



# Chatham County, NC

## Meeting Minutes Board of Commissioners

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Tuesday, January 20, 2015

6:00 PM

Historic Courthouse Courtroom

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### Work Session - 1:00 PM - Historic Courthouse Courtroom

**Present:** 5 - Chairman Jim Crawford, Commissioner Diana Hales, Commissioner Karen Howard, Commissioner Walter Petty and Vice Chair Mike Cross

#### **BOARD PRIORITIES**

*The Chair stated the Board wished to move the Public Input Session to the end of the Work Session.*

**A motion was made by Vice Chair Cross, seconded by Commissioner Howard, that the change in the agenda be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Commissioner Hales, Commissioner Howard, Commissioner Petty and Vice Chair Cross

#### **15-1114**

A transportation update from County and NCDOT staff regarding the draft Comprehensive Transportation Plan (CTP) and the Durham-Chapel Hill- Carrboro Metropolitan Planning Organization (DCHC MPO) local discretionary funds.

**Attachments:** [ChathamCTP\\_Update\\_BOC\\_1-20-15](#)

[Transportation\\_Update\\_January2015 BOC presentation](#)

*Brendan Merrithew with the NCDOT presented a PowerPoint on the Comprehensive Transportation Plan (CTP). He also distributed maps of Chatham County CTP Draft Plan. Mr. Merrithew stated the next step is public input. They are looking at March as the timeframe for the public input meetings.*

*Mr. Merrithew also stated the map denotes Hwy 64 in the future as a freeway because of the Strategic Highway Corridor Vision Plan. It is a statewide effort to enhance mobility and US 64 is a valuable route that the State would like to see preserved. To enhance mobility they would want to bring it up to an expressway or freeway standard. The State is re-evaluating the Strategic Highway Corridor Vision Plan. They may be able to change the recommendation of making it a freeway and bump it down to an expressway which will allow more flexibility in the mobility. They have also requested that a multi-use path parallel along US 64 be constructed.*

*Commissioner Hales asked if Chatham Park had input during the process of the Transportation Plan around Pittsboro. Mr. Merrithew stated Chatham Park wasn't officially on the committee but they were there at the meetings and had input.*

*Hillary Pace, Planner, gave a PowerPoint presentation with a MPO Discretionary Funds Update. Ms. Pace stated the County has through the end of the next fiscal year to determine what project route it would like to go. She also stated that*

depending on how fast the Board would like to move, Staff has included it in the County Budget for the coming fiscal year.

Commissioner Hales asked as far as the study was concerned, what kind of study would that be. Ms. Pace stated they asked that question but didn't dig too deep because their conversations as a county were evolving as well. Their first question was can they use it in the comprehensive plan? They said sure. They asked what would be the limits of the use of it in a comprehensive plan. They were told they would have to have more discussions but that absolutely a focus on Highway 15-501 and that immediate area would be in the MPO area entirely up until Pittsboro or up until the Haw River. Ms. Pace stated depending on what the commissioners have interest in transportation wise, they can bring that to the MPO, get some questions answered and come back to the Board.

Commissioner Hales asked if Highway 751 was completely studied. Ms. Pace stated that was pulled from the study. The NCDOT decided that feasibility study wasn't ranking high enough among all the other projects and took it off the feasibility study. Commissioner Hales asked if that could be a study. Ms. Pace stated it is in the MPO area, a majority of the portion, so it could be added into a study.

Commissioner Howard asked how much the signage would cost. Ms. Pace stated it depends on how many you would like to install, what frequency, and if the Board wants to do the whole MPO area or just portions. She asked what could be done for \$43,000 and they said it would be everything. She did not have a cost estimate per unit but could provide that information for the Board.

Commissioner Howard asked if they did use some portion of it for signage could they then assign the balance to the study. Ms. Pace stated yes. The only concern with that is that studies tend to go up in cost and price so it would be a balance in how they work that into the scope.

#### [15-1119](#)

Presentation by Duke Energy and Charah, Inc. on the proposal of coal ash disposal at Brickhaven in Chatham County.

**Attachments:** [Charah Duke BH Jan 19 2015 rev2](#)

Indira Everett, Duke Energy's District Manager for Lee and Chatham Counties. Congratulated the newly elected commissioners and thanked all the commissioners for their service to the County. Ms. Everett thanked Chairman Crawford and County Manager Horne for the opportunity to come speak.

Ms. Everett: As you will recall, on November 13, 2014 representatives from Duke Energy and Chara met with the former County Board leadership to provide notice of our plans to use the Brickhaven clay mine site in Moncure as one of our proposed coal ash reclamation sites. It is going to be an opportunity for us to bring coal ash from our Sutton and Riverbend sites, which are two of the four high priority sites that were deemed in the legislation. Today we would like to continue that discussion with a little more detail. At this time I am going to introduce to you the team that is here with us and then I will have Mike Hughes, Vice President, come speak. We have from Chara, Charles Price and Scott Sewell. From Duke Energy we have Jay Whitlock and Mike Hughes. Mike is going to provide a background overview and then we will move into the Chara presentation and entertain any questions that you may have. Thank you again for this opportunity.

Mike Hughes, Vice President for community relations for Duke Energy thanked the commissioners for giving them the opportunity to come speak.

*Mr. Hughes: We understand that the issue of coal ash is one that generates a lot of questions and clearly generates a lot of emotion as well. Our hope and our expectation is that we are going to be able to address your questions and concerns today and through ongoing discussion. As you might know, I assume you do know, the Coal Ash Management Act that was passed by our General Assembly last summer calls for the closure of all ash basins in North Carolina within the next fifteen years. As part of our compliance strategy, we have submitted a number of site specific plans. As Indiria mentioned, the first four plans, which are the number of basins included in those plans and those are what the state has deemed to be highest priority. That first phase was filed back in November and includes the Brickhaven mine reclamation plan as well as the plan for reclamation of the site in Lee County. This first phase of sites, has to be excavated, sites I am talking about in this case, sites Duke Energy will excavate, have to be excavated within less than five years. We hope to be able to clear up some misinformation about the projects and to reassure you of multiple layers of safety and protection that are part of our plan. Using ash in an engineered structural fill at these former open pit clay mines will provide a safe, fully lined storage facility while accelerating the returns of those mines to usable marketable land. All of the activities including construction, transportation, and ongoing environmental monitoring are all done with oversight from the appropriate state and federal agencies. We have a limited amount of time this afternoon so we are going to get right to it. But I wanted to reiterate our company's commitment to partnership with Lee and Chatham Counties. The Duke Energy name is probably still relatively new here in Chatham County. I can assure you that as a former CP&L and Progress Energy employee, our company has the same commitment to partnership in our communities as we always have. We have been serving North Carolina for 110 years. We are going to be around for a long time and this is our home and we take these responsibilities very seriously. We have not yet submitted the plan for our Cape Fear plant in Moncure with regard to ash disposal. That schedule is going to be driven by the State, the Coal Ash Commission that was appointed as part of the Coal Ash Management Act approved last summer. Although no plan has been filed, we are continuing to do our engineering analysis on what the best plan will be for the Cape Fear Plant. Should the State's determination and ours be that those basins at the Cape Fear Plant should be excavated, we believe the Brickhaven mine is an ideal and a logical place for that ash to go. Thank you for your attention. Scott Sewell of Chara, our contractor and our partner, is going to provide more details. We have worked with Chara for a number of years on a number of projects and he will talk about a few of those. One of those I would like to point out is a project that we have been working with them on in Asheville for seven or eight years, I believe. The project involves taking the flyash from the Asheville Power Plant and using it as structural fill beneath what is a taxiway at the Asheville Regional Airport. It has been a highly successful project and has garnered praise and support from a wide variety of organizations including environmental organizations. There is a long track record of safely addressing ash and we look forward to hearing from Scott on plans specifically for Chatham County.*

*Scott Sewell with Chara thanked the Board for the opportunity to speak. He presented a Powerpoint presentation.*

*Mr. Sewell: A little about Chara, we were founded in 1987 in western Kentucky. We are a privately held company. Charles Price is the owner. We have focused on ash management specifically, supporting the power industry since 1992. We have 50 long term ash management contracts. We operate at 34 power plants in 18 states. We handle approximately 16 million tons of coal ash or coal combustion residuals a year. We work for all the major utilities in the country. We have had a presence in North Carolina since 2001 with 8 active projects. We support 120 employees in the North Carolina area. We have received several Department of Labor Gold*

*Certificates in Safety.*

*The project we are talking about right now, the Brickhaven mine site, the first phase looks to transfer three million tons of coal ash from unlined ponds to safe fully lined and engineered structural fill at the Brickhaven site. It is an environmentally and technically physically sound solution. We plan to reclaim that mine back to the topography providing a usable space. It is very similar to what we are doing currently in Asheville. The two sites that we are talking about, Brickhaven and Sanford, the Brickhaven site is here in the Moncure area that you are familiar with. That site has capacity of twelve million tons. Sanford has eight million tons. Chara owns beneficial reuse sites all of which were active mines. At each of the sites we have filed our permit modification to use ash as a primary material for reclamation and complying with Senate Bill 729 (SB 729) or the Coal Ash Management Act 2014 as others refer it to. Once complete, each site will be permanently capped and enclosed as according to the guidelines of SB 729. That includes site management oversight and ground water monitoring for 30 years. The two sites that will bring the three million tons that are identified right now are Riverbend which is represented on the map just outside of Charlotte and Sutton which is just outside of Wilmington.*

*Senate Bill 729 compliance, as stated before we will adhere to. All of the engineering criteria within SB729 are designed meet or exceeds. I'll speak a little further on and in more detail but the baseliner will be constructed with a geomembrane layer with a composite geosynthetic clay layer. We will have an ongoing ground water monitor program, ongoing detection monitoring program and a leachate collection system within the site. The design siting criteria will also meet or exceed what is in SB729. These include 50 foot off the property boundary, 50 foot horizontal from wetlands, 300 foot boundary from any dwellings or private wells as well as staying 4 feet above the current ground water table as well as a drinking water source survey within the area.*

*This is a cross section of our design (showed slide). (Passed around some samples of the liner for those who had not been to any information meetings previously.) The samples of liner are organized in the same order they are seen on the cross section. I will start from the bottom up. We will come into the site and we will prepare the soil subgrade. We will make sure it is nice and smooth and then we will lay our geo composite clay liner which is equivalent of three feet of clay. The next layer of liner is the 60ml HDPE which is the heavy duty plastic liner. We will heat seam that to the other sections to make sure we have a fully encapsulated site. Above that we will bring in our third layer of the base liner which is our drainage layer. This is the composite layer to help move any water through the site. At that point in time in which we get our three base layers of liner installed, we will place our HDPE collection pipe throughout the center of the fill site and then we will bring in the ash. We will bring it in in one foot lifts. It comes in with 20% moisture. We will compact those lifts until we reach our top elevation. Once we reach that top elevation, everything will be compacted and the 40ml cap liner will be deployed over the entire ash fill site. That will be tied into the base liner in the anchor trench. At that point in time we will have a fully encapsulated site that will not allow for any additional water penetration. Once we have the 40ml cap liner installed we will bring in our soil cover with a six foot cap, similar to what we have at Asheville. That will vegetate and stabilize with grass depending on whether there are any structures to be built on top, we will accommodate for those as well. To bring that cross section to life, what you are looking at here is a photo from the Asheville project. (Displayed photo) You can see in the foreground, we have graded and compacted the soil. We have our slopes and design criteria in place. Then you can see the liners deployed back into (inaudible) This is a photograph of our liner crew rolling out and installing the drainage layer above the 60ml base layer. (Displayed photo) Here is a photograph*

*the first layer of ash being placed on the site. (Displayed photo) As you can see the ash is being placed with a dump truck at this site. Ashe is dumped onto the surface and then it is belated with the bulldozer into one foot lifts and compacted with the roller that you see in the background. Once you bring the ash up to it final elevation, you can see our crews here tying in the cap liner system. You can see the ash compacted and rolled in smoothly and we are advancing the liner system. Once the cap liner is in place that is when we have encapsulated the project. We will bring in the clay soil over that cap.*

*This is an aerial of the Brickhaven mine. (Displayed the map) The purple illustrates the boundary of the entire mine site. Chara has purchased this side (points on map) of the mine. Inside of that footprint you can see the light blue line and that is where we plan to, the portion of the mine we plan to reclaim. What we have done here, there have been several questions about the height of the fill and we were able to go out and take some photographs of where different locations within the adjoining areas on public roads, represent what you would see. There have been several questions about the height of the project. It will not be visible, we are not going above where the transmission towers in there or anything in there. We are matching the highest elevations within the mine site. I will start up here where we have represented Brickhaven one. From that vantage point looking down the transmission line you can see that the red line indicates where the top of the fill is. So you would not be able to see it from that direction. Same thing where we see Brickhaven two (pointed on the map). This shot is on Moncure Road at the entrance of General Shale's property. You can see the large hillside and we will be below that hillside. Brickhaven three, is this location (pointed on the map). Again that is looking back on Moncure Road. The Brickhaven four shot is located adjacent and between the power plant and the clay mine. We felt those shots would give a good representation of as far as the height of the fill and we also know there are some questions about rail and the direction which rail would be coming into the site.*

*The area I have just targeted, we are in planning stages and discussions right now to be bringing the line in from the north. We will provide more detail when that is finalized. All of these are representative of what the site will look like as we move forward what will be seen from the public's view. In our eyes hopefully that provides a little more clarity. From our standpoint our presentation is finished and we are open for the next stages of the meeting. Again thank you for allowing us to be here today.*

*Commissioner Cross asked to go back to the slide of the RV park.*

*Commissioner Hales asked to go back to parcel slide.*

*Commissioner Hales: I understood from a meeting we were in at DENR, maybe it is not showing on this map, but full footprint is the entire General Shale property. You are only purchasing half of it? In other words they are going to keep an operation going for mining clay.*

*Sewell: That is correct.*

*Commissioner Hales: So which section is yours? (Mr. Sewell pointed on the map and Commissioner Hales asked him to trace that area for her so that she could see it.)*

*Commissioner Hales: You're doing everything on that side. Some of that has been excavated.*

*Sewell. Absolutely. That is the east side that they are no longer using. They will*

*continue to mine on the other side of that line.*

*Commissioners Hales: But there is a lot that has not been excavated. You are going to have to dig a hole in order to dig it up, is that right.*

*Sewell: A portion of the site, we will, yes.*

*Commissioner Hales: How far down do you have to excavate?*

*Sewell: I don't believe we have any excavations larger than 10 to 15 foot. Our largest fill out there is 60 foot.*

*Commissioner Hales: The largest existing hole is 60 feet deep?*

*Sewell: That is correct.*

*Commissioner Hales: It is full of water now, correct?*

*Sewell: Yes.*

*Commissioner Hales: So you have to pump it out.*

*Sewell: Correct.*

*Commissioner Petty: That is water like you build a pond with a clay base to hold water; it is runoff water in there.*

*Sewell: Correct. It is not ground water, it is storm water.*

*Chairman Crawford: What is the oldest liner that Chara has in operation?*

*Sewell: Probably ten years but we operate at multiple facilities that have liners that are older than that.*

*Chairman Crawford: What is the volume of leachate that you will expect will be naturally, based on the engineering of the system, that you will have to then manage. It is part of the process that you have the bottom liner but above the bottom liner you have a collection system. I think there is a great deal of public interest in having a better understanding of what happens to that concentrated leachate and I guess the first question we could start with is what the anticipated volume. Can you give us comparables perhaps from the Asheville site?*

*Sewell: I do not have that number on me. But we will seek to get an industrial discharge permit from the State for that leachate. It is the exact same process that we do in Asheville and currently the MSD in Asheville is handling that leachate for us.*

*Chairman Crawford: Can you give us a ballpark. Is this a truck tank a year; is it something that is measured in barrels? I have no idea so I am just trying to get my head around it.*

*Commissioner Petty: Isn't it based on rainfall, the majority of it?*

*Sewell: Correct. It will be rainfall within our active footprint and there are several calculations within our permit.*

*Commissioner Petty: It will have to be an average they will come up with.*

*Sewell: It is detailed in our permit application with those volumes and they are based upon storm events and active open footprint at that point in time.*

*Chairman Crawford: You will be working on a section and as you finish given section you bring it up to the grade that you are going to stop at the ash then it gets covered on top but in the interim that is when we actually the bulk of the liquid that will then provide the leachate.*

*Sewell: That is correct. We will work in the smallest footprint possible, cap and phase our way down the site. We will leave the smallest operating area open as needed. That is again detailed in the permit application.*

*Commissioner Petty: When you are working in a pit like that you complete an area before you cover it, but can you not process a certain length of it. Let's say it is a 200 foot long pit. Take 100 foot wide, 50 foot at a time.*

*Sewell. That is exactly what we do. Inside of our cell and inside of our footprint we have a series of lined berms.*

*Commissioner Petty: So you are not concerned about catching rainwater in the entire pit and it being leachate product it is just the area you are working with.*

*Sewell: Just the area we are working.*

*Commissioner Petty: What do you anticipate the footprint to be at an area you are working before you close it off and move to the next footprint? How much area are we talking about?*

*Sewell: It will depend on the depth of that area. Probably in the five to ten acre footprint. To continue along your line of thought, so behind this we cap and then in front of us we have what we call divider berms that segregate that storm water that you are talking about that can go off as clean storm water. It can minimize our footprint as much as possible.*

*Commissioner Petty: Then leachate product you are working with is processed through municipal water treatment facilities?*

*Sewell: Correct.*

*Commissioner Petty: So you would pump and transport that product to a facility for processing.*

*Sewell: Yes, we would look to pipe it to that facility similar to how we have done in Asheville.*

*Commissioner Howard: I want to ask about the liability of Chara. Chara is a limited liability company? Is that right.*

*Sewell: That is incorrect.*

*Commissioner Howard: What is Chara?*

*Sewell: We are a corporation.*

*Commissioner Howard: Thirty years sounds like a long time, but beyond thirty years,*

what sort of residual liability is there going to be if there is some sort of a breach.

*Hughes: That is a great question and one we have gotten from a number of folks. Our specific contract with Chara indicates that Chara takes title to the ash. I am wanting each of you to know and I am telling you directly, Duke Energy is ultimately responsible here. So if you are looking for ultimate accountability if something were to happen, thirty to forty years down the road and you had a question or your successors had a question, Duke Energy is the one that you are going to be asking that question to.*

*Commissioner Petty: It has been a concern because of the change in ownership of the property and the product. It appears that it is being shifted.*

*Hughes: I understand that and I think we had a less than full appreciation for the optics of that. The genesis of that was given the very aggressive time frames that we have to work under, particularly in this first phase. We put out a request for proposals for essentially turnkey operations. This is not an area of expertise in storage and movement that we have in house. We were looking for companies that do have that expertise. We asked for essentially a turnkey operation, a turnkey proposal, and Chara has that capability in house. The nature of how those contracts are written provides for that treatment, that contractual relationship. I assure you that Duke Energy is behind this, Duke Energy is in front of this, and Duke Energy is all over it.*

*Chairman Crawford: What would be the fiduciary mechanism that would outlast a thirty year window of testing? Do we have any kind of legal commitment? We would bring our questions to you, but in the event there is, as my colleagues suggest a breach of some kind or let's say the ground wells are monitored and were finding a problem, what would be the mechanism by which cost would be assessed to Duke Energy or whoever the legal responsible party determined? As a County, it is our responsibility to make sure the interest of the people are protected and we can't outsource ourselves. We have to deal with this mine long term and so that is what prompts us to ask these questions.*

*Hughes: It is a legitimate question, a good question. I am not a lawyer. I don't have the specific mechanism answer for you but will be happy to find out that answer for you. We are happy to have those conversations with you and to provide whatever level of comfort and specificity this board needs on behalf of the residents of Chatham County.*

*Commissioner Hales: I noticed you said the four foot from high ground water. The new EPA guideline is five. I understand the rules are not published yet; therefore they are kind of in limbo. How is that going to be reflected in your permit. If solid waste could perhaps require five.*

*Commissioner Petty: Along those same lines, while you are answering that question could you get back to the slide that shows the guidelines you have to follow or that you intend to follow.*

*Sewell: Right now we are designed to four foot. We will address that if that comes to fruition.*

*Commissioner Hales: You may be starting work prior to the full EPA rule publishing, as I understand that might take another number of months. And you will be theoretically starting quicker than that. Following up on what Commissioner Petty said, you are not just going to do the whole pit at one time. You are going to section*



*it. Does that mean your storm water is going to not be the perimeter of the pit but will be working as you move and do a section of the pit? Then you will have storm water in also a section of the pit your storm water berms and then as you move into your next section you move your storm water berms.*

*Sewell: There will be different storm water and leachate plans during the different phases of the project.*

*Commissioner Hales: In other words, they will be in the pit as you are starting to work in the pit. You are not going to do the whole dig all at one time.*

*Sewell: Correct.*

*Commissioner Hales: You are going to do it a section at a time. So therefore, your storm water berms will move as you start the next section.*

*Sewell: Correct.*

*Commissioner Hales: I have a question about the 50 feet from property boundaries. That seems actually tiny to me. Where did that citation come from.*

*Sewell: It is part of Senate Bill 729..*

*Commissioner Hales: One of the things we did not hear, and we did not hear it when we spoke with the Department of Environmental and Natural Resources either, was an Environmental Impact Assessment. That is not part of what you are planning to do?*

*Sewell: We have included our environmental studies and they are on the (inaudible) website and are part of our process for doing the due diligence on this project.*

*Commissioner Hales: Who's website is that on?*

*Sewell: DENR's and the Mine Commission as part of our permit submittal.*

*Commissioner Hales: Can I ask what kind of components were included? There are different kinds of environmental impact assessments.*

*Sewell: Correct. We don't have the full list here in front of me. We handled the environmental endangered species, any of the historical type of information inside of that document. We can provide you with a greater detailed list if you need it.*

*Commissioner Hales: Where there any letters of concern from NC Wildlife Resources Commission? Were there any concerns that came back? It is probably in the permit review.*

*Sewell: It is all in the permit review.*

*Commissioner Hales: It is premature.*

*Commissioner Howard: These assessments were site specific. This was for the Brickhaven location.*

*Sewell: Yes.*

*Commissioner Howard: This geocomposite clay liner provides a virtually*

*impermeable layer. What kinds of things might render it no longer impermeable? (Layer 1)*

*Sewell: Layer 1 would mean puncture for that layer. We have the other two layers above it and the 60ml layer which is the heavy duty plastic layer is the impervious layer.*

*Commissioner Howard: But this layer is the layer that separates the natural soil and ground water from the actual fill.*

*Sewell: No, it is the next layer. It is the layer below that.*

*Commissioner Howard: Is level one is the bottom layer?*

*Sewell: Layer one is the bottom layer. You have soil, then the layer that you are speaking too (pointed out on the slide), then this layer here, the heavy duty 60ml layer is the impervious layer. The layer you are speaking to is added protection.*

*Commissioner Howard: What about an earthquake. We are talking about puncture but what about actual shifting.*

*Sewell: That is considered in the design analysis. There is shear and friction testing that happens within the design analysis.*

*Chairman Crawford: With the leachate at the Asheville site, what kind of compounds are you testing for, what kind of compounds are you finding actually collect in the bottom of your existing facility?*

*Sewell: It is similar to the constituents that we see in ash. It is actually one of the issues we have had there is the water is almost to clean; their biology in their wastewater treatment facility. We have to meter more for flow than we do for when we test for any constituents for anything like that.*

*Chairman Crawford: What gives the public alarm are the known toxins that are in the ash. We also understand that coal ash is not coal ash is not coal ash. That the residuals depend a lot on the type of coal that is fed into the plant and the type of burning and whether this is a plant that has scrubbers and therefore has some of the scrubber residuals in the ash pond as well. We have a high degree of concern that the ash is tested and that we know that the leachate is tested for lead, polycyclic aromatic hydrocarbons, methylmercury, arsenic, cadmium, chromium, and thallium. We are wondering if you can state categorically that from the Sutton plant that there will be no traces of dioxin.*

*Sewell: We have submitted with our design the test results for ash specifically at Sutton and ash specifically at Riverbend; the two ashes that will be coming to Brickhaven.*

*Chairman Crawford: And so we can say categorically there will be no dioxin coming from the Sutton Plant.*

*Sewell: I have to take a look at the analysis to give you that but that is already public record with DENR.*

*Petty: Has it been tested?*

*Sewell: Yes. It has been tested and submitted. Today I cannot speak to every item*

*within that test.*

*County Manager: The pit is 60 feet deep, the one you are going to use first?*

*Sewell: Correct.*

*County Manager: And that pit now is full of water. Now when you were discussing that with Commissioner Hales I believe you said it was going from section to section. Wouldn't you have to drain the whole pit before you started the process of preparing it for coal ash?*

*Sewell: Yes sir.*

*County Manager: The whole pit would have to be cleared before you, that is dried out or however you define it, the water would have to be taken out of that whole pit before you start a section.*

*Sewell: Correct. There is (flipped through slides) this area in here is probably twenty to thirty foot of water. Inside of that basin and that depth to the top, our first phase is right here on the border of that (pointed to slide). And will continue to face downward as we dewater the section you are talking about.*

*County Manager: So let me clarify, the water level is 60 feet below the ground line?*

*Sewell: Correct. From the top ground line.*

*County Manager: How deep is the water?*

*Sewell: Twenty to thirty foot.*

*County Manager: So the pit is 80 feet deep?*

*Sewell: No. We would be filling down to that. The pit is 60 foot.*

*County Manager: So half the pit now is filled with water.*

*Sewell: Correct.*

*County Manager: And the depth of the pit total is 60 feet.*

*Sewell: Correct.*

*County Manager: What is the slope required of pit walls for preparation of putting the ash in?*

*Sewell: We will have in certain areas around three to one and then four to one slopes on the outside.*

*County Manager: The geotech clay, is that what I saw that was the first liner? Is that something that is made or is it trucked in? Because clay suggested that it is going to be something taken from the pit and sort of compacted.*

*Sewell: No, it is a liner with some (inaudible) as well. It is transported in a roll.*

*County Manager: That is all I have, thank you.*

*Commissioner Hales: About testing the leachate, is that established by permit? The schedule on testing so that any municipal wastewater treatment would go to a wastewater treatment supply and as I understand Sanford is a likely destination. And what the DENR said was the receiving wastewater treatment plant can actually put the test parameters on, what would be your process? Would you talk with the wastewater treatment plant first or would your permit be specifying certain thing to test for. On the leachate.*

*Sewell: The industrial discharge permit will specify certain things as well as the receiving treatment facility.*

*Commissioner Hales: Inaudible*

*Sewell: Yes, they know what other flows and what other waters they are receiving and they have to make sure balances properly within their system.*

*Commissioner Hales: What happens from that initial large volume of water if you have got thirty feet of water sitting in there. What are you going to do with that. Where does that go? What do you do with it?*

*Sewell: We have a NPDES permit. We will use the permit to dispose of it.*

*Commissioner Hales: And no pretreatment.*

*Sewell: No, that is our storm water.*

*Commissioner Hales: You are calling it storm water and therefore it can go into a receiving stream.*

*Sewell: Yes.*

*Commissioner Hales: It is plenty muddy, full of sediment.*

*Sewell: There are several methods prior to leaving our site to ensure it is clean water that meet our permit requirement.*

*Commissioner Hales: So there would be some pretreatment of some sort.*

*Sewell: Yes, but with additional basins as well for stilling and slowing down the water. It won't go directly from that hole.*

*Commissioner Hales: It won't be piped.*

*Sewell: Correct. We have several different basins that we will still that water and settle it down before we, so that it can meet the requirements of the site.*

*Commissioner Petty: This is not the first time you have done this so you can probably give us some idea from some other sites of what water looked like before and after it was moved. You may not know that right now but that is something you could provide. Commissioner Hales is obviously concerned about it being pretty muddy. You have obviously had something like this and you can give us an example of how it was cleaned from its current state.*

*Sewell: Absolutely, we can provide all those examples. It will be clean water.*

*Chairman Crawford: Mr. Sewell your company is committed to testing or monitoring*

ground water for around the perimeter of the site for thirty years. Is that based on a scientific claim or is that merely a legal obligation? Because it would seem to me that the chances for deterioration or mishap would come perhaps after thirty years. I am just trying to understand and be able to explain to our constituents why thirty years and then what we would be obliged to do as a county after thirty years to take over this testing.

Sewell: We have set the thirty years out there because of the SB 729 and to comply with that.

Chairman Crawford: So there is not a scientific claim that after thirty years monitoring is not necessary, it is merely that is what the law stipulates therefore that is the number that has been derived at in the plan.

Sewell: That is correct.

Commissioner Howard: The plan is to truck and bring in by rail all of this?

Sewell: The material we will bringing in from Sutton and Riverbend will be by rail.

Commissioner Howard: So that is pretty dependent on getting that rail line in and completed. What time frame are we looking at here?

Sewell: We are still hopeful that we are on the same time frame that we were when we met last time which would be sometime in spring or early summer.

Commissioner Howard: To begin bringing it in.

Sewell: Yes.

Vice Chair Cross: You want to start with trucks at the Moncure site.

Sewell: No. That is not our intent.

County Manager: My understanding is to bring in a rail spur in to that site you have to get a mining amendment to the mining permit.

Sewell: Yes.

County Manager: Your ambitious. You think you can start the spring of 2015 for putting coal ash in that site?

Sewell: We are hopeful we can make that possibility.

Chairman Crawford: You are probably aware that as a Board we have already heard from constituents who have a lot of concerns that Chatham seems to have drawn the short straw. They have asked us to ask you what kind of alternatives might be out there for possible reuse of the coal ash. Assurances that this is something that is something of a last resort, that other options have not been ruled out of hand merely because we happen to have a convenient clay pit and that more thorough methods have been set aside for justifiable reasons.

Hughes: That is one of the things that our engineering team, Jay Whitlock is on our Ash Basin Engineering Team, he is leading these projects. That team was charged with evaluating what utilities scale technologies and opportunities there are available today, are available in the very short term. Essentially available today to meet,

particularly this first wave, this first tier of ash basin excavation that we have to do. In terms of beneficial reuse the state law defines the mine reclamation as a beneficial reuse. If you are looking beyond that at other opportunities certainly coal ash is used in a number of building materials. We have for years been able to beneficially reuse a lot of the ash at certain plants but that is all driven by market and what the market will bear. Jay may have more specific information but I heard a statistic recently that the coal ash that we generate or that we have at all of our sites is an issue, of course we have been generating electricity using coal for seventy years in North Carolina, so around the state inside ash basins and in some of the other structured and non-structured fills that we have at those sites we have about one hundred and fifty million tons of coal ash. It has been a huge part of keeping the price of electricity low in North Carolina for decades. We have a lot of it. We have to find solutions that are available on a utility scale today. That is why; I believe that is why the General Assembly pointed to mine reclamation as a viable and preferable treatment option. I believe that we are continuing to evaluate onsite options. Where we have an option to continue to store waste or the coal ash on site at any of those facilities that the state has deemed high priority, we are trying to do that. Obviously in this case we do not have room at the Riverbend site, which is in Gaston County. The site is constrained. There is no room to move that ash and the state is mandating that it be moved by August of 2019. That is why we have a plan to bring ash to this site, again we don't have a definitive plan for our Cape Fear Plant here but we believe the mine reclamation project here in Chatham County would be an ideal and logical site for that. At our Sutton Plant in Wilmington, ultimately the plan is to store most of that ash on site but we have to have the capability of moving some of that to get room to work, to get room to start building that facility that is ultimately going to hold the rest of that ash in a lined environment. In terms of beneficial reuse, the markets are not sufficient to take care of the volume of ash that we are talking about here, particularly in the timeframe that we have to address.

*Chairman Crawford:* This is almost a textbook example of externalized cost that weren't taken into account in the cheap electricity in the first place. There is a lesson in here for all of us for how industry historically has externalized costs, especially in their waste streams. Has any serious consideration been given to plasma gasification? I know not all ash can be treated with that technology and it is a very new technology. Can this present your company with an opportunity to be innovative and introduce that technology as a way of at least, again any one of these paths may deal with everything not a magic bullet, but in combination with some of these other avenues to deal with the 150 million ton problem. Could you give us any run down on the viability of plasma gasification?

*Hughes:* I think that and a number of other potential beneficial reuses and/or technologies that are developing are going to hold promise at some point. And it is going to be an all in strategy. The issue in this case is we have a very aggressive time frame mandated by the State that we have to meet so we have to have scalable options that are available today, on a utility scale, not just on a technologically advanced or academic scale. These have to be scalable on a utility scale. Millions of tons of ash have to move within the next several years. To the earlier point about the permit processes and elements of that that are going to have some impact on the schedule, all of those things are further compressing the schedule that we have to meet. It is a mandate that is clearly established by the Coal Ash Management Act. Down the road I think that is one of the reasons that we believe that this tiered approach is the right way to go because it does give us the opportunity to look at technologies as they develop and we don't have to commit to addressing 130 or 150 million tons of coal ash using one technology or one resource at one time. It is going to develop over time. We believe that as the rest of the country begins addressing coal ash, like to see coal ash issues they have, you are going to see that technology

*continue to advance and hopefully it will advance at a faster pace. Right now we have to deal with a known quantity of ash with known technologies that are scalable.*

*Commissioner Howard: I guess that is part of our concern, that because there is this very tight timeframe that the decisions being made in that context are perhaps not the best decisions for the recipient. Those are going to be very difficult things for us to come to a place where we are really satisfied that the long term result for Chatham County is a beneficial one. Clearly you guys have, not to say that this is not a priority, but you have a different set of priorities in dealing with this as a very clear reality for you. We are left with the result.*

*Hughes: I understand completely the local concern and question. We hope in time that those can be addressed. I think scientifically they can be addressed but emotionally people are responding in predictable ways. It is a new possibility, a new issue that has been raised over the last couple of months. Coal ash is not something that a year ago many people had ever even heard of. Now we've had just a furor of legislative activity, regulatory activity, a lot of coverage in the news media, etc. Folks are pretty stirred about it, and understandably people have questions and we want to be able to provide answers. We understand that you as a governing body certainly have a perspective that we don't have but I believe that we have common ground. We do share the goal of doing this in the safest and most efficient way possible. Chatham County has had a coal fire power plant for many years. There is a lot of ash stored there. We believe that, again, ultimately if the state determines that that needs to be moved that this is an ideal place to do it and would minimize the transfer, the mileage that it has to travel, to go to a better location, ultimately again it is a decision that will be made by the state. These are issues; I think we all like the lights to come on, we flip the switch. All of us, each of us, myself included are probably guilty of not thinking much about what goes on the other side of that. None of us likes to deal with the legacy issues associated with having low cost electricity.*

*Chairman Crawford: One of our concerns is that even though perhaps the technology is presented to contain any possible contaminants is as good as you say, that with the public perception that the value of the property and surrounding properties as we move forward would have a tinge on it or a stain. We were wondering if it would be possible to have a commitment by Duke to have use that property perhaps as an office facility a transfer facility or even perhaps as a solar farm. If it would meet that criteria. That would give everybody a signal that this is indeed a valued piece of land, it is still part of an area that we would like to see along industrial lines and would kind of help us deal with this notion that somehow the hazard is still there and it is present. I know you can't commit to that today but I wanted to make that proposal to you in public so that we could see if there avenues to help us again not just with the environmental issues here but the financial issues that face us as a Board and shepherding this part of our county to a more prosperous future.*

*Hughes: Absolutely noted and I will say that as you surmised I can't commit to anything today but I will say that we are evaluating those opportunities both on the industrial side. We are looking at the potential for solar facilities and all those kinds of things. Nothing is off the table with regard to ultimate use.*

*Commissioner Petty: It was suggested at an earlier meeting that the site would be left appropriate to build industrial and maybe add to our industrial development out there that is already in the area. That seemed to go away when we started looking at the heights but I don't think the height of the fill is quite what was rumored, based on the slides you showed. Is that still a possibility that these will be buildable sites when you are finished.*

*Sewell: Yes. The top elevation is in alignment with what industrial property height would be as you move to the north from where that industrial park is being sited right now.*

*Commissioner Petty: That being said, wouldn't, with it being left as a buildable site, the addition of rail in the area not be contribution of the economic development of that area?*

*Sewell: That is absolutely a possibility.*

*Commissioner Petty: So you have thought about that already in that plan.*

*Sewell: Absolutely.*

*Commissioner Hales: We must remember too that a part of the parcel is backing up right onto the active clay mining. Because General Shale is going to continue mining and expansion, splitting that property. Another question, I noticed in the picture where you had all your folks down in the pit, what kind of safety precautions are you taking. It was a long distance photo, do you provide respirators for people that are working with the coal ash.*

*Sewell Scott: No we do not. We provide all the PPE that is needed. Mainly when you go to one of our sites, whether it be one of our sites or when we work for any of the number of utilities I mentioned previously, respirators are not required, it is not an OSHA requirement. Typically what you see is hard hats, safety glasses, boots, and that is your typical construction equipment. There is no, it is a zero dust environment.*

*Commissioner Petty: Is that due to the 20% moisture content.*

*Sewell: Absolutely. It is a zero dust environment. We have water trucks and when it comes in it is just like dirt coming in to the site, we compact it. If you look back at some of those others pictures, it is compacted tight so that we have had many trips. We have many sites operating in conditions with varying extremely high winds and when compacted properly and proper dust control measures you do not see any dust.*

*Commissioner Hales: I would like to know a little bit about the wall at the Asheville Regional Airport that collapsed adjacent, was that a retaining wall against your fill site? What happened there?*

*Sewell: That was a retaining wall that the airport was building with another contractor. It was not part of our work.*

*Commissioner Hales: But it affected your work?*

*Sewell: It did not. It had no impact on our project. (Inaudible) That wall was in different sections. Anywhere from seventy-five to one hundred feet away from our project.*

*Commissioner Hales: I thought it was right up against it.*

*Sewell: No.*

*County Manager: One other questions. This relates to structure. Can you describe where Green Meadows comes into play and where Chara leaves off?*



*Sewell: Green Meadows is a subsidiary of Chara.*

*County Manager: What role will Green Meadows play at this Brickhaven site.*

*Sewell: It is a real estate company.*

*County Manager: And that is it?*

*Sewell: We have specific companies for specific parts of our business and that is what that one focuses on.*

*County Manager: And how does Green Meadows function in the chain of liability that we talked about earlier.*

*Sewell: Green Meadows is an extension of Chara.*

*County Manager: I am not sure how they connect. How does one connect with the other in terms of liability? Are they all incorporated into one entity in the liability of the site?*

*Hughes: Yes (inaudible). [They are the same as far as liability.]*

*Chairman Crawford: Thank you for your time and helping us understand this issue this afternoon.*

*Chairman Crawford asked the Duke Energy and Chara representatives to stay for the public input session.*

## **PUBLIC INPUT SESSION**

*Judy Hogan, 7598 Moncure-Pittsboro Rd, Moncure (Cape Fear township), submitted the following comments:*

*I would like to speak about trust. Trust is easily lost, and it takes time to rebuild. I, for instance, trust my electric company, which is Central Electric Membership Company, but I do not trust Duke Energy which provides the power to Central Electric, nor did I trust Progress Energy before they were merged with Duke Energy. I have been concerned about coal ash pollution in my community of Moncure. Last May I went to a session at Moncure School where Duke employees held an open house not long after the company was fined by DENR for violating the environmental rules by pumping coal ash into a small stream that flows directly into the Cape Fear River, above the intake for Sanford's water, which is also my drinking water. The staff there assured me that the pumping was not coal ash and was routine maintenance, not a violation. They also assured me that what was being pumped into the Cape fear River was below the intake for Sanford. On an air map it's easy to see that the pumping was occurring above the intake for Sanford.*

*I didn't trust the new open house they put on for Moncure at their Environmental Center near Shearon Harris in December. I went in only briefly and then stood outside holding a sign that read "No coal ash." People came and talked to me. A reporter told me that he asked the Charah staff what about coal ash flying out of the 120-140 trucks a day that would bring coal ash to Brickhaven near Moncure. The answer was "It won't be any different from regular air." Another person said he'd asked about the arsenic in coal ash, and he was told that "apple juice has arsenic." I met someone who is a property owner in Brickhaven, and he told me he was a Duke*

*Energy share-holder, but he was sure there was a better way to deal with the coal ash than the two huge dumps planned for Brickhaven and along Colon Road. I told him what people had told me about "regular air" and "arsenic in apple juice." Did he know that the company in which he holds shares does things like that? My trust is gone, and many people in Moncure and in Sanford are very distrustful. To build trust back Duke needs to be straight-forward and honest and take responsibility for the problem it has created and not foist its coal ash off on me and my neighbors. Duke reveals to many now what a bad neighbor it is.*

*Martha Girolami, gave the following comments:*

*One of the comments that was just made was there was a lot of emotion and predictable response by the public and I would say really what was predictable was Duke. Its willingness to set a dangerous precedent to follow the legislature which has legislated away community rights and our ability to have any input here. Duke joining in on that very planned, secret, nontransparent process; we don't know what they have really looked at. Then we get the emotional ones, we get the people that are predictable. I think they are predictable in being a bully. There is no choice, it has been without consensus. What about Green Meadow, I did not understand that answer. What is Green Meadow? Is it a limited liability company? How different is it? I think they need to give you a better answer and you need to ask for it and if you can't get it today you need to get it at some point. You are getting a lot of half answers here. They say there is no dusting, this is wet. On a hot day what is the surface like? I know that I have been told by the owner of Chara that they spray something on it. But fly ash is really ultimately invisible, it is very fine. Let's get some data here, let's have some air monitoring of particulates. We have a new GIS person, I would really like to see them take the permit information and do a GIS perspective not just rely on Duke's. It would also be good practice for them and to get a comparison of what it is really going to look like. I think that Duke needs to deal with this more. They need commit if this is going to be a reality and don't think it is clear that Brickhaven is a great place to put this ash. They need to give us a commitment that our Cape Fear coal ash pits get the benefit of whatever happens there and they commit to that. Chatham has that problem, Lee doesn't have that problem. We are not going to ship our coal ash to Lee, it needs to happen here. I can't think of a worse idea than shipping our Cape Fear Ash to some other community in the State.*

*No one else was signed up to speak so the Chairman asked if anyone else would like to speak.*

*Martha Girolami gave additional comments:*

*Do you have ground water problems, what are the options then? When you are transferring your ash off the trains, we got the idea that time is short and these trains and trucks are coming in fast. What happens when you don't have enough equipment to move it out? Are you piling it up someplace? What happens when it rains? Do you have a staging area with good leachate collection and good dust control?*

*Elaine Chiosso, Haw River Keeper with Haw River Assembly, Bynum, gave the following comments:*

*I have a question about what really is at the bottom of those pits. We have been hearing General Shale is who owns them. Shale is of course geologically compressed clay but it is a different material than what we think of as clay. I am wondering what the difference is with that in terms of it being, you are underlying*

subsoil down there instead of actual clay. It may be a mixture of clay and shale. Secondly, having now seen a map of where there are abandoned clay and other mining operations that could be used for ash fill across North Carolina, there are a lot of them, there are a lot of them in Chatham County. It looks like a third of them are in the Haw River basin, also in Rockingham and Guilford counties. This is a deep concern to me as the Haw River Keeper, as to how much clay ash is going to get moved into this one watershed at the top of the Cape Fear. Thank you.

Commissioner Hales stated she looked at the Department of Mining's map and there are sixteen pits in Chatham County.

Commissioner Petty stated the sites that have to be cleaned up first and the whole process is being mandated. He asked if Duke had been able to ascertain any kind of timeline as to when the ash ponds in Moncure would be able to be addressed.

Hughes: I understand. We understand that. The schedule, again is driven by the state. But we do have an ongoing engineering analysis. I don't want to assume or make an assumption about what that engineering analysis will conclude but to the extent that it concludes and that the state concludes that it needs to be excavated we do believe that obviously that site, one of the reasons that site was chosen, the Brickhaven site was chosen, was because of the central location and proximity to the Cape Fear Plant. While I can't provide you with the words that you would like to hear with regard to specificity on a Cape Fear specific plan, that is clearly part of our longer range thinking, particularly on the location of that site.

Vice Chair Cross asked if the capacity could be reserved at the Brickhaven plant for when the ash at the Cape Fear plant is ready to be moved.

Hughes: The only capacity, 12 million tons at Brickhaven and the only, I don't know you all can speak more specifically to what the logistics would be for using those two sites but initially 3 million tons is what we anticipate. We look to have 9 million tons of capacity that would be available after this first tier of sites is addressed. There again, I can't speak to what order the state might choose to address the other sites, but that would be our intent to have that capacity available.

Chairman Crawford stated that with the entire problem being 150 million tons Chatham County is being asked to take on almost one tenth of the problem at Brickhaven with 12 million tons. He believes it is important that the concern of our local coal ash ponds, sitting on the one hundred year flood plain, be factored in

Huges: We understand and appreciate that question and concern.

## **ADJOURNMENT**

**A motion was made by Vice Chair Cross, seconded by Commissioner Petty, that this meeting be adjourned. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Commissioner Hales, Commissioner Howard, Commissioner Petty and Vice Chair Cross

**End of Work Session**

**Regular Session - 6:00 PM - Historic Courthouse Courtroom**

**Present:** 5 - Chairman Jim Crawford, Commissioner Diana Hales, Commissioner Karen Howard, Commissioner Walter Petty and Vice Chair Mike Cross

**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 Crawford welcomed those in attendance and called the meeting to order at 6:00 PM.*

**APPROVAL OF AGENDA and CONSENT AGENDA**

*The Chair stated staff has asked to pull Item #15-1097 until the February 2, 2015 Board of Commissioners Meeting.*

**A motion was made by Vice Chair Cross, seconded by Commissioner Howard, that the Agenda and Consent Agenda be approved with the noted changes. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Commissioner Hales, Commissioner Howard, Commissioner Petty and Vice Chair Cross

**15-1120**

Vote on a request to approve the August 13, 2014 Zoning Board of Adjustment Meeting Minutes, the November 10, 2014 Special Meeting Minutes, the December 1, 2014 Regular Meeting Minutes, and the December 15, 2014 Work and Regular Session Meeting Minutes.

**Attachments:** [August 13 2014 Board of Adjustment Hearing CC Planning Board v Copeland](#)  
[November 10. 2014 Special Meeting Minutes](#)  
[12.01.14 Draft Meeting Minutes](#)  
[12.15.2014 Draft Minutes](#)

**A motion was made by Vice Chair Cross, seconded by Commissioner Howard, that the Minutes be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Commissioner Hales, Commissioner Howard, Commissioner Petty and Vice Chair Cross

**14-0999**

Vote on a request to approve a rezoning request by Rocky River Rental, LLC to rezone approximately 60 acres out of the 202 acre tract, Parcel No. 5213, located on the south side of US 1 off Pea Ridge Road, from R-1 Residential to IL-Light Industrial, Cape Fear Township.

**Attachments:** [Click Here for More Info](#)

**A motion was made by Vice Chair Cross, seconded by Commissioner Howard, that Resolution 2015-01 Adopting a Consistency Statement for the Approval of Rezoning Property to Light Industrial District for Rocky River LLC for Parcel No. 5213, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Commissioner Hales, Commissioner Howard, Commissioner Petty and Vice Chair Cross

**A motion was made by Vice Chair Cross, seconded by Commissioner Howard, that the Ordinance Amending the Zoning Ordinance of Chatham County for Rezoning to Light Industrial for Rocky River Rental, LLC for Parcel No. 5213, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Commissioner Hales, Commissioner Howard, Commissioner Petty and Vice Chair Cross

#### [14-1000](#)

Vote on a request to approve a conditional district rezoning by Kevin Davis from R-1 Residential to Conditional District Neighborhood Business (CD-NB) on Parcel No. 11441 being approximately 11.587 acres, located at 8169 Moncure Pittsboro Rd., Haw River Township specifically for a campground with accessory uses, boat and RV storage.

**Attachments:**     [Click Here for More Info](#)  
[Jordan Lake RV Park](#)

**A motion was made by Vice Chair Cross, seconded by Commissioner Howard, that Resolution #2015-02 Adopting a Consistency Statement for the Approval of Rezoning Property to CD-NB District for Kevin Davis for Parcel No. 11441, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Commissioner Hales, Commissioner Howard, Commissioner Petty and Vice Chair Cross

**A motion was made by Vice Chair Cross, seconded by Commissioner Howard, that the Ordinance Amending the Zoning Ordinance of Chatham County for Rezoning to Conditional District Neighborhood Business on behalf of Kevin Davis, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Commissioner Hales, Commissioner Howard, Commissioner Petty and Vice Chair Cross

#### [14-1007](#)

Vote on a request to approve a request for a new Conditional Use Permit by The Parlour, LLC on property currently zoned CU-B1, located at 175 Poythress Rd., old Mann's Chapel Church, Parcel No. 62230, for an event center venue specializing in small-scale weddings, seasonal marketplace, workshops, meetings, etc., Baldwin Township.

**Attachments:**     [Click Here for More Info](#)

**A motion was made by Vice Chair Cross, seconded by Commissioner Howard, that Resolution #2015-03 Approving a Conditional Use Permit Request by The**

**Parlour, LLC for Parcel No. 62230, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Commissioner Hales, Commissioner Howard, Commissioner Petty and Vice Chair Cross

[15-1097](#)

Consideration of an offer on foreclosed property located at 1715 Wrenn Smith Road made by Kevin Chrishawn Milliken in the amount of \$4000.00

**Attachments:** [OFFER-PARCEL72238 WRENN SMITH RD](#)

**This Agenda Item was tabled until the February 2 2015 Board of Commissioners Meeting.**

[15-1099](#)

Vote on a request to approve appointments to the Siler City ETJ Planning Board/Board of Adjustment.

**A motion was made by Vice Chair Cross, seconded by Commissioner Howard, that the Appointments be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Commissioner Hales, Commissioner Howard, Commissioner Petty and Vice Chair Cross

[15-1102](#)

Vote on a request to approve Chatham County Justice Center De-humidification Units

**A motion was made by Vice Chair Cross, seconded by Commissioner Howard, that this Agenda Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Commissioner Hales, Commissioner Howard, Commissioner Petty and Vice Chair Cross

[15-1103](#)

Vote on a request to approve an appointment to the Town of Pittsboro's Planning Board.

**A motion was made by Vice Chair Cross, seconded by Commissioner Howard, that this Appointment be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Commissioner Hales, Commissioner Howard, Commissioner Petty and Vice Chair Cross

[15-1105](#)

Vote on a request to adopt a resolution Designating February 2015 as Spay/Neuter Awareness Month

**Attachments:** [SpayNeuterResolution 2015](#)

**A motion was made by Vice Chair Cross, seconded by Commissioner Howard, that Resolution #2015-04 Designating February 2015 as Spay/Neuter Awareness Month, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Commissioner Hales, Commissioner Howard, Commissioner Petty and Vice Chair Cross

[15-1106](#)

Vote on a request to adopt a Resolution Proclaiming February 2015 as We Love Seniors Month

**Attachments:** [WeLoveSeniorsMonth2015](#)

**A motion was made by Vice Chair Cross, seconded by Commissioner Howard, that Resolution #2015-05 Proclaiming February 2015 as We Love Seniors Month, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Commissioner Hales, Commissioner Howard, Commissioner Petty and Vice Chair Cross

[15-1108](#)

Vote on a request to approve the Tax Releases and Refunds

**Attachments:** [December 2014](#)  
[December 2014](#)

**A motion was made by Vice Chair Cross, seconded by Commissioner Howard, that the Tax Releases and Refunds, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Commissioner Hales, Commissioner Howard, Commissioner Petty and Vice Chair Cross

[15-1115](#)

Vote on a request to approve the Park and Recreation Trust Fund resolution for Enhancement of the Park at Briar Chapel and approve Amendment A to the Master Plan.

**Attachments:** [Briar Chapel Park PARTF resolution 2015](#)  
[Internal Grant Approval Form Enhancement of the Park at Briar Chapel January 2015](#)  
[Amendment A to Master Plan](#)  
[Master Plan narrative](#)

**A motion was made by Vice Chair Cross, seconded by Commissioner Howard, that Resolution #2015-06 by the Chatham County Board of Commissioners for the County's PARTF Grant Application, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Commissioner Hales, Commissioner Howard, Commissioner Petty and Vice Chair Cross

[15-1116](#)

Vote on request to accept Engineered Construction Company's bid of \$335,990.00 for construction of the concession building and restrooms at Briar Chapel Park and approve Charlie Horne, County Manager, to sign the contract on behalf of the County, after legal review.

**Attachments:** [Attachment - Chatham County Restroom and Concessions - Bid Tabulation](#)

**A motion was made by Vice Chair Cross, seconded by Commissioner Howard, that this Agenda Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Commissioner Hales, Commissioner Howard, Commissioner Petty and Vice Chair Cross

[15-1104](#)

Vote on a request to adopt a resolution approving the addition of streets in the Heritage Pointe Subdivision to the North Carolina System of Secondary Roads.

**Attachments:**     [Heritage Pointe Subdivision Road Addition Resolution](#)

**A motion was made by Vice Chair Cross, seconded by Commissioner Howard, that Resolution #2015-07 for the Addition of Streets or Roads to the North Carolina System of Secondary Roads, Heritage Pointe Subdivision, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Commissioner Hales, Commissioner Howard, Commissioner Petty and Vice Chair Cross

[15-1109](#)

Approve grant applications for Justice for Families (JFF) and Governor's Crime Commission (GCC) for Chatham County Family Visitation Services.

**Attachments:**     [JFF Grant Approval Form](#)  
                              [GCC Grant Approval Form](#)

**A motion was made by Vice Chair Cross, seconded by Commissioner Howard, that this Agenda Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Commissioner Hales, Commissioner Howard, Commissioner Petty and Vice Chair Cross

### **End of Consent Agenda**

### **SPECIAL PRESENTATION**

[15-1098](#)

Vote on a request to approve Resolution Honoring Tracy Baldwin in 911 Communications

**Attachments:**     [Resolution honoring Tracy Baldwin January 2015](#)

*The Chairman read the resolution into the record.*

*The Chairman presented the resolution to Tracy Baldwin of the Emergency Operations Center and thanked her for her service.*

**A motion was made by Vice Chair Cross, seconded by Commissioner Petty, that Resolution #2015-08 Honoring Tracy Baldwin in 911 Communications, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Commissioner Hales, Commissioner Howard, Commissioner Petty and Vice Chair Cross

### **PUBLIC INPUT SESSION**



*Beth Kricker gave the following comments:*

*As many of you may know by now, my name is Beth Kricker and I have lived in Chatham County for almost twenty years. First I would like to give congratulations to our new board of commissioners and to the people of Chatham County for the very hard work that secured an historic election. But sadly too soon the 2016 election is upon us. As the first act of the newly elected Congress, the Pope/Koch brothers, David Duke clad machine is already at work to dismantle what is left of our democracy. At their very first meeting in 2015, the Tea Party Congress again cut food stamps, this time amounting to over 90 million dollars. Mainly affecting the children. In the same breath, they launched a guaranteed loan program to Wall Street making available trillions of dollars in guarantees against an anticipated bailout. Their next step consisted of efforts to deny healthcare, aid to the ill or infirmed and disability to the emotionally ill, sometimes dangerously so. Not even denying them weapons, courtesy of the NRA. Then casually blaming the heartbreaking results on the protestors. Only the threat of veto have in many instances stayed their hand. Our time is short. On February 14th at 9:00 AM on Jay Street in Raleigh, we will again find Chatham County on the march, hand and hand, shoulder to shoulder, united. We will go forward to win the next election. Not one step back. Thank you*

*Michael Reese, Stroud Mountain Subdivision, submitted the following comments:*

*My name is Mike Reese. I live in the Stroud Mountain Subdivision off of Jones Ferry. I sent an email to the Commissioners last weekend about the issues related to the internet service that is available in Pittsboro. That is what I am here to talk about today. I have questions and I also have some answers. I have been able to talk to Time Warner Communications about what it would cost for construction to run a line from their closest high point in Chapel Hill through our subdivision. That cost is 107K. They will contribute 3,400 to every resident who wants the service. If there was 100% buy in on the service they would begin construction at no cost to the residents. The likelihood of 100% buy in is zero. What I am here for is to ask for funding and a budget to help contribute to the construction cost of whatever that difference might be. We don't know what that cost is exactly yet. There are a few other houses that we need to cover in my subdivision past my house, but it is not an extensive amount, maybe five or ten houses, which would lower the per capita cost of the construction. This is a reality. This will happen if we do have funding. I think the amount of houses that could be serviced along that line once it is place could exceed one hundred houses and residents could be in the two to four hundred, I am just estimating. This is something that is needed. Time Warner is not the only company that we want to help us but they are the only company that is actually talking to me right now. We are trying to get AT&T to assist us in this effort. We know that they have fiber along Jones Ferry, I don't think it extends to our development, but it is there and I don't have a contact at AT&T. I was hoping there was someone in government that will work with us in trying to get information out of these other providers like AT&T, Randolph, Centurylink, etc. That is kind of the gist of it. Can you help us?*

*Chairman Crawford stated there was a general interest in providing internet service and they could look into providing service on that corridor especially since there is a school nearby. He stated he would talk to Mr. Reese after the meeting.*

## **PUBLIC HEARINGS**

[15-1113](#)

A legislative public hearing request for a proposed county-initiated text amendment to the Chatham County Zoning Ordinance Section 18, Board of Adjustment, to update the ordinance in response to statutory changes.

**Attachments:** [Redlines Sec 18 BOA Jan BOC](#)

*Hillary Pace, Planner, reviewed the specifics of the request.*

*Commissioner Hales asked Ms. Pace if she could give some detail of the changes. Ms. Pace stated they will explore this at great detail at the Planning Board level. It is mostly reformatting and including new definitions that the State Statute has provided. There are no sweeping changes. It is a quite detailed update but it is mostly just matching terms for the new language within the State Statute. For example for oaths, hearing notices, and subpoenas. Ms. Pace also stated she knows that they will have a discussion about potentially setting up a separate Board of Adjustment so this would just get things up to date legislatively before we that process begins.*

*The Chairman opened the floor for public comment.*

*There was no one signed up to speak.*

*The Chairman closed the public hearing.*

**This Resolution was referred to the Planning Board.**

## **BOARD PRIORITIES**

[14-1071](#)

Presentation of the GFOA Distinguished Budget Presentation Award

**Attachments:** [GFOABudgetPresentationAward](#)

*The Chairman invited Assistant County Manager, Renee Paschal to come forward to receive the award.*

*The Chairman stated the Government Finance Officer's Association Award for the Distinguished Budget Presentation represents a significant achievement and reflects the commitment of the Governing Body and staff to meeting the highest principles of governmental budgeting. In order to receive the award the County has to satisfy nationally recognized guidelines for effective budget presentation. These guidelines are designed to assess how well an entity's budget serves as first a policy document, a financial plan, an operations guide, and a communications device. The County scored high on all of these points.*

*The Chairman presented the GFOA Distinguished Budget Presentation Award to Ms. Paschal and congratulated her on the achievement and thanked her for all her hard work.*

[15-1122](#)

Consider and approve appointments to the Planning Board

*Commissioner Petty asked the Chairman how the Board should proceed. He asked if all the appointments should be considered as one vote.*

*Commissioner Hales suggested each representative make their two appointments and then the Board make a motion for those appointments and then do the at large appointment as a separate motion.*

*Commissioner Howard stated there are two open seats for Commissioner District 1.*

*Commissioner Petty stated he would like to reappoint Gene Galin and would like the to appoint former commissioner Brian Bock.*

*Commissioner Howard stated she would like to appoint Bill Arthur and former commissioner Jim Elza.*

*Chairman Crawford stated he would like to appoint Caroline Siverson and Anthony Gaeta.*

*Commissioner Hales stated she would like to appoint Barbara Ford and Stacey Curtis.*

*Next the commissioners discussed the at large member appointment. Commissioner Hales recommended Dr. George Lucier.*

*There was discussion to accept the slate of nominated applicants and the at large applicant.*

**A motion was made by Commissioner Howard, seconded by Commissioner Petty, that the commissioner appointments and at large appointment be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Commissioner Hales, Commissioner Howard, Commissioner Petty and Vice Chair Cross

### [15-1125](#)

Vote on a request to approve a slate of new Chatham EDC Board members and reappoint eligible existing Chatham EDC Board members to a second term.

**Attachments:** [Bylaws - Final - Amended 5-14-13](#)  
[All Applications Alphabetical 2](#)

*Commissioner Howard stated she would like one motion for the three members that are re-appointments and a separate motion to appoint for the open seats.*

**A motion was made by Commissioner Howard, seconded by Commissioner Petty, that the re-appointments of Michael Donahue, Linda Harris and Twig Wood be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Commissioner Hales, Commissioner Howard, Commissioner Petty and Vice Chair Cross

*Commissioner Howard stated there are four open seats. There were conversations with the EDC in the previous meeting and here are very strong applicants and there is great diversity of experience, knowledge, age and location across the County. Commissioner Howard motioned to appoint from the applicants John Ruffin, Greg Lewis, Jeff Wilson, and Grimsley Taylor Hobbs. Vice Chair Cross seconded the motion.*

*Discussion followed.*

Commissioner Howard stated they each bring a different type of business experience and diversity. It was an extraordinarily strong pool of candidates with strong ties to the community.

Commissioner Hales stated one thing that is important in an EDC is to have diversity in the types of backgrounds people are coming from and also the types of backgrounds that are in this County. One of the things that she was really encouraged by was an application from a gentleman in the Bear Creek area who used to work for Townsend, is in a family business and also is a farmer. She believes that voice has been missing on the EDC. She also is in support of Greg Lewis who is the owner and operator of the Pittsboro Roadhouse. She believes these four individuals that Commissioner Howard named would bring that kind of little bit different focus but a very important voice because they do represent the County.

Commissioner Petty asked how the four names differs from the original recommendation made by the EDC at the last meeting. Who would they be taking off the previous list?

Chairman Crawford stated there were three different individuals recommended.

Commissioner Howard stated the EDC recommended three other individuals, John Eldridge, Lori Ford, and Eric Braun.

**A motion was made by Commissioner Howard, seconded by Vice Chair Cross, that the appointments of John Ruffin, Greg Lewis, Jeff Wilson, and Grimsley Taylor Hobbs be approved. The motion carried by the following vote:**

**Aye:** 4 - Chairman Crawford, Commissioner Hales, Commissioner Howard and Vice Chair Cross

**No:** 1 - Commissioner Petty

## **MANAGER' S REPORTS**

The County Manager wanted to let the Board know that the previous Board had set aside \$300,000 to Chatham Trades for the purpose of a new building or facility. Part of that money can also be used for maintenance. They are asking for \$15,000 for a new roof. It is consistent with the direction of the Board but it is starting to drain the \$300,000.

## **COMMISSIONERS' REPORTS**

Vice Chair Cross stated the North Carolina Association of County Commissioners had its annual Legislative Conference last week. Chairman Crawford, Vice Chair Cross and Commissioner Petty attended. Chairman Crawford, Vice Chair Cross and the Lee County Chairman got together and made an amendment to the Fracking Goals to change what was submitted. They changed it to seek legislation to establish a mechanism for local governments to recover costs associated with providing services or reversing negative effects on the community related to natural gas and oil extraction and coal ash storage. That goal was approved as one of the 44 Association goals for the current legislative session.

### **[15-1133](#)**

Closed Session to discuss matters within the attorney client privilege

**A motion was made by Commissioner Howard, seconded by Commissioner Petty, to go out of the Regular Session and convene in Closed Session for the purpose of discussing matters within the attorney/client privilege. The motion**

carried by the following vote:

**Aye:** 5 - Chairman Crawford, Commissioner Hales, Commissioner Howard, Commissioner Petty and Vice Chair Cross

## **ADJOURNMENT**

**A motion was made by Commissioner Petty, seconded by Commissioner Howard, that the meeting be adjourned. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Commissioner Hales, Commissioner Howard, Commissioner Petty and Vice Chair Cross