

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**JUNE 01, 2009**

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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 01, 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

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Commissioner Thompson 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 9:05 AM.

Commissioner Vanderbeck asked that Item # 13, approval of a request to appoint Tracy Hanner and George Lucier to the Central Carolina Community College (CCCC) Board of Trustees, be removed from the Consent Agenda and discussed during the Regular meeting.

**AGENDA AND CONSENT AGENDA**

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

1. **Minutes:** Approval of Board Minutes for Regular Meeting held May 18, 2009 and Work Session held May 18, 2009

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

2. **Budget Amendments:** Approval of Fiscal Year 2008-2009 Budget Amendments, attached hereto and by reference made a part hereof.

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

3. **Briar Chapel Middle School Project Ordinance:** Approval of Briar Chapel Middle School Project Ordinance, attached hereto and by reference made a part hereof.

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

4. **Logan Systems, Inc. Renewal Agreement:** Approval of Logan Systems, Inc. Renewal Agreement for Chatham County Register of Deeds Office, attached hereto and by reference made a part hereof.

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

5. **Northwest Park Summer Camp Recreation Fee:** Approval of Northwest Park Summer Camp Recreation fee from \$10.00/week to \$25.00/week

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

6. **Naming of Private Road in Chatham County:** Approval of a request from citizens for the naming of private road in Chatham County as follows: Nest Egg Farm Road

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

7. **Siler City Water Purchase Agreement:** Approval of a request to approve Siler City Water Purchase Agreement, attached hereto and by reference made a part hereof.

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

8. **Animal Cruelty Investigators Appointments:** Approval of a request to appoint Animal Cruelty Investigators, Jackie Adams and B Demers to the position of County-appointed Cruelty Investigators

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

9. **Board of Equalization and Review Alternate Appointment:** Approval of an appointment of a member at-large, Leonard Kreisman, as an alternate to the Chatham County Board of Equalization and Review

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

10. **Resolution Supporting an Alternative Method of Recognition for Veterans Status to Merchant Marine Seamen of WWII:** Approval of **Resolution #2009-46 Supporting an Alternative Method of Recognition for Veterans Status to Merchant Marine Seamen of WWII**, attached hereto and by reference made a part hereof.

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

11. **Addition of At-Large Member to Environmental Review Board:** Approval of the Environmental Review Board (ERB) recommendation: the addition of an 11th at-large member to the ERB who would have specific knowledge in one of these areas: meteorology, toxicology/air quality, land conservation/preservation, and/or environmental planning

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

12. **Environmental Review Board At-Large Appointment:** Approval of request to appoint Lin Andrew to the Environmental Review Board at-large position by the full Board of Commissioners

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

13. ~~**Central Carolina Community College Board of Trustees Appointments:** Approval of a request to reappoint Tracy Hanner and appoint George Lucier to the Central Carolina Community College (CCCC) Board of Trustees~~

~~This item was removed from the Consent Agenda to be discussed during the Regular Agenda.~~

14. **“Resolution Opposing the “Public Health Improvement Plan”:** Approval of **Resolution #2009-47 Opposing the “Public Health Improvement Plan” as Contained in Senate Bill 202**, copy attached hereto and by reference made a part hereof. Resolution #2009-47

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

**END OF CONSENT AGENDA**

## **PUBLIC INPUT SESSION**

**Ken Boggs**, 371 River Road, Sanford, NC, member of the Chatham County Board of Equalization and Review, praised the efforts of the Assessor's Office Staff and voiced concern with regard to the property cards. He stated that the property card is public record, is available on-line, is easy to access, and he had never seen one until he joined the Board of Equalization and Review. He stated that a lot of citizens that appeal their property assessment have never seen their property card; that he is present to ask that the Board of Commissioners create some type of legal document requiring that the property card be made available when the property is purchased; that it would ensure over time that property owners would know that there is a property card and would have a chance to review it to make sure that the data is current and up-to-date; that it is a simple request and that he hopes it will help everyone in the County do their work more efficiently.

Commissioner Kost asked if it would be helpful to have some type of glossary to help read the card. Mr. Boggs concurred stating that he was looking for the most simple, expeditious, and least expensive way to do it without any additional work.

Chairman Lucier asked the County Manager's Office to look into this matter and report to the Board with a proposal.

**Gina Dye**, 173 Olde Farm Road, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

"Good Morning! My name is Gina Dye and I live at 173 Olde Farm Road in Pittsboro. I am here this morning to ask that the Board reconsider supporting the proposed bus line from Chapel Hill to Pittsboro. I do not believe this is the time to be spending money on items that are not necessity. I work for a company in Chapel Hill that supports education. Times are tough for our business, as well as most businesses in this state and country. My company had to lay off approximately 15 - 20% of their employees earlier this year and may be forced to do more layoffs again in the near future. I was one of the lucky ones - I got to keep my job, but I and all the remaining employees have had to take a furlough and pay cut. This is on top of a year where my property taxes have been increased, along with the cost of just about everything else.

Schools are facing deep cuts in their budgets and are having to lay off teachers and increase classroom size. I hear the message over and over again, how citizens must tighten their belts and find ways to reduce their spending. I think this message applies to government agencies also. It is during times like these that this Board can send a clear message of where their values are. This County has many residents out of work and struggling to survive. They have already been slammed with property tax increases at a time when they can least afford them. Instead of implementing unnecessary things like a bus line that serves only a very few people living in our County, I suggest that money be used towards supplementing teacher positions that are being planned for elimination. Education of our children has to be the most important issue of our society, if we want things to change for the better. Show the citizens of Chatham County that we, including our local government, are all in this together."

Chairman Lucier stated that most of the cuts for the school are coming from the State shortfalls in terms of the teachers; that the Board will be meeting with the School Administration later in the meeting to review their budget situation and the magnitude of the cuts they have to make, and see what the County can do to shore some of it up, if anything.

## **BOARD OF COMMISSIONERS' MATTERS**

**Resolution Honoring the Service of Glenn Woolard:** Approval and presentation of **Resolution Honoring the Service of Glenn Woolard, County Extension Director**

Chairman Lucier reviewed the accomplishments of Glenn Woolard, Chatham County Extension Service Director, during his twenty-two years of exemplary service to the County and presented him with a commemorative plaque.

Commissioner Thompson moved, seconded by Commissioner Vanderbeck, to adopt **Resolution #2009-48 Honoring the Service of Glenn Woolard**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

**Employee of the Year: Presentation of Employee of the Year**

Carolyn Miller, Human Resources Director, explained that the Fiscal Year 2008-2009 Employee of the Year is Emily Foushee of the Management Information Systems Department. She stated that Emily is the Information Systems Administrator, and has been employed with Chatham County for nearly 31 years. An excerpt from her nomination form follows:

*“Emily is committed to her job by responding to the needs of those in other departments. From my perspective she has always gone beyond the call of duty when she was needed to not only fix a problem but also train those of us who installed new software. She has brought about efficiency within our department by teaching us techniques to work smarter.*

*Emily began working with the county thirty years ago in the Finance Office. In the early 80’s the county installed its first computer and Emily was there when that happened. She learned the system from ground up. Because it was new to all of us she was the primary person to train the rest of us. For years Emily was the only person who was responsible for keeping the computers going and troubleshooting the bugs. Emily was instrumental in making sure that the two software conversions we had went smoothly. She had to learn our new software packages and then respond to our needs when hardware and software issues came up. In 1997 we installed new software that enabled us to import and export files. Emily had to work with us to create the data transfer files to and from the AS400 and PC files. She created “cheat sheets” so that we could upload files without her assistance. Printer problems – we all have them. Emily has always been here at a moments’ notice when we have experienced problems. She realizes the importance of our office serving the public and what it’s like when dozens of taxpayers are standing in line to pay taxes in December and January and printers and sometimes computers go down. She had made every effort to take care of our needs as quickly as possible.*

*From time to time we need data from the previous software that we no longer use. She found a way to preserve the data on the AS400 and created a way for us to access it. Recently a taxpayer was audited by the IRS. Some of the taxes that were questioned were more than 10 years old. If Emily had not found a way for me to access the old tax data I would have been unable to assist the taxpayer with his audit. Emily has always had a pleasant demeanor when dealing with us. As the County has grown so have her responsibilities. No matter how many directions she has been pulled in she has always managed to take care of our needs in a timely, professional and courteous manner.”*

Chairman Lucier expressed appreciation, on behalf of the Board, for Emily’s service to the County.

Ms. Foushee stated that it was a great honor to be the 2008-2009 Employee of the Year; that she greatly appreciated the honor; and that she had a group with whom she works.

**CENTRAL CAROLINA COMMUNITY COLLEGE BOARD OF TRUSTEES APPOINTMENT**

**Approval of a request to appoint Tracy Hanner and George Lucier to the Central Carolina Community College (CCCC) Board of Trustees**

Commissioner Cross stated that approximately one month prior, they had received letters from the current Central Carolina Community College Board of Trustees which asked for reappointment to their board; that former Commissioner Patrick Barnes currently serves on that Board and was not listed as the reappointment as he had requested earlier; that Mr. Barnes has served for four years on that board; that he has attended all of the meetings, two annual conference trainings, chaired the grounds committee for the three-county system, served on the Architectural Search Committee for the Sanford-Lee County Campus New Adult Education Building, and managed to sway the contract with the Chatham County

architectural firm; that he is currently serving as the Vice Chairman of the Board of Trustees; and that at the last joint meeting with the Board of Trustees, the college president and the Board of Trustees requested reappointment of Mr. Barnes.

Commissioner Cross moved to reappoint former Commissioner Patrick Barnes to the Central Carolina Community College Board of Trustees.

The motion died for lack of a second.

Commissioner Vanderbeck moved, seconded by Commissioner Kost, to reappoint Tracy Hanner and appoint Chairman Lucier to Central Carolina Community College Board of Trustees.

Commissioner Vanderbeck thanked former Commissioner Patrick Barnes for his time on the Central Carolina Community College Board of Trustees. He stated that he thinks that he is appreciated there and that the current Board appreciates what he has done; that he feels it is very important to have a sitting commissioner on the Board; that he had already committed to Tracy Hanner thus that would leave a Commissioner appointee.

Commissioner Thompson stated that former Commissioner Barnes has been a friend of Central Carolina Community College; that in all of his interaction with the members of the Board of Trustees, they echo the fact that he has done an outstanding job; that he does think that given the current involvement of the Board of Commissioners with CCCC in terms of building, etc., it is important to have a sitting commissioner on the board; that Dr. Hanner serves in a community role which is important for the Board of Trustees to get those views; and that he also represents the education institution segment.

Chairman Lucier called the question and stated that since he is a candidate, he would not vote.

The motion carried three (3) to one (1) to one (1) with Commissioner Cross opposing and Chairman Lucier abstaining.

### **MANAGER' S REPORTS**

The County Manager reported on the following:

#### **Request to Submit Community Development Block Grant (CDBG) Application for Stimulus Money:**

The County Manager explained that staff had learned late last week that there will be stimulus money available for housing rehabilitation. He stated that the County is already working on two different housing rehabilitation grants; that if the Board would like to pursue the stimulus money, they will need a designee to submit the application, which has been Hobbs, Upchurch & Associates, in the past, if they choose to pursue the stimulus money.

Jason Sullivan, Assistant Planning Director, stated that the grant is in the amount of \$500,000.00; that it is considered a forgiven loan; that the information on the grant is supposed to be released on the web on Friday; the deadline for submitting the application is June 12, 2009; and the request is whether or not to submit an application by the deadline since there will not be another Board of Commissioners' meeting before the application is due.

Commissioner Vanderbeck asked if the County receives the grant money, if the citizens involved in forming a Green Stimulus group, be able to take advantage of the stimulus funds and use them for employment and for some programming at the community college, etc.

Mr. Sullivan explained that the Board would have to follow the CDBG guidelines.

The County Manager stated that if there was a way that they could be merged, it would be done.

Commissioner Kost asked if there was a County match required. Mr. Sullivan stated that he did not know at this point.

Commissioner Kost asked if the grant included the money for its administration through Hobbs, Upchurch & Associates. Mr. Sullivan replied that that was their understanding of how it would work.

Commissioner Vanderbeck asked if it was the Staff recommendation to approve the request through Hobbs, Upchurch & Associates. The County Manager stated not necessarily, but Hobbs, Upchurch & Associates had been the most consistent with what the County has been doing. Mr. Sullivan stated that Hobbs, Upchurch & Associates had contacted the County with regard to applying for the grant.

Commissioner Vanderbeck moved, seconded by Commissioner Kost, to apply for the Community Development Block Grant Rehabilitation (CDBG-R) grant in the amount of \$500,000 for grant using Hobbs, Upchurch & Associates as the applicant for the grant. The motion carried five (5) to zero (0).

### **RURAL CENTER ECONOMIC INFRASTRUCTURE GRANT**

**Rural Center Economic Infrastructure Grant Question:** Consideration of a grant application for Rural Center - Joe Mosnier is attempting to secure grant funding for his project on Mann's Chapel Road. This is an Economic Development project that will create jobs for the County. There are some matching fund requirements and the septic system being proposed would require a public entity to own the system.

The County Manager explained that from a previous re-zoning request, Old Mann's Chapel Farm-to-Table Café will transform the historic Mann's Chapel and the 200-acre Faircloth Farm into a farm-to-table café. The project includes full-day operation, complete catering, and special on-farm events. The café will operate as a morning coffee house, lunch café, evening bistro, and late-night bar. Full catering services will include on-farm weddings and other special events. The project will create 33 full time jobs and will further stimulate the local economy by using local suppliers for food not produced by the farm. The business will provide employee profit-sharing for all employees and will donate a percentage of profits to Triangle Land Conservancy and Carolina Farm Stewardship Association to support open space and family farms. Some senior employees will receive health benefits to start and additional health benefits may be covered depending on health care reform programs.

Joe Mosnier, the lead business owner (along with Irene Faircloth Gattis), stated that he has been working with Charlie Cleary, a loan officer from Self Help, to apply for an SBA CDC/504 loan; that Charlie is a native of the area and a strong supporter of the project and the pro-forma financial outlook; that he believes an SBA 504 loan can be obtained; that the loan structure will be 50% local commercial bank loan, 35% SBA loan administered by Self Help, 15% private owner equity; and that start-up cost will include building renovation as well as infrastructure cost such as water, septic, and gas.

#### **Rural Center Issue:**

Mr. Mosnier stated that the Rural Center question addresses the Economic Infrastructure grant; that David Hughes has reviewed the project and estimates that approximately 1240 feet of 8-inch pipe must be installed to bring County water to the site, at a cost of \$71,000; that the Rural Center will cover half of this cost, the County match will be 5% of the Rural Center funding, and the business will pay the remaining cost; that there is no issue with this portion of the infrastructure grant; that in the absence of a County sewer system, the business must install a septic system, at an approximate cost of \$175,000; that the plan for the septic system includes a tank at the building site, a septic field at the farm, and connecting pipe; that the connecting pipe will require easements from ten neighboring properties, and those agreements are in process; that easements appear very likely for two principal reasons: 1) High levels of support from neighbors for the preservation of the church and for the business vision, and 2) The proposed 10-foot pipe easement would sit inside an existing 30-foot Progress Energy utility easement that runs from the church site to within 300 feet of the farm, thus minimizing concern about granting a new easement for the small septic pipe; that the Rural Center can not apply their funding to private property, but only to

publicly owned property; that they can only fund infrastructure development that is publicly owned or controlled so that it is permanently accessible for business use in the County; that if a County sewer system existed, then the Rural Center could fund the installation of pipe to connect the business to the system; however, the proposed septic system depends on private property. Consequently:

He further stated that at their pre-application meeting with the Rural Center late last week, they suggested that if the County would take ownership of the septic system, then the Rural Center could then presumptively fund up to half of the cost; that to the best of his knowledge, this is the first time they have ever looked for a way to include a septic system in a grant and it is a good indication of their interest in the project; that to satisfy the Rural Center grant requirement of public ownership of the new septic infrastructure, the business has proposed a possible binding legal agreement whereby the business would cede ownership of the septic system and the easements to Chatham County, and the County would lease the system back to the business at nominal cost, with the business to be fully responsible for all maintenance and upkeep of the system as well as for any liability; and that this approach will allow them to seek an additional \$87,500 (i.e. 50% of the total \$175,000) in additional grant funds to support the project, but will not burden the County with the cost of maintenance or upkeep.

Commissioner Kost asked what the downside was for the County.

Mr. Mosnier stated that one was immediate short-term tangible one in costs because of the 5% match of any award that is received which could be approximately \$7,500 on a \$150,000 grant; and the other is one of the legal question about risk that would be in relation to indemnification about maintenance, but strategies have already been discussed for managing it and putting it all on the business.

Commissioner Vanderbeck asked if this amounted to an incentive for business.

Jep Rose, Attorney, stated that there was a claw-back that the business would have to pay if jobs were not created

Mr. Mosnier stated that the NC Rural Center has grants available for water/sewer infrastructure and for building renovation and restoration for projects that create jobs; that both grant applications must come from the County, and money would be passed from the County to the business; that both grants require signed agreements by the business owner to create jobs, with a claw-back provision if jobs are not created; that he is aware of this provision and is completely confident that the jobs will be created; that the Economic Infrastructure grant can cover \$10,000 per job created or up to half of the cost of the infrastructure, not to exceed \$1 million; that the Building Restoration grant can cover \$12,000 per job created or up to half of the cost of the renovation/restoration not to exceed \$3 million.

Commissioner Cross asked how many jobs would have to be created in the first six months. Mr. Mosnier answered 15 jobs.

Commissioner Thompson asked the number of jobs created when fully operational. Mr. Mosnier stated that would be 33 jobs.

The County Manager stated that the County's interest would be for the Board to adopt it provisionally if the public entity details can be worked out.

Mr. Mosnier stated that the Rural Center allows a six-month post award window for all of the final processing of the paperwork.

Mr. Rose stated that he had not seen the grant agreement, but it typically is designed for cities and public entities that own public water and sewer systems to extend the lines out.

Commissioner Kost asked if they were being asked to take the ownership of the system or at least the commitment that they would do so stating that she did not want to commit to the match until she has more information.

Commissioner Thompson asking, in looking at the County plan, does it set a precedent and by doing this and if so, should they look at revising the current plan.

Chairman Lucier stated that the Board had been asked to look at and revise the Strategic Plan and that the Economic Development Corporation was doing this now.

Commissioner Cross stated that Boards in the past have agreed to match some funds with the Rural Center as in the discussion for the Goldston sewer line.

Commissioner Vanderbeck asked if this was also the case of Southern Supreme Fruitcake Company. The County Manager stated that this was through the Department of Commerce.

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, that the County authorized or approve the provisional application of the grant and that the Board has the option for final acceptance of the grant. The motion carried five (5) to zero (0).

#### **Six Rehabilitation Bid Awards:**

Jason Sullivan, Assistant Planning Director, explained that the bids for the remaining six houses for the 2007 Community Development Block Grant from the Division of Community Assistance were received on May 28, 2009; that there were two housing rehabilitation units and four urgent repair units; that three firms submitted bids; and that it is recommended that the Board award the contracts to the lowest legitimate bid submitted to Glenn King Construction and Touch Construction.

Commissioner Kost moved, seconded by Commissioner Vanderbeck, to award the contracts to Glenn King Construction and Touch Construction. The motion carried five (5) to zero (0).

#### **COMMISSIONERS' REPORTS**

##### **Highway NC #42 Project:**

Commissioner Cross asked for verification that the Board was going to revisit the Chatham Southeast Water District NC Highway #42 project. By consensus, the Board agreed.

##### **Public Input Session on Landfill:**

Chairman Lucier stated that there are to be four public input sessions on the possible landfill in Chatham County; that it is hoped that one Commissioner will be present at each meeting; that they will be held on June 2<sup>nd</sup> in western Siler City, June 11<sup>th</sup> in Pittsboro, June 16<sup>th</sup> in Harper's Crossroads, and on June 25<sup>th</sup> in Moncure.

##### **Joint Land-Use Plan with Town of Cary:**

Chairman Lucier stated that Commissioner Kost and he are meeting with Cary Town Council members regarding moving forward with the joint land-use plan, talk about annexation issues, the impact upon some of the revaluation issues for Cary/Chatham residents, transfer development rights. The meeting will be held at the Carpenter Road Fire Station at 6:30 PM.

#### **ADJOURNMENT**

Commissioner Vanderbeck moved, seconded by Commissioner Kost, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting adjourned at 9:55 AM.



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George Lucier, Chairman

ATTEST:

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