

**MINUTES  
CHATHAM COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING  
DECEMBER 16, 2013**



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The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Historic Courthouse, 1 Hillsboro Street, Pittsboro, North Carolina, 6:00 PM on July 15, 2013.

Present: Chairman Walter Petty; Vice Chairman Brian Bock; Commissioners Mike Cross, Sally Kost, and Pamela Stewart

Staff Present: Charlie Horne, County Manager; Jep Rose, County Attorney; Renee Paschal, Assistant County Manager; Vicki McConnell, Finance Officer, Sandra B. Sublett, Clerk to the Board; and Lindsay Ray, Deputy Clerk to the Board

**INVOCATION AND PLEDGE OF ALLEGIANCE**

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

**CALL TO ORDER**

Chairman Petty welcomed those in attendance and called the meeting to order at 6:05 PM.

**ORGANIZATION OF THE BOARD**

**13-0616 Election of the Chairman and Vice Chairman**

**Chairman:**

Jep Rose, County Attorney, presided over the organization of the Board. He opened the floor for nominations for Chairman of the Chatham County Board of Commissioners.

Commissioners Bock nominated Commissioner Petty for Chairman of the Chatham County Board of Commissioners.

Hearing no other nominations, Mr. Rose closed the floor for nominations and called for a motion to approve the nomination of Commissioner Petty as the Chairman of the Chatham County Board of Commissioners.

Commissioner Kost moved, seconded by Commissioner Bock, to approve the nomination of Commissioner Petty as the Chairman of the Chatham County Board of Commissioners. The motion carried five (5) to zero (0).

Chairman Petty took the seat of the Chairman.

**Vice Chairman:**

Chairman Petty opened the floor for nominations for the Vice Chairman of the Chatham County Board of Commissioners.

Commissioner Kost nominated Commissioner Mike Cross for Vice Chairman of the Chatham County Board of Commissioners.

Commissioner Stewart nominated Commissioner Brian Bock for Vice Chairman of the Chatham County Board of Commissioners.

Hearing no other nominations, Chairman Petty closed the floor for nominations and called for a motion to approve the nomination of Commissioner Cross for Vice Chairman of the Chatham County Board of Commissioners.

Commissioner Kost moved, seconded by Commissioner Cross, to approve the nomination of Commissioner Cross to the office of Vice Chairman of the Chatham County Board of Commissioners. The motion failed three (3) to two (2) with Commissioners Petty, Bock, and Stewart opposing..

Commissioner Stewart moved, seconded by Commissioner Bock, to approve the nomination of Commissioner Bock to the office of Vice Chairman of the Chatham County Board of Commissioners. The motion carried three (3) to two (2) with Commissioners Kost and Cross opposing.

**APPROVAL OF AGENDA and CONSENT AGENDA**

Commissioner Cross moved, seconded by Commissioner Bock, to approve the Agenda and Consent Agenda as follows:

**13-0615 Minutes:** Approval of Board Minutes for the November 18, 2013 Regular Session and for the November 19, 2013 Capital Improvements Plan Work Session

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

**13-0606 Tax Releases and Refunds,** attached hereto and by reference made a part hereof

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

**13-0603 Consideration of request to approve the standardization of Kinetrol Actuators, award purchase order for Kinetrol Actuators purchase to Carotek Inc. in the amount of \$3,900.00, as the sole source, and to authorize the County Manager to approve the purchase order for the additional Kinetrol Actuators in the informal dollar range when needed**

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

**13-0604 Vehicle Maintenance and Repair Services**

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

**13-0605 Naming of Private Road from Citizens in Chatham County:**

**Dry Branch Road**

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

**13-0607 Naming of Private Roads from Citizens in Chatham County:**

**Hickory Pond Road and Kings View Lane**

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

**13-0542 Request by Todd and Suzanne Yanders for Conditional District Rezoning for a Landscaping Design Business with Outdoor Storage of materials on Parcel #17352, located at 190 Hatley Road**

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

**13-0600 Utilities CDBG Grant**

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

**13-0610 Community Development Block Grant (CDBG) Scattered Site Housing (2010) and Community Development Block Grant (CDBG) Economic Recovery (2010) Monthly Reports**

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

**13-0613 Adoption of a Language Access Plan to Comply with Community Development Block Grant requirements**

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

**13-0614 Request by D. R. Horton, Inc. for subdivision final plat approval of The Estates at Legend Oaks, Phase 1A, consisting of 12 lots on 18.064 acres located off US #15-501 NORTH and Legend Oaks Drive, Williams Township, Parcel #18665**

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

**13-0598 Adoption of the Recommended FY 2015-2021 Capital Improvements Program and Approval of Project Ordinances**

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

**13-0619 Vote on a Request to Approve a Planning Board Appointment by Commissioner Sally Kost**

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

**13-0621 Vote on a Request to Approve a Letter of Commendation for the Carolina Tiger Rescue on Being Selected as One of Three Winners of the 2013 Nonprofit Sector Stewardship Awards**

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

**13-0623 Vote on a Request to Approve the Design Concept for the First Responders Memorial**

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

**13-0628 Vote on a Request to Approve a Contract for Fiscal Year 2013-2014 between the Division on Aging and Adult Services (as represented and ministered by the Triangle J Area COG Agency on Aging) for Chatham County to Receive Federal and State Funds Allocated to Provide Certain Services Through the Home and Community Care Block Grant; for the Grant to be Passed**

**Through to the Chatham County Council on Aging for the Provision of Services as Mandated by the Older Americans Act, and Governed by the Rules and Regulations of the DAAS**

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

**13-0630 Approval of a Contract with Family Violence Rape Crisis to Appropriate \$450,000 for Land and Construction of a New Shelter**

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

**END OF CONSENT AGENDA**

**PUBLIC INPUT SESSION**

**Cabell Reagan**, spoke on behalf of Guardians of Angels. He stated he has worked with them for past ten years as a volunteer attorney. He asked to speak about the animal control ordinance. He encouraged the adoption of the ordinance, especially with regard to 91.092 on tethering stating that the tethering issue is simply a humane decent treatment of animals and is consistent with the Judeo Christian heritage on which this country was founded. He stated that one defines the type of community they want through the legislative process of the county. Over the past four years, Guardians of Angels has presented two types of seminars to train law enforcement officers on issues involving dog fighting. Dog fighting and illegal drug trafficking does go along with this ordinance. They have trained over 200 officers in conjunction with the ASPCA. They were taught by retired detectives. One thing that is clear is there is a high correlation between dog fighting and drug trafficking. He stated that law enforcement can be given the tools to go in when there may be evidence of illegal drug trafficking or illegal dog fighting. Pitt Bulls are not necessarily evil animals, but dogs involved in dog fighting live in warehouse situations and live their lives on heavy chains and are tethered. The tethering part of this ordinance will give law enforcement a way to combat a lot of issues faced in this County today.

**Bill Sommers, Fearington Village**, presented his comments to the Board and provided them in their entirety for the record as follows regarding retiring Clerk to the Chatham County Board of Commissioners, Sandra B. Sublett:

“I wanted to pay tribute to a great friend, Sandra B. Sublett, a wonderful person who gave great service to our local government, and who did this within the process of understanding and happy service. I’ve known her for many years and I wish her as so many of us do as she takes from her experience and our blessing, the understanding that we will not forget her and we will cherish her service and happy personality for many years to come.”

He presented her with a beautiful bouquet of 33 roses.

**Barbara Pugh**, updated the Board of Commissioners on the happenings of the Historical Association. She stated that the grand opening of the Historic Courthouse was held on April 20, 2013 with over 1,000 people registered in attendance. Since that day, the Historical Association keeps the courthouse open three days a week. They have self-directed tours as well as guided-tours. She stated they have developed a really dedicated group of volunteers who enjoy doing the tours. When people come to visit, they learn a lot about Chatham County and they follow up by dining and shopping in Chatham County. She stated on a sad note that a good friend of the Historical Association, Jane Powell, had passed away. Ms. Powell was unable to attend the grand opening, but she was able to come see the courthouse before she died. Ms. Pugh introduced the new archivist for the Historical Association, Melissa Delbridge. She also thanked Susan Little for the work she does for the association.

### **SPECIAL PRESENTATION**

#### **13 0629       Vote on a Request to Approve a Resolution Honoring the Service of Sandra Brown Sublett**

Commissioner Petty stated that at his very first meeting, he knew he had made a lifetime friend when he met Sandra Sublett. He said she was welcoming, patient, and understanding; and it has been a pleasure to work with her. He stated that for those in attendance who have not had the opportunity to work with Ms. Sublett, they do not know the amount of dedication that she has put into her job over all of the past twenty years. The staff and the citizens of Chatham County owe her a lot of gratitude. Commissioner Petty thanked Ms. Sublett for all she has done and for her friendship. He wished her well on her retirement.

Commissioner Petty read the resolution into the record and called for a motion to approve the resolution.

Commissioner Cross moved, seconded by Commissioner Kost, to adopt **Resolution #2013-50 Honoring the Service of Sandra Brown Sublett**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Petty presented Ms. Sublett with the resolution and the remaining members of the Board joined them for pictures.

Ms. Sublett then asked to address the Board, Staff, and citizens. She presented her comments to the Board and provided them in their entirety for the record as follows:

“I want to thank the members of all the Boards I have served, the County Manager, the County Staff, and the citizens for trusting me so long with this awesome responsibility. I sincerely appreciate the trust of the Board and the citizens, and I am grateful for the opportunity to be an ambassador to one and all.

I have enjoyed my time here more than words can express. It has been a time enriched by all the people I have come to know and love along the way. Chatham County is truly a wonderful and special place, and I will miss you all. (The Board meetings not so much!) My daughter Kristin was very small when I started here, and she used to say ‘Mommie, why do you call them minutes when they take you HOURS to prepare them?’

I leave you in good hands, and I look forward to my next adventure. And I wish many blessings upon each of you in the future. Thank you.”

Ms. Sublett received a standing ovation.

### **BOARD PRIORITIES**

#### **13 0624       Discussion of Updated Draft of the Animal Control Ordinance:**

Commissioner Petty introduced the new Chatham County Health Director, Layton Long.

Mr. Long invited Leigh Ann Garrard, Animal Control Supervisor, to present the proposed Animal Control Ordinance.

Ms. Garrard presented the two tethering options in a PowerPoint as follows:

## Tethering Options



### Ten Hour Time Limit with Option to Obtain Permit for Tethering as a Permanent Means of Restraint



- Includes **all of Humane Restraint Requirements** as well as:
- No dog may be tethered for more than ten (10) continuous hours in any 24 hour period without being taken off the tether for a period of at least two (2) hours. The ten (10) hour tethering time limit is suspended during the first twelve (12) months following the effective date of this provision. It shall be unlawful for any person to fail to keep his or her animal securely restrained or otherwise confined as required by this section.
- The Animal Control Division shall conduct on an 18 month educational phase with respect to tethering and the ten hour limit on tethering. The first 12 months will be education of the public on humane restraint, how to improve conditions while the dog is being restrained, alternatives to tethering, and the consequences of improper tethering restraints. The final six (6) months of the educational phase will involve written warnings for those found in violation of the tethering provisions of this chapter.
- Violations of this section may be established by evidence including, but not limited to, time-stamped photographs and video, records of complaints, and sworn witness statements.

## Continued



- **91.094 PERMANENT TETHERING OF NON-VICIOUS DOGS**
- An animal control officer shall have authority to issue a county permit for an owner to tether a dog on his or her property as a permanent means of restraint if, after investigation, the officer determines that permanent tethering will not be injurious to the dog and will not endanger the health or wellbeing of persons or other animals in the immediate vicinity. The officer shall consider the following in making this determination:
  - The behavior, size, and temperament of the dog,
  - The number of other dogs on the owner's property and adjoining properties,
  - The adequacy and suitability of the proposed tethering apparatus to humanely restrain the dog in question,
  - The capacity of the dog for inflicting serious injury on persons or other animals,
  - The immediate surroundings of the area where the dog will be tethered and the likelihood that those conditions pertaining to the particular dog will have a detrimental effect on the welfare of persons and other animals in the vicinity and the tranquility of the neighborhood in which the property is located,
  - The bite history of the dog, and whether the dog has bitten or attempted to bite a human being or domestic animal without provocation, and
  - Whether the dog without provocation of a trespass has approached a person in an apparent attitude of attack.
- If, after considering the foregoing, the animal control officer determines that permanent tethering would not be injurious to the dog or harmful to persons or other animals in the immediate vicinity he or she may issue the permanent tethering permit, subject to such conditions as will reasonably maintain the health of the dog and the safety and welfare of persons in the vicinity.

Vice Chairman Bock asked if Mr. Long and Ms. Garrard were prepared to talk about any other parts of the Ordinance.

Mr. Long stated there are a lot of other technical parts of the Ordinance and a lot of it is rewording certain sections.

Chairman Petty stated he understood that with the exception of the technical revisions, the ordinance is ready for public hearing.

Mr. Long agreed, but stated they needed direction from the Board on whether or not to include one or both of the options on tethering.

Chairman Petty stated they don't have a defined number of reports related to restraint issues. He stated that he is still interested in an ordinance that is humane restraint at the discretion of the Animal Control Officer. He stated that by having that kind of ordinance, things would be more manageable, and they will be able watch those calls over a period of time and decide if further steps are necessary. He stated there are concerns with the ten-hour limit and permitting options and that a lot of knowledge would be gained with reporting based on the humane restraint issues. He stated he did not think the ordinance was going to accomplish exactly what they wanted it to. Only time will tell.

Commissioner Kost stated there should be a public hearing in order to hear from the community.

Vice Chairman Bock asked if both options should be included in the Ordinance.

Commissioner Kost stated yes, that both options should be included.

Vice Chairman Bock reiterated that the public hearing would be scheduled for January 21, 2013 at 6:00 PM. He also requested that the Health Department prepare a press release in addition to any legal notices required for the public hearing.

By consensus, the Board agreed.

## **MANAGER'S REPORTS**

The County Manager reported on the following:

### **Siler City School Property:**

The County Manager stated there is an interested party who develops senior housing that would like to acquire the Siler City school property. They previously remodeled the Braxton Manor Senior Building and are interested in doing the same thing on the Siler City School site. He stated the Board may want to offer it to other interested nonprofits.

### **Parkwood Fire Department:**

The County Manager stated that there is a problem with the Parkwood Fire Department which is having serious financial issues. Staff is looking into how the County would cover any emergencies and any impact it would have on insurance ratings. Durham County is looking into the issue as well.

Commissioner Kost stated some folks on O'Kelly Chapel Road were worried about their rate. She stated that she met with their chief and he didn't mention any financial problems at that time. She stated Cary could service them and the chief at the Cary location was open to talking about it. The County Manager said staff would explore all options.

## **COMMISSIONERS' REPORTS**

There were no Commissioner reports.

## **RECEPTION**

### **13 0626 Reception Honoring Retiring Clerk to the Board, Sandra B. Sublett:**

Chairman Petty invited all in attendance to join the Board of Commissioners at a reception honoring the Chatham County Clerk to the Board, Sandra B. Sublett, on the occasion of her retirement, after over twenty years of service to Chatham County. The reception will be held on the first floor of the Historic Courthouse immediately following the meeting.

## **ADJOURNMENT**

Commissioner Stewart moved, seconded by Vice Chairman Bock, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting adjourned at 7:30 PM.

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Walter Petty, Chairman

Respectfully Submitted by:

Sandra Brown Sublett

Of her final meeting as the  
Clerk to the Board to the  
Chatham County Board of Commissioners

ATTEST:

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Lindsay K. Ray, Clerk to the Board  
Chatham County Board of Commissioners