

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING, JANUARY 19, 1999

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in special session in the District Courtroom, located in Pittsboro, North Carolina, at 7:00 P.M. on January 19, 1999.

Present: Chair Rick Givens; Vice Chair Uva Holland,
Commissioners Margaret Pollard, Carl Outz,
and Gary Phillips; County Manager, Charlie
Horne; County Attorney, Robert L. Gunn;
Finance Officer Vicki McConnell; and
Clerk to the Board, Sandra B. Lee

The meeting was called to order by the Chairman at 7:02 PM.

AGENDA

- The Chairman announced that there would be a twenty-minute public comment session for the opposition after CP&L makes their presentation.

- The Chairman asked if there were additions, deletions or corrections to the Agenda.

The Chairman asked that a brief discussion of the “Pay as You Throw Policy” be added to the agenda as Item #11A.

Commissioner Pollard moved, seconded by Commissioner Holland, to approve the Agenda with the noted requests. The motion carried five (5) to zero (0).

CONSENT AGENDA

- The Chairman directed the Clerk to the Board to read the Consent Agenda. Commissioner Holland seconded by Commissioner Outz, to approve the items listed on the Consent Agenda as read by the Clerk.

1. **Minutes:** Consideration of approval of Board Minutes for meeting held January 4, 1999

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

2. **Refunds on Regular Tax Bills:** Consideration of a request for approval of refunds on regular tax bills paid in error, attached hereto and by reference made a part hereof.

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

3. **Grant Pre-Application to Expand TeenWorks Teen Center:** Consideration of a

request for approval of a grant pre-application to expand funding for the TeenWorks Teen Center in Siler City through the Governor's Crime Commission, copy attached hereto and by reference made a part hereof.

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

4. **Funds Acceptance for Chatham County Libraries:** Consideration of a request for approval to accept additional State funds in the amount of \$26,851 for the Chatham County Libraries

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

5. **Resolution for Time Warner Cable Rate Adjustment:** Consideration of a request for approval of Resolution for Review of FCC 1240 Annual Basic Service Tier Rate Adjustment Request filed by Time Warner Cable for NC-0468, attached hereto and by reference made a part hereof.

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

6. **Chatham County Flag Project:** Consideration of a request for approval of the Chatham County Flag project, specifics attached hereto and by reference made a part hereof.

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Peter Thiya, 1065 Boothe Hall Road, Chapel Hill, NC, asked that the Commissioners be more proactive toward the education system and fund the schools. He stated that there was a "bunch" of money sitting around in the general fund; that the superintendent of education needs to be given the power to write checks to buy land for a high school; that his kids need more than what they are receiving and that he feels the Board of Commissioners can do more for the schools.

PLANNING AND ZONING

Public Hearings

The Chairman administered the oath/affirmation to those in attendance who wished to make public comments.

Proposed Amendment to Communication Towers Ordinance: Public hearing to receive public comments on the proposed amendment to various sections of the Chatham County Communication Towers Ordinance to provide for improvements resulting from the first year's experiences with the ordinance. The draft text is attached hereto and by reference made a part hereof.

Jerry Eatman, 3625 Laurel Hills Road, Raleigh, NC, Attorney for Sprint PCS, stated that the proposed amendments are a substantial improvement in refinement of an already

progressive Chatham County ordinance; that the changes will make the process easier for the public to understand and will streamline the process; and that it gives consideration to the applications approved last year.

Commissioners Phillips and Givens applauded the efforts of the Planning Board stating that a lot of work and numerous volunteer hours have gone into the preparation of the ordinances and amendments.

Proposed Amendment to Subdivision Regulations: Public hearing to receive public comments on the proposed amendment to the Chatham County Subdivision Regulations, Section 6.2 D. (2) concerning improving new subdivision's private roads to State standards. The draft text is attached hereto and by reference made a part hereof.

John Coffey, 130 Glen Ridge Drive, Chapel Hill, NC, stated that he is against the proposed amendments regarding the private roads; that it would prohibit large lots; that present regulations work well; and that gravel roads are more expensive to maintain than private paved roads for people in those areas.

Cardinal Operating Company Request for Conditional Use Permit: Public hearing to receive public comments on a request by Cardinal Operating Company for a Conditional Use Permit for a contractor's storage yard [pipe storage yard], on 12.3 acres of the Strowd property on the southeast side of Highway #15-501, south of Mt. Gilead Church Road, in Baldwin Township.

Brad Lushbaugh, representative of Cardinal Operating Company, PO Box 607, Holly Springs, NC, stated that Cardinal is expanding the 24" natural gas pipeline and that during the construction process, there is a need to store pipe; that the proposed location is a twelve acre site on Hwy. #15-501, one-fourth mile south of Mt. Gilead Church Road; that the application for the conditional use permit would allow them to temporarily store pipe during the construction process to facilitate the construction of the pipeline; and that from Hwy. #15-501, there is some screening already in place.

Janet A. Brewer, 7284-D US #15-501 North, Pittsboro, NC, stated that the field for use by Cardinal Operating Company is located near her driveway; that according to an agent for Cardinal, they were under the impression that the field had a direct access to Hwy. #15-501; that she was not notified of the public hearing; that she is concerned because the driveway was constructed by her neighbors and her; that the small gravel driveway, which is normally traversed two-three times a day by automobiles, would be traversed by large trucks carrying long pipes forty to eighty feet long on a regular basis; and that she has concerns about the proposed conditional use permit with regard to safety, security, and property damage. She asked that the company not be allowed to use the driveway and presented a letter to the Board, attached hereto and by reference made a part hereof.

Glenwood Development Company Request for Revision to Conditional Use Permit: Public hearing to receive public comments on a request by Glenwood Development Company for a revision to the existing Cole Park Plaza Conditional Use Permit [for a shopping center], to allow the Goodyear/Chapel Hill Tire Store to locate in the existing shopping center, off Highway #15-501 North, in Williams Township

Patrick Hennigan, 132 Greenhill Lane, Mooresville, NC, President of Glenwood Development, LLC, stated that the company had purchased Cole Park Plaza Shopping Center

and is developing the Chatham Crossing Shopping Center. He stated that the Lowe's Food Store currently located in the Cole Park Plaza is relocating to the Chatham Crossing Center; that Chapel Hill Tire is interested in locating in the old Lowe's location and will be using 25% of the available space.

Carolina Meadows Request for a Revision to Conditional Use Permit: Public hearing to receive public comments on a request by Carolina Meadows for a revision to Section H [Residential Development] of the existing Conditional Use Permit, off SR #1727 [Whippoorwill Lane], in Williams Township

Rob Boening, 100 Carolina Meadows, Chapel Hill, NC, urged the Board to grant them additional time to take a look at the residual acreage they now have and that in doing so, the Board will be pleased with the results

"Pay As You Throw" (PAYT): Consideration of a request to approve the "Pay As You Throw" (PAYT) trash disposal system

Chairman Givens asked that consideration be given to table this matter indefinitely.

After discussion, Commissioner Phillips moved, seconded by Commissioner Outz, to table the "Pay As You Throw" (PAYT) trash disposal system indefinitely. The motion carried five (5) to zero (0).

AMERICAN TOBACCO TRAIL UPDATE

American Tobacco Trail: Update on the status of the American Tobacco Trail in Chatham County by Barbara Oslund

Barbara Oslund and Al Capehart, gave an update on the conversion of the American Tobacco Trail to a multi-use recreational trail spanning Durham, Chatham, and Wake Counties.

Ms. Oslund stated that things are moving along in the other counties and that Chatham County needs to complete the remaining parts of the process which include participating in a combined public meeting with Durham County at North Chatham Elementary School on February 24, 1999 at 7:30 PM. She informed the Board that at this meeting, the following things will be discussed:

- 1) A model for management for the Chatham County portion of the trail
- 2) Develop synergy for a portion of the trail with other trail efforts within the County and other Counties
- 3) Develop integration into Land Use Development Plan

Al Capehart expressed appreciation to the Board for looking into this issue and to Barbara Oslund for her work efforts with taking the lead for this project in Chatham County. He encouraged the Commissioners to ask her for reports on trail efforts in Chatham County.

NC RURAL COMMUNITIES ASSISTANCE PROJECT, INC PRESENTATION

NC Rural Communities Assistance Project, Inc.: Presentation of a report on the

Stockyard Road Preliminary Engineering Report by Sharon LaPalme

Sharon LaPalme, Associate Director of the North Carolina Rural Communities Assistance Project, Inc., stated that the purpose of her meeting was two fold: 1) to present an overview of a preliminary engineering report (PER) for a proposed sewer line extension to Stockyard Road, a community in the extra-territorial jurisdiction of Siler City; and 2) to inform the Board of the need for sewer service in this area and outline the design options and cost estimates for extending sewer lines. She stated that in addition, NCRCAP and the American Water Works Association (AWWA) will request, on behalf of the residents of Stockyard Road, that the Board of Commissioners pursue obtaining grant and/or loan money to finance the construction of the proposed sewer line; that NCRCAP would provide the County extensive assistance to identify potential funding sources and carry out background work to assist in completing funding application; that they have worked similarly with the County in the recent past, helping to complete the County's 1997 Scattered Sites Community Development Block Grant; that Joel Brower, Siler City Town Manager, and Terry Green, Public Works Director have been instrumental in completing this PER; that both have stated that Siler City has the capacity both to treat sewage from this community and oversee maintenance of the sewer lines and pump station; that the County's responsibilities beyond financing the construction of the lines would be to administer a monthly sewer bill (most residents are already water customers) and to reimburse the Town of Siler City for the amount remitted for sewer service; that this model, whereby Siler City maintains and operates the lines and the County administers billing, is already in place in the Jordan Grove area, another community in the extra-territorial jurisdiction of Siler City that has sewer service; that both the Town and County Public Works staff say the Jordan Grove set up works well; and that establishing a similar set up in Stockyard Road would be straightforward.

Chuck Willis, with NC- American Water Works Association (AWWA) and Willis Engineers, commented on the preliminary engineering report and praised the volunteer efforts of members of the Outreach Committee.

CP&L PRESENTATION

CP&L Presentation: Presentation by CP&L regarding the storage of spent nuclear rods by John Caves

Katherine Thomas, Manager of Community Relations for CP&L, stated that she appreciated the recent visit to the Shearon Harris Nuclear Plant by the new Board members. She informed the Board that there will be an open house at the visitors center on Thursday, February 4, 1999, 7:00-10:00 PM and that comments and questions would be welcomed. She stated that safety is CP&L's number one priority and that they are committed to the safe, reliable, and efficient operation of their three nuclear facilities; that they want to address any concerns and are committed to Chatham County and other communities and want them to know about their plans.

John Caves, Manager of Regulatory Affairs, Nuclear Generation Group, stated that the issue at hand is what happens to nuclear fuel after its useful energy has been consumed to make electricity; that more specifically, what Carolina Power & Light does with this spent fuel at its Harris Plant in Wake County; that the long-term solution is clear with the federal government being required by law to take spent fuel and safely dispose of it; that the US Department of Energy has a schedule for opening a permanent national repository in 2010,

probably in Nevada; that in the meantime, nuclear plant owners must store the fuel; that in the interim period, CP&L plans to continue using the same storage method they have been using since opening its first nuclear plant in 1971 and at the Harris Plant since 1987; that it has been the standard method throughout the nuclear industry for decades; that they store the spent fuel in deep-water pools inside the nuclear plant; that the water cools the fuel and protects employees from radiation; that the nuclear fuel is in the form of solid uranium pellets encased in long steel rods; that they have been storing spent fuel in this way for more than a decade; that the Harris Plant has also been storing some of the spent fuel from their other two nuclear plants, since it has much more storage capacity; that it is important to note that they will continue to store only the fuel rods from CP&L's nuclear plants; that they are now seeking federal approval to begin using the additional space in the storage facility at the Harris Plant; that this facility was built during initial plant construction; that they have been meeting with local officials and others to talk about their plans and hosting tours of the plant, even before they filed their request with the Nuclear Regulatory Commission on December 23, 1998; that the NRC's review and approval process includes a public comment period; that they will continue to discuss this issue openly, regardless of whether the NRC decides to hold a formal public hearing; that the Harris Plant has been a good neighbor from the beginning; that it has consistently achieved excellent safety ratings; that they are absolutely committed to continuing their good record; that they are confident that using the additional storage capacity that is already available at Harris is a safe way to meet an important interim need; that they want to start using the other two storage areas; that on January 13th, the NRC issued a preliminary report that there is no significant hazard associated with their plant; that it is expected to take up to a full year to fully assess the application; that prior to the final approval, they must be confident that using the additional storage space in the already built facility will be safe; that they are now in the middle of a thirty day comment period, through February 12th, where citizens or local government agencies can let the NRC know about their concerns with the process or to request a meeting or hearing with the NRC; that the NRC will decide whether they will hold a public hearing on this issue; that there is no time limit for bringing generic safety issues, including safety issues associated with this application, to the attention of the NRC; that they will review the safety issues and if they think that there is a problem, they will act on it because they are accountable to the public for the safe operation of these plants; that CP&L hopes that the NRC will approve their request by the end of the year which will give them permission to continue doing what they have been doing at CP&L for the past twenty-five years and at the Harris Plant for the past eleven years...safely storing the used fuel rods that help generate electricity, economically for their customers in the Carolinas.

Mr. Caves answered questions from the Board of Commissioners.

Commissioner Phillips asked if CP&L had enough confidence in its proposal to help the County fund a technical, independent review.

Mr. Caves stated that he did not have the authority to commit to the proposal but would be willing to discuss the issue.

G. R. Quinn, 6419 Northern Ranches Road, Sanford, NC, speaking in favor of CP&L stressed two points as follows: 1) NC WARN is promoting waste dumps, according to their own literature; and 2) that this is an example of propaganda from people on the "left"; and that CP&L was a major source of electricity and jobs for the surrounding area.

Doug Stuber, F-Flemington Road, Chapel Hill, NC, stated that he supported the

resolution to limit nuclear waste and is against nuclear power; that he implored CP&L to reduce nuclear waste stored in Chatham County, but to close down all nuclear power plants; that Canada is scheduled to stop all nuclear power production soon and that Germany will follow suite; that it is too dangerous and significantly too expensive; that he call on CP&L to lead the way in reducing nuclear power production in the United States; and that three motivating factors facilitate the growth in nuclear power in the United States: genocide, slavery, and greed.

Jim Warren, Director of NC WARN, stated that the handout about the low-level nuclear waste was constructive if you had the entire handout; that CP&L should fund an independent review of the proposed plan; that he further stated that CP&L cannot assure anyone that a serious accident will not happen; that NC WARN believes it is important that everyone abide by safety rules and regulations. He added that the dialogue with Chatham County was a positive step, but stated that this proposal needs to be carefully scrutinized because the probability for an accident increases with a working reactor in place; and that the current fuel pools are not designed to handle the volume of waste proposed.

Liz Cullington, 390 Rocky Hills Road, Pittsboro, NC, encouraged technical assistance in evaluating CP&L's proposal; that the plan calls for the dubious use of unused fuel pools and that Mr. Caves glossed over some very serious issues; that although the spent fuel rods need not be stored in water, but that when it is, more of it is stored closer together; and that additional construction would be needed inside the waste handling building in order to make it ready to handle more waste.

Carrie Bolton, 2726 Alston Chapel Road, Pittsboro, NC, stated that although she is a lay person on the technical issues, she is a mother, pastor, and a day-care provider and she is very concerned about the environmental issues surrounding the site; that she is struck by the report that asthma has increased 160% among children; and that the safety brochure from CP&L urged people to be knowledgeable in the event an accident occurs. She further stated that accidents have occurred, and because of such, a feasibility study should be done because the people in the County are worth it.

Mark Marcoplos, NC WARN, stated that this is just the tip of the iceberg of concerns and questions which will arise regarding the site; that more questions are coming up soon and they are not things that will be resolved at the plant; that these will take much review and it is important that citizens understand every step of the process and have all of their questions answered; that they understand how the plant works; and that the permanent storage site has been mentioned for decades and that more problems with the hydrology of the area is slowing its development. In conclusion, he thanked CP&L for their willingness to engage the public in an open discussion.

Jane Sharp, 307 Granville Road, Chapel Hill, NC, presently living in Orange County, stated that next year she will be moving to Chatham County and will be even more concerned regarding the nuclear waste storage; that she was a member of the citizen watchdog committee that was active when the plant first opened; that CP&L was good about answering their difficult questions; that she feels that is one reason the plant has such a good safety record; that she is certain CP&L will face any problems head-on and that storage space at the plant will fill quickly. She urged movement for an open hearing in front of the Nuclear Regulatory Commission in conjunction with Orange and Durham Counties to obtain complete information.

Jerry Markatos, 800 Rock Rest Road, Pittsboro, NC, stated that residents of Chatham County have a huge responsibility to gain control and be very involved in their own decisions; that errors in nuclear industry are permanent errors; that the first casualties of an accident in any area is agriculture; that the County needs to realize potential liability and examine all aspects before taking action on this issue.

David Richardson, 14 Winthrop Court, Durham, NC, stated that although the proposed expansion poses no immediate threat, there have been studies that have showed serious health effects in similar areas. He asked that the Board of Commissioners show concern and address the serious nature of this issue.

Commissioner Phillips applauded the efforts of Chairman Givens, stating that he has shown that leadership sometimes rests in flexibility. He also thanked the Chairman for his support of the public process.

Commissioner Phillips moved, seconded by Commissioner Pollard, that Chatham County join with Orange County in seeking an independent technical and legal evaluation of the current and proposed high-level waste storage at the Harris Nuclear Power Plant and to offer support from Mary MacDowell, who is more knowledgeable in this area, as the County's contribution so that the County may receive the information generated from the process. The motion carried five (5) to zero (0).

TAX DEPARTMENT

Property Tax Exemption for Pittsboro Christian Village: Consideration of a request for approval of late application for property tax exemption for Pittsboro Christian Village, Inc.

Commissioner Pollard moved, seconded by Commissioner Holland, to approve the property tax exemption for Pittsboro Christian Village, Inc. for 1998, a copy of the letter attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).*

***For corrected version, see Minutes of February 1, 1999.**

BOARD OF COMMISSIONERS' MATTERS

Recognition of Strategic Plan Development Committee (SPDC): Recognition of the Strategic Plan Development Committee (SPDC); formal closure of committee; and appointment of members to the Strategic Plan Steering Team

The County Manager explained that the Strategic Plan Development Committee had worked diligently since 1995 in looking at the County's future; that they had put together a set of goals now being used as action plans; and that the committee has worked tirelessly to put together a vision for the County with eleven main parts and fifty-one goals. He stated that the Strategic Plan Steering Team is now functioning and that it is now time to sunset the SPDC.

The Chairman congratulated the members and presented each with certificates of appreciation for their hard work efforts, copies attached hereto and by reference made a part hereof.

Proposed Clocks for the Chatham County Courthouse: Consideration of a request for approval for the installation of clocks in the Chatham County Courthouse

The County Attorney reviewed the contract proposal and specifications on the courthouse clocks with the Board of Commissioners.

John Blair, speaking on behalf of the donor, stated that the clock project was now into the fifth month of discussions and planning and asked questions of the Board with regard to the clock installation and completion.

Commissioner Pollard moved, seconded by Commissioner Holland, to allow the clock project to proceed. The motion carried five (5) to zero (0).

Chatham County Educational Facilities Impact Fee Ordinance: Consideration of a request for approval of the Chatham County Educational Facilities Impact Fee Ordinance

This matter is to return to the Board in the future.

Moratorium on Subdivisions: Consideration of a request to approve a moratorium on subdivisions

Commissioner Phillips moved, seconded by Commissioner Pollard, to set February 15, 1999 as the date on which to hold a public hearing on the moratorium on subdivisions. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

The County Manager informed the Commissioners of the following:

- 1.) **Board of Health Meeting:** The Board of Health meeting will be held on January 26, 1999.
- 2.) **NC Cooperative Extension Service:** The annual NC Cooperative Extension Service report and luncheon will be held on February 1, 1999 from 12:00 – 2:00 PM
- 3.) **Rails to Trails Public Hearing:** The public hearing on the Rails to Trails will be held at East Chatham School on February 24, 1999.

ADJOURNMENT

Hearing no further business, Chairman Givens declared that the meeting be adjourned. The meeting was adjourned at 9:28 PM.

Rick Givens, Chairman

ATTEST:

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