

**MINUTES  
CHATHAM COUNTY BOARD OF COMMISSIONERS  
WORK SESSION  
DECEMBER 17, 2012**



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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, Pittsboro, North Carolina, 3:00 PM on December 17, 2012.

Present: Chairman Walter Petty; Vice Chair 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

*Work Session*

1. **Public Input Session**
2. **Zoning Ordinance Amendments:** Discuss proposed amendments to the Zoning Ordinance for off-premise signs and setbacks in business zoning districts and consider scheduling a public hearing
3. **Mt. Gilead/ST Wooten Ground Contamination Discussion**
4. **Agriculture Center GO Bond Discussion**
5. **Board of Commissioners’ Retreat Discussion**

**CALL TO ORDER**

Chairman Petty welcomed those in attendance and called the meeting to order at 3:00 PM.

**PUBLIC INPUT SESSION**

**John Gregory**, 210 Henry’s Ridge Road, Pittsboro, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

“I’m here today regarding the Lee Paving Hazardous Site (NONCD 000 1990). At the November 19<sup>th</sup> Commissioners meeting one comment was that neighbors on Henrys Ridge had received letters from the NCDENR to test for TCE and other contamination. Commissioner Kost requested that she would be interested in who received this letter. I reported we received the same letter as some of our neighbors for our well water to be tested by the North Carolina Department of Environment and Natural Resources (NCDENR). As said at the meeting last month nobody told us about a Hazardous Site when my wife and I moved here 3/18/11 or a Hazardous Site being monitored for hazardous waste.6 miles from where we bought our retirement home. Also I commented on the contamination has moved 800 feet West and that we live Southwest of the ST Wooten Site. I have sent many emails in the past complaining about ST Wooten’s operation at this site, but now it is so bad the water we drink and do daily duties may be contaminated by a cancer causing solvent. I’m out of words to say. Maybe “unbelievable”. I ask and request the commissioners look into what can be done in cleaning up this site and relocate the company ST Wooten. The contaminate could be all over the area by tires on the trucks or by the trucks from one location to another and or worse brought home by the ST Wooten’s employees to their families. There is a solution to this problem for a win-win by all. We should not live in fear of our water we drink and do our daily routines. Please help. Also the Commissioners need to shut down the activities on the site and have the site cleaned up. The above is an overview from today work shop.”

**Jane Gallagher**, 628 Redbud, Pittsboro, NC, stated that she works for the Environmental Protection Agency. She stated that she is appreciative that the S. T. Wooten ground contamination was put on the agenda. There are 160 people within a half mile, 260 within a mile, and 2,600 within three miles of the plant. There is TCE in Wake Forest. The federal government had to step in because DENR wasn’t doing their job. Charlotte Jesnick is head of the hazardous waste site division. She is in charge of S. T. Wooten and she said that there were not enough funds, not enough priority to put on this site, as they have other things to do. She stated that they could not let this happen. She stated that a lot of people present have spent a lot of off-work hours trying to figure out this problem. TCE is now 400 feet, underground from a well. Nobody is looking at the reports from the NC Department of Transportation in charge of cleaning up the site. They are issued biannually. She stated that they did not trust S. T. Wooten. They are appreciative of the letter that former Chairman Brian Bock sent to the community saying how wonderful they were working together with the County. There are five out of twenty-two violations in the stream that feeds Jordan Lake. She asked the Board to do some things that would be helpful and reassuring to the community: 1) Ask NCDOT to put a \$3,000-6,000 filter on the Mitchell Residence. 2) Do not let them self-monitor the two wells approved by the County that were put on the site. 3) Watch the “Consent Order” that limits the amount of asphalt tonnage. 4) The property should be registered for people buying and selling homes.

**Scott Spinka**, 274 Henry’s Ridge Road, NC, stated that Chatham County and the Board of Commissioners have a responsibility for zoning and other things related to housing. Clearly, the Board has to approve the development of a subdivision. The Board approved this subdivision knowing full well that they had contamination close to where they are. He stated that it bothers him because you can’t take the efforts that have been made and forget that there is a responsibility connected to it. The zoning was allowed and the approval of the subdivisions was granted. The Board can’t act like they do not have the responsibility to deal with the problems that were known about before the approval was given. This Board personally might not have been here; however, someone in the same seat with the same title knew about it. The records are clear. He stated that he expects Chatham County to do something about it.

**Beth Kricker**, 224 Buteo Ridge, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“My name is Beth Kricker. I have lived in Chatham County 20 years.

I stand by my previous remarks regarding the S.T. Wooten plant made at the Board of Commissioners meeting on November 15th. I would only add that combining toxic materials

necessary to heavy industrial operation sitting in the midst of an residential agricultural area invites seepage of toxic materials into the food chain and seepage into the water used as drinking water. The danger lies. In a tragedy occurring such as being endured today in Newton, Conn though ours may be longer range and longer suffering. Will this Board take the steps required to protect its residents? Thank you.”

**Barbara Pugh**, 5332 NC 87N, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“Good Afternoon, Commissioners: My name is Barbara Pugh and I represent the Chatham County Historical Association. I appreciate being allowed to speak to you today.

The very good news from the historical association is we are at a stage where we can proudly proclaim with confidence that our fundraising efforts have succeeded. The development, fabrication, and installation of the exhibits for the new museum are now completely funded through monies from the association and the private community. I am extremely proud of the efforts of the CCHA Board in leading this fundraising campaign. Of course, we will continue to seek support for on-going programs, changing exhibits, and other services in the interest of Chatham County history.

The collaborative efforts of county government, a non-profit organization, and private community are truly to be praised. Thank you for your part. We look forward to continuing efforts between all of us.

With much anticipation we anxiously await the new day for the Courthouse and its grand re-opening. No doubt our orators of the day and the accompanying festivities will represent the same pride as that of 1881.

The magic word of “fundraising” caused CCHA to have made a decorative ornament representing the Historic Courthouse which I share with you as a timely token of the Courthouse and the Holiday Season. Thank you. Barbara Pugh, President, Chatham County Historical Association, Inc.”

**Susan Little**, 71006 Everard, Pittsboro, NC, stated that she has served as the Exhibits Chairman and the Interim Museum Chairman. She stated that the ornaments are going to be paid for. They are being fabricated at this time at Design Dimension Studio in Raleigh. The fabrication scheduled will dovetail with the contractor’s schedule at the courthouse so that when they say they can install, Design Dimension will install them. They have been holding volunteer coffees, training volunteers, and training people to be greeters in museum. As volunteers, they are going to train in January to be tour guides who can give a 30-45 minute tour by special request. When opening day comes, they will be prepared. Out of the volunteer coffees, training, and museum committee meetings, they have come up with some questions that they feel they must work with the Board to get the answers and directions. She asked if the Board could provide a point person with whom they could interface, they will work with them in finding direction. She stated that it is an exciting time as they watch the building come back to life; and may the restored courthouse and museum be jewels in the landscape of Chatham County.

**Bill Fischer**, 591 Red Gate Road, Pittsboro, NC, stated that pollution that is present at the Wooten site has been there a long time. It has been studied for a long time. He respectfully requested that it no longer be studied. It needs to be cleaned up before people are poisoned. He stated that it would be less expensive to do now than it will be at some other time. He stated that he was not sure who is responsible for cleaning it up. He would think it would be the owners to clean up their part of it. The State has admitted to some of it, but the present occupants have certainly added to it. Those who live around it are extremely hopeful that it will be fixed. He stated that they know it is there, and it is dangerous. He asked the Board to fix it before people are poisoned.

**Diana Hales**, 528 Will Be Lane, Siler City, presented her comments to the Board and provided them in their entirety for the record as follows:

**Ten reasons to build the Chatham County Agricultural Building in Siler City:**

1. Siler City is a better location to serve the farming population in the rural half of the county.
2. The County would have a clear presence in Siler City, rather than completely concentrated in Pittsboro.
3. A new agricultural center will make Siler City a positive destination for people who never drive west of Pittsboro, but who desire services, or classes, taught by Cooperative Extension.
4. It would assist Siler City's downtown revitalization by establishing an office building in the core of the town. This will provide growth for restaurants and retailers, services and the arts community.
5. The County could purchase an industrial site...the County invests in land, this is no different because the land is in Siler City. A downtown building will dramatically improve the cityscape.
6. The Agricultural Center could provide a much needed public meeting space for Siler City. Today, there is NO public space for theater, public meetings, lectures, or any civic activity in except for the Town Hall Courtroom, which is often unavailable, or the very small Earl Fitts Center.  
Also, the Siler City Community College Campus is not available for public use on weekends. In contrast, Pittsboro has the old Courthouse, and the facilities of the Community College Multipurpose Room, and perhaps even use of the new Justice Center for community gatherings. Siler City has no downtown indoor space as large as the Multipurpose Room for festivals, workshops, exhibits, or other civic-building activities. This could be remedied with the new agricultural center.
7. Building in Siler City will provide jobs and help local business.
8. Building an agricultural center in Siler City is more convenient to the stockyards and could provide opportunities for Ag staff to have livestock exhibitions and training. Livestock are often transported around Siler City and, unlike Pittsboro, this is a welcome sight.
9. Siler City is committed to revitalizing the town through the NC Rural Center's NC STEP program of bottom-up citizen engagement. This would show faith in Siler City's regeneration.
10. Your favorable consideration of Siler City would go far extending a hand to erase the east-west divide that has plagued this County for years.

**Joe Drust**, 178 Henry Ridge Road, Pittsboro, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

"I come before you this afternoon as a follow-up to my comments at the November 19<sup>th</sup> BOC meeting regarding the notification from the NCDENR pursuant to the ground water contamination at the Mt. Gilead/ST Wooten site.

First I would like to thank the board for taking a first step on this important health issue for those in the area.

In my previous comments I requested that the BOC keep heavy industries out of residential areas and closely monitor those that exist for public health and safety.

We are very concerned with the Regulatory Oversight and Compliance associated with ST Wooten operating a heavy industry in a zoned residential area. Who is minding the store?

I request that the BOC, if it has not done so in its current investigation:

1. Review the record for the operating conditions or restriction associated with granting continued use of the site by ST Wooten.

2. Determine compliance by ST Wooten with the operating conditions established by the BOC for the continued use of this site, and inspect the adjoining zoned R1 residential property for compliance with existing ordinances.
3. Request that ST Wooten certify to the BOC that the site is in compliance with all applicable soil, water, and air quality standards established by local, state and governmental agencies.
4. Verification of compliance by ST Wooten by providing the BOC copies of the test results and documentation provided to those governmental agencies.
5. Request that ST Wooten provide on going compliance reporting to the BOC.

Although these may seem excessive, we must all remember, that long after the cost causing entity has gone bankrupt, the environmental and health implications will continue.

The cost of remediation for these violations will far exceed the cost of compliance and will need to be paid by all of us in the future.

I look forward to the Board of Commissioner's continued actions regarding this serious public health issue. Thank You."

Commissioner Stewart asked if Mr. Drust had received a letter to have his well water tested.

Mr. Drust stated that he did.

Commissioner Stewart asked to see a copy of the letter and those of anyone else having their wells tested.

Mr. Drust stated that in his discussions with them, they indicated that results would not be available until the end of January at the earliest. He stated that he would be happy to share the results at that time. He stated that his family and his dog and cat were now drinking bottled water.

John Gregory stated that he had also had his well tested on December 6<sup>th</sup>.

Commissioner Stewart asked to also see the results of his testing.

**John Alderman**, 244 Red Gate Road, Pittsboro, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

"Good afternoon, Commissioners. I am John Alderman, and I live along Mt. Gilead Church Road on Redgate Road. I am very concerned about the pollution associated with the ST Wooten property. Please help stop the abuse of your citizens and property owners in this area. Pollution of our lands and waters have gone on for too many years now. Hundreds of families in the Mt. Gilead Church Road Corridor live with uncertainties associated with the expanding plume of pollution at the Wooten site. We have great concern about health and property value effects. Chatham County has many excellent employees and good lawyers. Please be creative and charge these employees with finding a way to close this industrial site down and remove the pollution from the soil, bedrock, cracks in the bedrock, and from the groundwater. If this is not done soon, we may lose our ability to put the genie back in the bottle. The pollution may expand so extensively that we won't be able to remove it in the future. Therefore, all future property owners and future generations will be affected.

Thank you for listening to our concerns."

**Andy Foshee**, 85 Sweet Gum, Pittsboro, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

“My name is Andy Foshee and I reside at 85 Sweet Gum, outside of Pittsboro. My wife and I have lived off of Mt Gilead Church Road since 2000. I come today with two concerns around economic growth in North Chatham County.

As you know the Mt Gilead Church Road corridor serves not only as sole access to a number of neighborhoods, but is also a logical shortcut between the Highway 64 and 15/501 corridors. When the present businesses were located in this area traffic was light and sporadic. Now we have much higher concentration of traffic along with bicycles. I have personally witnessed numerous close calls with US Postal Service contractors, bicycles and motorized scooters. I have also stopped and aided at collisions with deer – thankfully none yet with serious injury to drivers or their passengers.

In addition, recent events have brought an ongoing problem with water out into the light. I for one have a 785 foot deep well and only 6/10 gallon per minute recovery rate. I have neighbors experiencing similar problems as well as those with excellent recovery rates. With my proximity to the only industry in this part of the county I fear my dream home may become a dry albatross around my neck, or my well may become unsuitable for use and justifiably capped by those concerned for my health. Water in our part of the county is inconsistent, with no fewer than 3 of my neighbors recently having wells that went completely dry.

My area of North Chatham County has been a magnet not for industry, not for commercial enterprise, but of families. We moved to this part of North Carolina because of the rural, and usually quiet nature of the area. We knew of the industrial neighbors, and would have no problem with them if they were good neighbors. However after broken promises, late night light and noise pollution, damage to wells drilled to monitor poisons in the watershed, we now know that we cannot have industry and commercial ventures in our quiet residential area without forever altering the flavor, environment, tax base, and property values in a decidedly negative way.

I come before you today to ask that you please keep these concerns at the forefront of your minds as you tackle the difficult job of balancing economic growth, appropriate land use, and zoning.

Thank you for your time and Happy Holidays.”

**Robin Lyons**, 96 Hamemelis Lane, Pittsboro, NC, stated that there should be some kind of notification to those who move into the community. She stated that the Wooten Plant is a heavy industrial plant that does not belong in that neighborhood. Additionally, she stated that the noise was outrageous and the traffic is also horrendous. She asked that the plant be relocated to an industrial zoned site, she felt it would be best for everyone.

**Gene Womble** 550 Sugar Lake Road, Pittsboro, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

I am Gene Womble and I live at 550 Sugar Lake Road, Pittsboro, NC. I only live two driveways from the Wooten Plant. This past August, the state checked our well water and sent me a letter that said our water should not be used for human consumption. They checked it straight from the well; but we have had a Rainsoft Water System installed that should take care of it. The water is just as clear as you can ask for. We get a lot of dust and pollution from the Wooten Plant through the air. The big Wooten trucks tear up the pavement on the roads and they go more than the 35mph posted speed limit on Sugar Lake Road. I want to thank all of the Commissioners and everyone else for giving me a chance to speak.”

Commissioner Kost asked Mr. Womble if he had called the State or how it happened.

Mr. Womble stated that they sent him a letter stating they were testing the wells in that area.

Chairman Petty stated that he thought there were two different things happening. He stated that he thought the State was testing based on the contamination history that is there. He stated that he thinks the testing that was requested by DENR was a periodic test.

Ms. Gallagher stated that she thought he was right on the first part; however, on the second part, because the TCE is fifty times the allowable level and crossing close to the Mitchell Residence, they are now monitoring all of them north of that site. These are all new sites that were monitored in December. The other ones are on a standard plan.

Chairman Petty stated that there was no question that there was a problem. They just have to figure out how to deal with it.

Commissioner Stewart asked how often they have been monitoring Mr. Womble's water.

Mr. Womble stated that was the only time it had been monitored and he has lived in that location since 1990.

Charlie Horne, County Manager, explained that there were members present who are testing around the site, and that they are present as a follow-up from the November Board of Commissioners meeting.

Commissioner Kost asked to reorder the Work Session Agenda stating that most of the public input comments dealt with the Wooten situation.

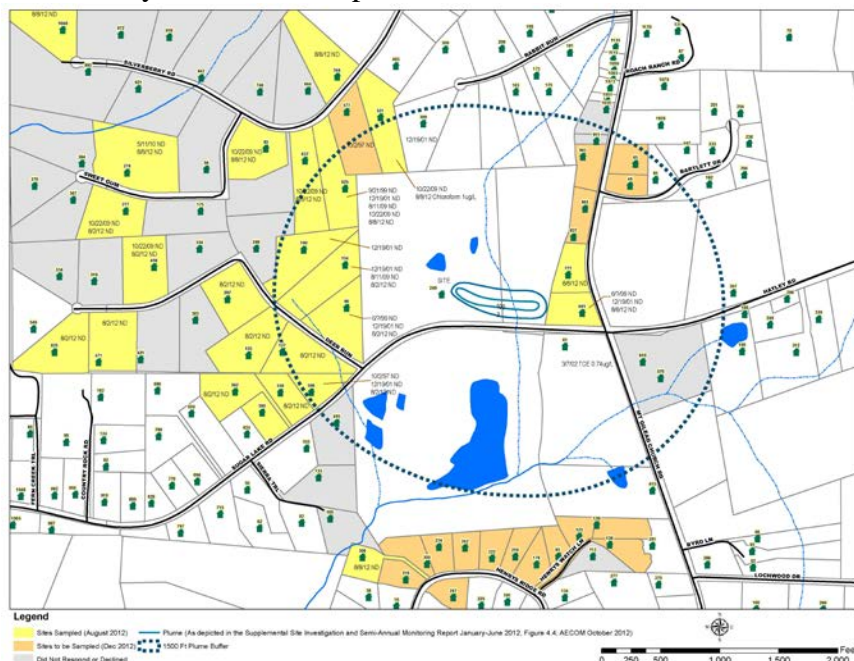
Commissioner Bock also asked that the "Agriculture Center GO Bond Discussion" be deferred until the January Board of Commissioners' meeting due to the interest of time.

By consensus, the Board agreed.

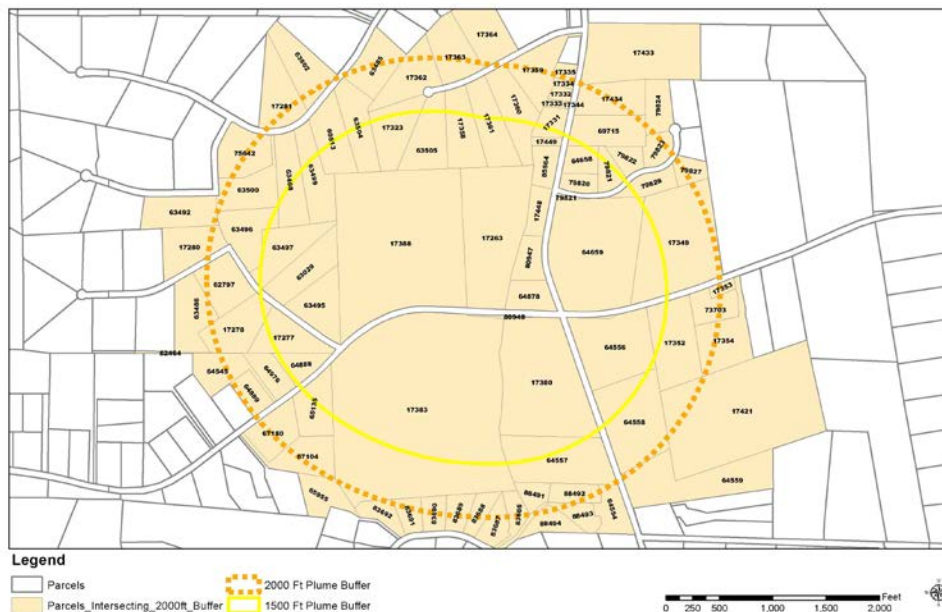
### **MT. GILEAD/S.T. WOOTEN GROUND CONTAMINATION DISCUSSION**

**Ann Lowry**, Chatham County Environmental Health Director, explained that they had met with both the North Carolina Department of Transportation (NCDOT) and the Division of Waste Management to get a better understanding of their roles in the S. T. Wooten/Lee Paving issue. The Division of Waste Management (DWM) is present to explain their role in this process. They have also spoken with NCDOT to talk about their role. She stated that she was not present to represent NCDOT, only to forward the discussion. For the last decade, they have taken over the remediation of the site, because they were one of the users of the lab on the now S. T. Wooten Property.

Ms. Lowry reviewed a map as follows:







Ms. Lowry stated that NCDOT has set up several monitoring wells on the property. They told them that they have a monitoring well that is showing positive for TCE and they know through testing of DWM and their own testing, that one of the wells does not have TCE. They went in between the two wells and drew the boundary. Their plan is to put a few more monitoring wells on the property and try to more accurately depict the plume. She stated that NCDOT said though they have been remediating for the last ten or more years, they do not feel solely responsible for the issues that are out there. There were other users of the lab at the time that should be included in the remediation process in the funding. She stated that NCDOT said they had found the concentrated area of TCE on the property and they do have a plan for remediating that concentrated area. It is a process where they describe sticking probes in the ground, thirty to forty feet deep, and heating the soil to get the TCE out of the soil where vapors are created, and then they have a vapor removing system. Their plan now is to pursue that option, which is approximately \$1.2 million which would take their entire budget for all the sites around the State.

Chairman Petty asked if they indicated any type of timeline.

Ms. Lowry stated that they said July, 2013 through July, 2014 which is budget dependent.

Commissioner Stewart asked if they indicated who else was part of the problem.

Ms. Lowry stated that they gave a couple of other firms to include the Army Corps of Engineers, SMNE, FNR, and one more.

Ms. Gallagher stated that those were firms that were working on the site. They directly blame S. T. Wooten for the fuel oil prints which are also showing up in the monitoring wells. Those three firms are trying to help them. They are consultants trying to clean this up, but they believe that S. T. Wooten is responsible for the fuel oil contaminants that are showing up.

Ms. Lowry stated that they did not explain that to her. They told her that they felt others were responsible for the TCE.

Chairman Petty asked who we go to to expedite this process and get help to make sure these things are taken care of and handled on a timely basis.

Ms. Lowry stated that NCDOT is saying that it is money that would help alleviate this problem. We have community backing, and she would say those two things together plus



help from the Legislators might help NCDOT get the funding it would need to pursue the remediation.

Commissioner Stewart asked how we get everyone at the table to get the whole thing cleaned up.

The County Manager stated that he attended the meeting. He stated that we are listening to what they say they are doing. Ms. Gallagher alluded to all the folks consulting, but the NCDOT representatives did not say that to them. He stated that the DENR representatives are in attendance to tell what they are doing. NCDOT and DENR are not talking very well, if at all. He suggested that the Board hear Ms. Murphy and her colleagues regarding the site.

Ms. Lowry stated that NCDOT, in that meeting, did say that they plan on moving forward with remediation. They are not going to necessarily waste time going after the other people, but they wanted to make clear that they weren't the only folks out there.

The County Manager stated that they said they were doing good citizen work and they did not think they were fully to blame.

Sue Murphy, NCDENR representative, stated that she wanted to say that she works for the citizens so if they have a question, she wants to be contacted. She stated that DENR and NCDOT are not now in an admirable working relationship. There is a new political administration coming in with new political appointees. While that is happening behind the scenes, the workers are still trying to get something accomplished. She stated that Vince Antrilli is behind the letters that have gone out and will provide information.

Commissioner Kost asked for clarification on the testing that was done in September and December.

Vince Antrilli, Bernard Allen Program Manager for NCDENR, stated that he was responsible for sending out the letters in August and November for December testing. He stated that they received a file where a predecessor in his position had done some sampling with regard to the Lee Paving site. The sampling covered an area to the west of the site. They knew that there was a TCE issue here. They didn't know anything about the plumes. There was nothing in the file that showed any definition to the plume. NCDOT and DENR are in negotiations of a Memorandum of Agreement. Until that is in place, it is hard to put any pressure on them to move further with the cleanup. They looked at the file and saw several testings. He noticed in the file that there was some contamination of arsenic, which was unusual, and a couple of hits of lead which were above the State and Federal drinking water level. Based on that, he sent out letters to residents in the area to follow-up on metals issues, but not too much on the TCE as he had a conversation with NCDOT and they said that they knew the plume was on site; they felt they had it pretty well defined; it was still maintained on site; and there was testing of the other two.

Chairman Petty asked if had heard correctly, in that Mr. Antrilli had inherited the file with all of the documentation already in it about the contamination, leads, arsenic, etc.

Mr. Antrilli stated that there was a sampling in 2009 that identified lead and arsenic.

Commissioner Kost asked if the sampling was of wells or soils.

Mr. Antrilli replied it was the drinking water wells.

Chairman Petty asked if Mr. Antrilli's letter was prompted by reviewing the files of the 2009 testing.

Mr. Antrilli replied, yes.

Commissioner Stewart stated that she lived miles from the site, but asked if she might find the same thing in her well.

Mr. Antrilli replied, yes.

Commissioner Kost asked if the levels were elevated levels of what one might see naturally occurring.

Mr. Antrilli replied that they were elevated levels, so they wanted to verify and notify people if there were any issues. Mr. Womble was one whose testing came back that there were elevated metal issues. The State toxicologist had determined that it was probably not safe to drink. They made a recommendation that a filter be placed on it as well.

Commissioner Bock asked if the metals testing associated with the S. T. Wooten Plant.

Mr. Antrilli stated that as far as he knows, the metals testing were not associated with the Wooten Plant. He stated that he doesn't understand why the metals were tested.

Chairman Petty asked if he knew what prompted the testing in the beginning.

Mr. Antrilli stated that the testing was prompted by the Lee Paving site; however, why metals were tested, he doesn't know as there is nothing in the file.

Holly Coleman, Chatham County Health Director, stated that lead and arsenic are naturally occurring even in elevated levels throughout Chatham County as well as other areas of North Carolina. She stated that they had done a lot of testing throughout the County over the years, particularly arsenic, and have found elevated levels randomly throughout the County in one well and not in a neighboring well.

Chairman Petty confirmed that was true stating that he discovered the same thing in his in 1990 and had to install a softener and a reverse osmosis system.

Commissioner Stewart stated that her family did the same thing.

Ms. Murphy stated that usually with the type of testing they do and especially with a site like Lee Paving, they test for volatile organic compounds. They usually do not test associated metals.

Commissioner Kost asked that when the test on Mr. Womble's well was done in September, was it tested for TCE or just for metals.

Mr. Antrilli stated that knowing there was an issue on the site but not knowing the extent of the issue, they did VOC testing. In all of the wells that were sampled, there were no VOC's identified.

Commissioner Bock asked if it was the timing that had gotten people's attention stating that they were talking about Wooten and contamination from Wooten and at the same time, they are getting a letter talking about metals in their wells. It is hard not to draw some kind of connection. He asked if they were saying that it was not connected.

Mr. Antrilli stated that the metals are unrelated to this site and he is unsure why the site was tested for metals. He stated that the fact the site was tested and there were elevated levels, he wanted to follow-up on those levels. A few months after that, he stated that Ms. Gallagher contacted him and mentioned contamination and the spreading of contamination. He stated that the reports that were sent from NCDOT were summary reports, not full reports. He stated that they did not see what she was seeing. Ms. Gallagher forwarded the information to them which raised eyebrows. They decided to take a look at some additional sites because of the topography. They sent letters to folks about additional testing.

Chairman Petty asked if the results from the December testing were available.

Mr. Antrilli stated that he had not yet received the results.

Chairman Petty asked that the Board of Commissioners and staff be notified when the results were received.

Mr. Antrilli replied that he would. He stated that regardless of the results or county, all health directors receive copies of the reports.

Commissioner Stewart asked if all the wells in yellow on the map were contaminated.

Mr. Antrilli replied no. They were discussing TCE or VOC's in any of those wells. There are metals.

Commissioner Kost asked if they also get involved in those testing wells that are actually on the Wooten site.

Mr. Antrilli replied no. The only time they see those results is if the consultant forwards them to them.

Commissioner Kost stated that she thought it would be a good idea if they saw the results.

Chairman Petty asked for whom the consultants worked.

Mr. Antrilli replied NCDOT. He stated that there has to be a Memorandum of Agreement that allows them to oversee the work. He stated that their boss was working to get that done.

Ms. Murphy stated that they have it in the works. If it doesn't get anywhere, they will be treated like they do any other polluter. That is also when they would ask the Board to consult with their legislators.

Commissioner Kost stated that someone made reference to the fact that it takes six to eight weeks to get the results. She asked why it took so long.

Mr. Antrilli stated that they are at the mercy of the lab.

Commissioner Stewart asked if the County has any type of legal recourse here to push things along with regard to the testing.

The County Manager explained that the best approach would be to get with the legislators and let them act on their end. There is a preemption law with the State. Even if someone wanted to challenge that under preemption, the regulatory rules of the State would prevail.

Mr. Antrilli stated that Ms. Gallagher mentioned putting a filter system on the Mitchell well and that the State couldn't do anything. Without a Memorandum of Agreement, the State can't require anything. They can't actually go out and put one on themselves because, at this time, there is no TCE contamination.

Chairman Petty asked if there was a way to verify, at this point, that it had spread beyond what is charted or plotted on the map.

Mr. Antrilli stated that was correct because the monitoring well that has the highest level, is in the center of the map circle. They have not defined an outer edge to that.

Ms. Murphy said that while the home is not occupied, in the past it has come up with .74 micrograms per liter. They are not confident or happy with the way the plumes have

been drawn. She stated that Ms. Lowery talked about them having agreed to do some mediation of a big TCE hotspot. That is great news as it is now acting as a battery powering the plume. If they are willing to start addressing that, it will work a lot toward reducing the force behind the plume. The plume is moving very slowly because some of the efforts they are making on-site are successful. The stream results show that it is meeting the water quality standards for surface water. It happens that when the ground water and solar vapor extraction systems were down, the contamination showed up in the stream. That is telling them that it is being effective. There is action being taken at the site. One of their treatment systems is presently not running.

Commissioner Bock asked if they are telling you that they cannot provide the test results because the law prevents them from doing so because there is no Memorandum of Agreement or are they saying that they will not give it to you until you have that.

Ms. Murphy replied that if she asks for something specific, she has been able to get some data; however, she has to get the right person on the telephone.

Mr. Antrilli stated that the NCDOT people vary across the State.

Commissioner Bock stated it is different if they won't give it to you rather than they can't give it to you.

Ms. Murphy stated that there are semi-annual monitoring reports.

Commissioner Bock asked if those reports were given to Wooten.

Ms. Murphy replied that she did not know.

Commissioner Bock stated that it would be easier to get an agreement from Wooten to get those results rather than the NCDOT.

Commissioner Kost stated that the message that needs to be given to NCDOT and to DENR is that they, as the County Commissioners and as citizens, do not care if it's DENR or NCDOT. It is their State Government and they work for them and they don't care about organization. They just want it fixed.

Ms. Gallagher stated that they have something from DENR that says that would be the limitation if there was soil eruption over there.

Ms. Murphy restated the question. Is the continued operations at the site exacerbating the contamination or spreading it? She stated that to the best of their knowledge at this point with what they understand, the answer is no.

Commissioner Bock stated that he felt that was important to know. He stated that he feels the major concern is the TCE spreading.

Chairman Petty stated that he feels they are on the right track. The right people are in the room, and we are headed in the right direction. He asked that they keep the Board posted and let them know how they can help.

The County Manager asked which way the water table flows. He asked if there was anything going south or mostly southeast.

Ms. Murphy replied that topography indicates that the flow would be as the water flows. This is one of the reasons Mr. Antrilli targeted sampling the residence. She stated that they believe the fractured bedrock is influencing the path of the plume migration. Their data is limited at this point, but that is their preliminary understanding of it.

Joshua Kricker stated that it was mentioned that the reports are available under the Freedom of Information Act. He asked if that would also be true of the State DOT's reports.

Ms. Murphy replied that was correct.

Scott Spinka stated that ultimately and strategically this is returned to the State. He stated that it was getting caught up in individual groups like NCDOT or DENR. It is the State who is responsible and they have already admitted they created the problem to start with.

Ms. Gallagher stated that in defense of NCDOT, they are not happy that they put in two new supply wells on the seventeen acres. One well has fifty gallons per minute. NCDOT is upset that they can pull that amount of water and possible affect the channeling of the TCE.

Ms. Murphy stated that she would be locating her counterpart at NCDOT to develop a relationship with them so that the cracks between their functionality are no longer visible.

The County Manager stated that the NCDOT representative they met with suggested that the well not be put into place.

Joe Drust stated that as one of his regulatory compliance issues which comes up with regard to the two wells, is that he was familiar with the fact that the plant was there before he arrived; however, as a homeowner, he has the due diligence to look at the neighborhood he is buying into. Unfortunately, he didn't know that he could get a well test for something like TCE. He stated that his understanding is that the other location that Wooten owns, is zoned R-1 and he thinks the County does have compliance and zoning ordinances associated with what he can do on his property as an R-1 residence. He stated he would be interested in knowing if there are any current violations that the County can look into associated with the R-1 property that is adjacent to that property.

Ms. Murphy stated that her desk telephone number is: 919-707-8354

Gene Womble stated that he called when he received his letter in 2009. He was told that it was a courtesy letter to test his well. He stated that the reason they were testing heavy metals at the time was just so they could get a background check for what was in the area if they were testing his well anyway because of the situation with the TCE's.

An unidentified person asked whether or not the findings of the most recent sampling were higher than in 2009.

Mr. Antrilli replied that they vary. What they found in 2009 was not found in the recent samplings. Levels were down in some and up in others so that they fluctuated.

Commissioner Kost stated she was told several months ago that S. T. Wooten was using County water unauthorized by getting water from a County fire hydrant, and that they were fined for doing so. She asked the County Manager to elaborate.

The County Manager stated that he was not familiar with it and would get back with the Board.

### **ZONING ORDINANCE AMENDMENTS**

Jason Sullivan, Chatham County Planning Director, explained that during the September 17, 2012 Board of Commissioners' meeting, the Board discussed the standards that govern off-premise directional signs. Based on the discussion, the Board directed staff to draft amendments to the Zoning Ordinance allowing off-premise directional signs in the zoned areas of the County.

He stated that the Off-Premise Sign Ordinance regulates signs in the zoned and unzoned areas of the County; however, if there are more restrictive standards in the zoned

areas of the County those standards will govern. The Off-Premise Sign Ordinance allows for off-premise directional signs and the proposed Zoning Ordinance amendments use the same dimensional standards and total number allowed. Staff has included additional standards to clarify that the off-premise directional sign square footage does not count against other allowed signs on a parcel, that written permission from the property owner is required, and that NCDOT must verify the sign does not violate state regulations. Staff has also included additional amendments to setbacks in the four business zoning districts (General Business, B-1, Neighborhood Business, NB, Community Business, CB, and Regional Business, RB). Presently, in the industrial zoning districts, setbacks can be reduced below the minimum established in the ordinance if an affidavit is provided by the adjoining property owner and the adjoining property is zoned the same as the parcel in question. Staff is proposing that the Board allow those standards in the business zoning districts to allow non-residential buildings to be closer to interior property lines when the zoning is the same.

Commissioner Kost stated that thirty-two square feet seems awfully big as she has been looking at signs around the County. She asked if pictures could be taken to show sizes stating that it was beginning to look more like an advertisement than a directional sign.

Mr. Sullivan stated that if the Board is interested in pursuing this, a public hearing can be held at January 22, 2013 Board of Commissioners' meeting.

By consensus, the Board agreed.

#### **BOARD OF COMMISSIONERS RETREAT DISCUSSION**

Renee Paschal, Assistant County Manager, explained that they asked for this item to be on the agenda. She stated that the format of the retreat will be roughly the same as last year with the presentation of budget and financial information and other items that the Board may want to address at the retreat the first two days. They have tentatively arranged to have a facilitator for the last day to help facilitate the Board's goal setting process. She stated that Staff wanted to make sure the Board is okay with that and if there are items that need to be addressed that aren't currently part of the agenda.

Commissioner Kost stated that she is an advocate for a facilitator as it allows all of the Commissioners to participate. She stated that she believes the retreat is to be held in the same location; however, the acoustics are terrible in those rooms. She asked that Staff think about a different location.

A discussion ensued and Staff will find a suitable location.

The Board discussed dates on which to hold the retreat.

By consensus, the Board set January 14, 2013 and January 23, 2013 as the dates on which to hold two all-day retreats.

Ms. Paschal asked if there was anything except budget and goal-setting for the Commissioners that needs to be on the agenda.

By consensus, the Board agreed to budget and goal-setting.

#### **Audit:**

Commissioner Kost asked when copies of the audit would be available.

Vicki McConnell, Finance Officer, explained that it was being printed at this time, but that it was also on-line.

Commissioner Kost stated that she would like to look at it before the budget is discussed at the retreat.

**Historic Courthouse:**

Commissioner Kost stated that it was her understanding that it has been decided that the historic colors are being used on the exterior of the Historic Courthouse. She stated that it might be prudent to do a press release letting people know that, as once the painting begins, people will start calling.

**ADJOURNMENT**

Commissioner Bock moved, seconded by Commissioner Stewart, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting adjourned at 4:31 PM.

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Walter Petty, Chairman

ATTEST:

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