

ADM and Lottery Funds Letter:

Ms. Paschal stated that they had a conference call with the Association on late Thursday afternoon; that they continue to save the money; that as she understands it, the money is still there, but the Governor has earmarked the money in case they need it for the budget shortfall; that it is likely that they will need it; that it affects the County in three ways: 1) Withholding the ADM (corporate tax) funds; 2) Withholding the lottery; 3) Withholding funds from the Clean Water Management Trust Fund (CWMTF); that there is approximately one hundred million dollars involved; that the Association stated that even the projects that have been approved, may not be able to get funds; that she is unsure if it is a long-term or short-term problem; that it does immediately affect the Northeast Park as the County has already received a \$217,000 Clean Water Management Trust Fund Grant for that park; that the County is using capital reserves to pay for the park so Fund Balance can probably be used in the meantime to make up for the shortfall; that it is not a good position to be in; that what is even more troubling is that the County applied for approximately \$672,000 in CWMTF and the application just went in for the IWS system; and that they felt good about their chances of getting that grant; and that with the CWMTF in jeopardy, the project is put in jeopardy.

After further discussion, Commissioner Kost stated that she had a couple of changes to the draft letter to be finalized at the Work Session.

Commissioner Vanderbeck expressed concern with the CWMTF monies that were to be used for the Jordan Lake clean-up.

Copies of the letters are attached hereto and by reference made a part hereof.

COMMISSIONERS' REPORTS

Siler City Town Council Letter Regarding Revaluation:

Chairman Lucier stated that a letter has been drafted in response to Siler City Town Council's letter regarding revaluation. He expressed hope that the letter would be placed on the front page of the *Chatham News and Record*.

Local Bill regarding Annexation Across County Lines and House Bill 314:

Chairman Lucier stated that the local bill had been submitted requesting that any annexations into Chatham County by the Town of Cary be approved by the Chatham Board of Commissioners. The County Manager stated that this was correct and both Senator Atwater and Speaker Hackney had been notified.

Commissioner Kost stated that House Bill 314 provides that municipalities may not annex into another county without the approval of the Board of Commissioners of that county. This bill needs to be tracked and if it is passed, since it accomplishes the same thing, then our local bill may not be needed.

Chairman Lucier recommended pushing for the County's own individual bill. Commissioner Kost agreed.

Revaluation:

Chairman Lucier stated that many have questions regarding revaluation; that many are answered by the fact sheet that is listed on the County web site; and that he recommends that it stay on the web site's "top three" for quite a while so people can see if it addresses their questions and concerns on revaluation. He asked if there was room for the top five listings.

Senate Bill 117:

Chairman Lucier stated that a bill has been introduced And brought to his attention by Ben Hitchings, Morrisville Planning Director, that would prohibit local governments, under certain circumstances, to enact moratoriums. He stated that the Board should send a letter to the Legislature stating the County's experience and how helpful it was to the County to be able to enact a moratorium, amend the ordinances, enact new ordinances to ensure that developments coming to Chatham County worked for the benefit of Chatham County citizens, not to their detriment. He stated that this was done and the moratorium was lifted on December 02, 2008; that he thinks it would be good to draft a resolution for the Board's consideration at their March 16th Board of Commissioners' meeting.

By consensus, the Board agreed.

Chatham-Cary Joint Meeting:

Chairman Lucier stated that Commissioner Kost and he will be meeting on March 11th with members of the Cary Town Council and hopes to be able to move toward establishing a date for a joint meeting with the Town of Cary after that time.

Lystra Gardens:

The Planning Director stated that Mr. Willis had issued a Notice of Violation (NOV); that the work has stopped although the equipment is still there; that the Planning Board has put it on their March 03, 2009 agenda; that the developer has stated that he will be unable to attend, but will have the person doing the work at the meeting to explain what has been done; that the expiration is March 17th; and that the Environmental Review Board will be considering it before that date.

Commissioner Kost asked if their sketch design expires the middle of March stating that they had done an environmental assessment; that the process had started and was put on hold September a year ago; that since they have not asked for a time extension, if it did not expire.

The Planning Director stated that the Board approved an extension from their original approval that gave them up until March 18, 2009; that they have not asked for another time extension; that they are operating under the old subdivision regulations; that they submitted a development schedule that allowed them some additional time; that that is the issue that he and the County Attorney have been discussing; that one of the conditions involved the wording of what the Board approved for their submission to the Environmental Review Board.

After further discussion, Commissioner Kost asked if sketch design approval would expire. The County Attorney explained that that plays into the resolution when it was granted and also what happened at the Environmental Review Board and also the statement stating that they are suspending activity because of financial difficulties of which he has not seen the minutes. He stated that the Planning Director and he are in the process of discussing it.

The Planning Director asked how much time the Board wanted the Planning Board to spend on it or if they wanted the County Attorney to resolve the matter.

Chairman Lucier stated that he would like to give the Planning Board and other Commissioners some latitude in addressing issues, although he would ask the County Attorney if this was something that they could help the Board with in terms of providing opinions and recommendations to the Board of Commissioners.

The County Attorney stated that the Board could always extend it; that it is up to the Board whether or not to grant an extension.

Commissioner Kost stated that she felt many of the new regulations would address many of the concerns that they had about the project; that she would like to see the property developed under the new regulations, especially the issue dealing with steep slopes.

Chairman Lucier recommended the Planning Board review it at their next meeting and provide any recommendations and thoughts, but not carry it through to another meeting.

Road Access from Pittsboro-Moncure Road to 3M:

Commissioner Vanderbeck asked if they had settled on the road access from Pittsboro-Moncure Road to 3M regarding the zoning.

The Planning Director stated that it was going to be left residential/agricultural zoning in that area. The County Attorney stated that if anyone lived along the road and didn't want the traffic, they needed to oppose the rezoning. The Planning Director stated that official letters would be sent to various people who have approached them regarding it.

Commissioner Vanderbeck asked about approving the language for a public hearing. The Planning Director stated that they took the Board's direction with regard to all, part, or none of the property.

The Board asked about specific properties and if their zoning requests had been addressed.

State-of-County Address:

Chairman Lucier stated that the State-of-the-County address will be given on March 16th; that Commissioner Kost and he are meeting with Ms. Henzey this afternoon.

Sustainable Development Director:

Chairman Lucier asked if there was any progress or timetable from the consultants on the recruitment of the Sustainable Development Director. The County Manager stated that he did not have the information, but would get with the Human Resources Director and let the Board know. Commissioner Vanderbeck stated that he would like to see a copy of the advertisement. Chairman Lucier stated that he would also like to see where the advertisement went.

Stimulus Funds for Energy Conservation and Alternative Energy:

Chairman Lucier stated that there was a meeting of the Green Building Task Force, the Economic Development Corporation, and others last Wednesday to brainstorm on ideas of what they might be able to do in terms of applying for stimulus money for energy conservation and alternative energies; that they realize that they are in a strong position because they have a Green Building Task Force, have made significant advances in energy conservation practices, and the innovative wastewater treatment system; that it seems to be a good idea to get ready and see what they can do that would make the County successful in trying to get significant funds that may become available for energy conservation and at the same time possibly create some jobs in the County; that the community college also participated in this conversation; that hopefully progress will be made with it within the next couple of weeks. The Assistant County Manager suggested that Lisa West be included in the "loop".

Availability of Computers:

Commissioner Kost stated that they had a concern regarding the availability of computers for people with regard to the job search area and internet access.

Ms. Paschal stated that she had spoken with Dr. Karen Allen at Central Carolina Community College; that the college has been working in trying to find a space for a "Job Links Center"; and that she feels they have a good space identified; and that they will be looking at it this week to make sure that it will do what they want it to do. She stated that she had not been involved in the cost aspect, but would find out the specifics and let the Board know.

Performance Building Tour:

Commissioner Kost reminded the Board of the need for the tour of the Performance Building to be rescheduled.

Chapel Hill Transit:

The County Manager stated that he had not talked with Steve Spade but had spoken with Bill Cherry with regard to the Chapel Hill Transit; and that it is still being discussed at the municipal level. Commissioner Kost expressed concern that the grant was flexible as far as the implementation was concerned.

Wright and Whitaker School:

Commissioner Vanderbeck stated that the Governor had recently published possible budget reductions that would result in the closing of Wright and Whitaker Schools; that Wright School is a residential mental health treatment facility that provides treatment and educational services to children ages six through twelve with serious emotional and behavioral disorders; that Whitaker School provides similar services for adolescents, ages 13-18, who have serious emotional disturbances; that there are some other facilities in North Carolina that could take the place of Whitaker School, but Wright School assists children who have been unsuccessful in the local schools and in many cases prevents future out-of-home placements and it is the only one like it in the State; that if these cases had to go elsewhere, it would cost \$1,000 per day; that it has proven to be very effective and 95% of the parents of kids attending this school have reported being pleased with the services; that there is little turnover in staff; that over the past four years, twenty-nine children from the Orange-Person-Chatham (OPC) catchment area were served by the Wright School; that specifically, fourteen children from Chatham County were served by this program; that he is asking that the potential closing deserves attention; that over the past four years, OPC referred twenty-eight adolescents to the Whitaker School of which seven of those youth were from Chatham County; and that he recommends contacting the County's Legislators and Governor Perdue as soon as possible to support the effort to keep these schools open. He asked if the Board would consider drafting a letter to go to Governor Perdue and the appropriate other agencies to ask that they reconsider cutting off funding on these schools and that, at least, Wright School be kept open.

Commissioner Thompson stated that these schools were needed and would save taxpayers money in the long run and that he wholeheartedly endorsed it.

Jeffrey Starkweather stated that as an attorney who has been involved with a number of cases locally dealing with children, he felt that it would be good to get with the local district court judges to obtain support for this.

By consensus, the Board asked that a letter be prepared for consideration at their March 16, 2009 Board of Commissioners' meeting.

ADJOURNMENT

Commissioner Vanderbeck moved, seconded by Commissioner Cross, to adjourn as the Chatham County Board of Commissioners and convene as the Governing Board of the Southeast Chatham Water District. The motion carried five (5) to zero (0), and the meeting adjourned at 10:07 AM.

George Lucier, Chairman

ATTEST:

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