



Chatham County, NC

Meeting Minutes Board of Commissioners

Monday, March 2, 2015

10:00 AM

Historic Courthouse Courtroom

Regular Session - 10:00 AM - Historic Courthouse Courtroom

Rollcall

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

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 10:00 AM. The Chairman announced that Commissioner Petty would be at the meeting shortly.

APPROVAL OF AGENDA and CONSENT AGENDA

The Chairman stated staff requested that Agenda Item #15-1142 be added as it was on the February 16, 2015 Meeting Agenda and was mistakenly left off of this agenda. He stated each member of the Board has a copy of the agenda item for their review. The Commissioners took a moment to review the item.

A motion was made by Vice Chair Cross, seconded by Commissioner Howard, that Agenda Item #15-1142 be added to the Consent Agenda. The motion carried by the following vote:

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

APPROVAL OF AGENDA and CONSENT AGENDA

A motion was made by Commissioner Howard, seconded by Commissioner Hales, that the Agenda and Consent Agenda be approved as amended. The motion carried by the following vote:

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

[15-1154](#)

Vote on a request to approve the 01.06.2015 Retreat Minutes, the

01.08.2015 Retreat Minutes, the 01.13.2015 Retreat Minutes, the 01.20.2015 Work and Regular Session Minutes, and the 02.02.2015 Regular Session Minutes.

Attachments: [01.06.2015 Draft Minutes](#)
[01.08.2015 Draft Minutes](#)
[01.13.2015 Draft Minutes](#)
[01.20.2015 Draft Minutes](#)
[02.02.2015 Draft Minutes](#)

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

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

Excused: 1 - Commissioner Petty

[15-1148](#)

Vote on a request to approve the Tax Releases and Refunds

Attachments: [January 2015](#)
[January 2015](#)

A motion was made by Commissioner Howard, seconded by Commissioner Hales, 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: 4 - Chairman Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard

Excused: 1 - Commissioner Petty

[15-1107](#)

Vote on a request to approve \$4,700 TANF Funds awarded to the Health Department.

Attachments: [4,700 TANF Funds.pdf](#)

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

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

Excused: 1 - Commissioner Petty

[15-1111](#)

Vote on a request to approve \$105.00 Focus on Fathers Donation Funds

Attachments: [105.00 Copy of Check.pdf](#)

A motion was made by Commissioner Howard, seconded by Commissioner

Hales, that this Agenda Item be approved. The motion carried by the following vote:

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

Excused: 1 - Commissioner Petty

[15-1112](#)

Vote on a request to approve \$26,666 Lead Poisoning Prevention Program Funds awarded to the Health Department.

Attachments: [\\$26,666 Lead Funds Agreement Addendum.pdf](#)

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

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

Excused: 1 - Commissioner Petty

[15-1123](#)

Vote on a request to approve a request for a reduction of \$4,500 from the approved Smart Start Allocation.

Attachments: [\\$4,500 Smart Start Funding Reduction.pdf](#)

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

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

Excused: 1 - Commissioner Petty

[15-1126](#)

Vote on a request to approve \$1,962.06 AFDO Grant Funds awarded to the Health Department.

Attachments: [\\$1,962.06 AFDO Grant Award Letter](#)

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

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

Excused: 1 - Commissioner Petty

[15-1128](#)

Vote on a request to approve \$12,000 National Association of County and City Health Officials (NACCHO) Funds awarded to the Health Department.

Attachments: [\\$12,000 NACCHO Award Letter](#)

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

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

Excused: 1 - Commissioner Petty

[15-1136](#)

Vote on a request to approve grant applications for the 2015 Community Waste Reduction & Recycling Grant and Convenience Center Commingled Recycling Collection Grant

Attachments: [Grant Approval Form - 2015 Waste Reduction](#)
 [Grant Approval Form - Convenience Center](#)

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

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

Excused: 1 - Commissioner Howard

[15-1139](#)

Vote on request to accept Ecoflo's bid of \$30,186.50 for household hazardous waste services and authorize the County Manager to sign the contract on behalf of the County

Attachments: [Evaluation Matrix For HHW](#)

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

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

Excused: 1 - Commissioner Petty

[15-1140](#)

Vote on a request to adopt the Fiscal Year 2015-2016 Goals

Attachments: [DRAFT 2015 BOC VISION GOALS revised](#)

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

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

Excused: 1 - Commissioner Petty

[15-1141](#)

Vote on request to approve a Withdrawal of Dedication Declaration

Attachments: [Declaration](#)
 [Plat](#)

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

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

Excused: 1 - Commissioner Petty

[15-1145](#)

Vote on a request to approve NNP Briar Chapel, LLC for subdivision preliminary/final plat approval of Briar Chapel, Phase 9, consisting of 139 lots on 33.9 acres, located off S. R. 1528, Andrews Store Road, Baldwin Township, parcel numbers 82827 & 87090.

Attachments: [For More Briar Chapel Ph 9 Info Click Here](#)

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

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

Excused: 1 - Commissioner Petty

[15-1149](#)

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

Attachments: [Mint Springs Resolution Package](#)
 [River Forest Subdivision Road Addition Resolution](#)

A motion was made by Commissioner Howard, seconded by Commissioner Hales, that Resolution #2015-09 for the Addition of Streets or Roads to the North Carolina System of Secondary Roads, River Forest Subdivision, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

Excused: 1 - Commissioner Petty

[15-1151](#)

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

Attachments: [Shambley Meadows Resolution Package](#)
 [Shambley Meadows Subdivision Road Addition Resolution](#)

A motion was made by Commissioner Howard, seconded by Commissioner Hales, that Resolution #2015-10 for the Addition of Streets or Roads to the

North Carolina System of Secondary Roads, Shambley Meadows Subdivision, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

Excused: 1 - Commissioner Petty

[15-1165](#)

Vote on a recommendation to reject the offer on five foreclosed properties made by Eric Herm for Charlie Quarles Land Trust in the amount of \$865.00 and return the \$43.25 bid deposit to the address provided.

Attachments: [FORECLOSED OFFER ERIC HERM-02192015151429](#)

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

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

Excused: 1 - Commissioner Howard

[15-1142](#)

Vote on a request to approve appointment of nonprofit review panels

Attachments: [FY 2016 Nonprofit process volunteers](#)

A motion was made by Commissioner Howard, seconded by Commissioner Hales, that these appointments be approved. The motion carried by the following vote:

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

Excused: 1 - Commissioner Petty

End of Consent Agenda

PUBLIC INPUT SESSION

Elaine Chiosso, Haw River Keeper, stated she wanted to speak about coal ash. First she felt the Board got some incomplete answers from Charah and Duke Energy at the last meeting. She hopes the public can hear more about many aspects including some of the environmental decisions that have to be made, the impact on creeks coming out of the General Shale site, the impact on the Cape Fear River, what are they going to do about the Cape Fear ash in their Moncure plant, the five coal ash ponds are just sitting there. She also wanted to say that a group of environmental organizations including the Haw River Assembly and citizens from Moncure are sending a letter today to the Coal Ash Commissioner asking them to explain better and really saying that they do have responsibility for this plan by Duke Energy. They are saying they don't under the Governor's decision rather than the legislature. She stated they don't believe that is true. They will send a copy of this letter to the Board and they hope the Board might pursue this as well, that the Coal Ash Commission

should be looking at this with great scrutiny, this plan by Duke. They also think that the Attorney General needs to be asked about why this is being called mine reclamation instead of a landfill because it is clearly a landfill and now that we know more about the plans we know that the ground is not going to be level when it is finished, it is going to be above grade and not even flat above grade. That doesn't sound like reclamation of the site, more like a landfill. Thank You.

Judy Hogan submitted the following comments:

My name is Judy Hogan. I'm very concerned about the shipping of coal ash through our communities of Moncure and Brickhaven. Judging by Charah's permit application, the roads likely to be used for trucking the coal ash from Charlotte to Brickhaven would include Business 64 through Pittsboro, Moncure-Pittsboro Rd, old #1 through Moncure, and Corinth Road to Brickhaven. From Wilmington it would include #1 from I-40, then Pea Ridge Rd, old #1, and Corinth Road. Not only is there already heavy truck traffic on these roads to and from the industries along Corinth Road, but a large number of Moncure people live along these secondary roads. Then the rail line used would go right through Moncure, right next to our post office, and then along the back of Corinth Rd. where the industries are. Many people live not far from the rail line, too. I, for instance, live right on Moncure-Pittsboro Rd and the rail line is only a mile away from my house by air.

We here in Southeast Chatham are concerned, too, about the sheer number of trucks and rail cars it would take to move 12 million tons of coal ash to Brickhaven. If the railcars were put end to end, they would stretch 1,542 miles, more than the distance from Moncure to Honduras. That would be 120,000 train car loads. It would take 400,000 truck-loads in very large 30-ton dump trucks to haul 12 million tons.

We don't want hazardous coal ash being blown from trucks or rail cars or the risk of accidents with this shipping plan. Charah should convert coal ash to salt stone and store it in concrete bunkers on site. Coal ash should never be moved. We have also learned from Chars's permit application coal ash "may come from power generation facilities located in North Carolina and South Carolina". This suggests even more coal ash coming from other facilities than our state to Chatham and down secondary roads where so many people in Moncure live. Thank you.

Gina Harrison submitted handouts to the commissioners which included her comments:

My name is Gina Harrison and I currently serve as President of the Board for the Chatham Arts Council. As you consider priorities for the upcoming budget year, I want to thank you for your efforts to fully restore County support for the arts, to share a bit about the work of the Chatham Arts Council specifically, and to provide some information about why I believe it is a worthwhile investment. According the US Conference of Mayors (2008), "Governments which support the arts on average see a return on investment of more than \$7 in taxes for every \$1 that the government appropriates."

After celebrating our 30th Anniversary, we took a year to reflect and reassess our mission, goals, and future direction. We spoke to a broad spectrum of the community.

With a talented, dedicated executive director, and board representation that includes local government, the creative community, business leaders, higher education, and Chatham County Schools, we rolled out our new identify and work scope this past November.

We invest in artists:

- Administering the NC Grassroots Arts Grants (as the designated county partner to the NC Arts Council), that support performing arts organizations and nonprofits that use the arts to achieve their goals. Annually the Grassroots program invests between \$15,000 and \$20,000 in our county.*
- Sponsoring Emerging Artist Grants.*
- Promoting Chatham arts and artists through our redesigned website featuring an updated Artist Directory and Arts Calendar, Spotlight articles, social media, weekly newsletter, and press releases. (We're reaching more than 1700 people online every day and we have more than 1200 e-news subscribers. Our January featured artist received more than 1,000 visits to her Facebook page and hundreds of new hits on her website at Flytrap Clothing when her feature was published.)*

We educate kids through the arts:

- Producing ClydeFEST- our annual kids' folk art festival.*
 - Piloting a new Arts-in-Education Residency Program in 2015- 201 6.*
- As noted in the council's vision for long-term impacts of this work for the future of Chatham County:*

- Solvency for artists makes it likely that artists will continue to live here. Creative communities have a higher quality of life, and communities with a higher quality of life have stronger economies. Greater awareness of the arts can keep more residents in town on the weekends - and draw visitors here, too.*
- Educating kids through the arts grows creative thinkers, and creative thinkers make strong employees, employers, and entrepreneurs for Chatham County.*

Highlighting and Promoting the work of our creative community attracts tourists and encourages our citizens to spend leisure time and dollars here. A vibrant creative community is part of the package that makes Chatham attractive to prospective businesses. Participation in strong arts education programs is associated with increased cognitive development, reduced school dropout rates, increased test scores, higher education attainment , and greater civic participation.

Our updated Artist Directory includes Chatham citizens working in more than 30 creative disciplines- Authors, Photographers, Actors, Jewelers, Painters, Musicians, Folk Artists, Directors, Designers, Choreographers, Teaching Artists, Woodworkers, Producers, Poets, Screenwriters, Voiceover Artists, Fabric Artists, Editors, Stained Glass Artisans, Printers, Illustrators, Potters, Glass Blowers, Storytellers, Graphic Designers, Book Designers, Sculptors, Songwriters, Choral Conductors, Paper Makers, Web Designers, and Composers!

They are self-employed small business owners. They work in all levels of education. They exhibit, perform, and teach across the country. Some are recipients of emerging artist grants. Others are master craftsman and performers at the zenith of distinguished careers. Galleries, restaurants, clubs, bookshops, and schools/camps/studios directly benefit from their presence. Many Chatham students - graduating from the oldest comprehensive arts education public school program in NC are also pursuing arts careers - studying dance in Seattle, WA; theatre in MN, at East Carolina, and at UNCG; graphic design in New York; opera at Appalachian; instrumental music at the UNC School of the Arts; and pursuing doctoral studies in Jazz as a Mancini Scholar in Miami.

Some artists preserve our heritage - they are our lifeline to skills, processes, music and stories of a time long past. Newcomers add the flair, creativity, and traditions of different cultures to the mix. Others are incorporating technology and

striking out in exciting new directions. They are all our most valuable natural resource.

We look forward to opportunities to work with the Board of Commissioners on future initiatives to enhance and celebrate the place that we love. Your support to increase our capacity is vital to this important work and greatly appreciated. Thank you.

Lisa Mansfield, 1149 Moncure Flatwood Road, Moncure, stated she wished to speak about coal ash and she lives next door to the Brickhaven site. She has lived with her husband there for eight and a half years and her husband grew up there. She grew up in a smaller town and she doesn't want to see the country life ruined by the trucks and the rail. She has heard there will be up to 250 trucks a day and that is a lot for their little road. She has concerns about the damage to the streams as they are already red from the brick plant. You already cannot fish back in those streams anymore because the fish have died. Duke and Chara talk about all the safety issues but think she believes we need to dig into it a little deeper. She believes they have been a little too secretive. She first found out about it from a facebook friend. She is concerned about the whole state but

is most concerned about her neighbors because they are right next to the site. She believes if her property were occupied by one of Duke or Chara's members this would not be an issue.

Martha Giralomi, 473 Mt. Pisgah Church Road, Apex, stated the Board chose to write a resolution opposing the dumping of coal ash in Chatham County and that is really all that needs to be said. We don't want it, it is an imposition. We have no voice. But she wants to talk about Charah's record already in taking coal ash from the Duke power plant in Asheville to its airport. They have already polluted. One of the radio stations in Charlotte interviewed some of the people along the roadway where the truck traffic was. One was a Mr. Dermid and he said it is a constant stream of trucks, one every two minutes. The ash from the trucks has turned the road gray. He said on dry days the ash dust is so bad you can see it in the air. Experts say that ash can contain toxics metals, can be radioactive, you know the health risks that are there. It is also visible. He says when he goes outside and cutting the grass he has to wear a mask. The whole side of the road along the edge is dust. So once you spill it with the transportation, whether it is material handling or moving it by truck or between the railroad, you spill dust and it gets resuspended and goes into people's lungs. The fly ash particles, a major component of coal ash, gets lodged in the deepest part of your lungs and that is where you get the asthma, the inflammation, the immunological reactions, heart disease, etc. She thinks we need to step up as a county and do more. We need to consider increasing our own coal ash management environment and health program. We need to be able to collect data if this happens on a website so that people can call in about dust, noise and odors. They need to be able to map this, need to be able to show photographs and need to be able to use it as a weapon. We need to be able to capture that information. She also thinks you need to be to put up an education flyer on what citizens should be able to do once you've got a plan in mind. Where do you want the information to come, how do you want your staff to react, how you can use citizens to react. You need to buy meters and collect data. You can get citizen involvement. If it starts blowing around we can measure it. She suggested the meters are not very expensive and perhaps some citizens could purchase them for the county. Charah needs to report to you on what its coal ash management practices are. What are their safety features. How do they keep the dusting. You need to have Charah tell

you about radioactivity and hydrogen sulfide.

Jim Elza, 110 Crystal Court, Cary, stated individual rights do need to be protected but so do community rights. If my neighbor sells his lands for a landfill or a quarry, are my rights protected? Look around, do you think Orange, Wake or Durham Counties embrace shooting ranges, rendering plants, battery plants, or coal ash pits. Chatham Park is underway as are two industrial megasites. We are sixty thousand strong and two hundred years. How long will it take to double that? Some advocate open use as a solution. But at the same time advocate against zoning. Open use is zoning, not a salami sandwich. It is a form of zoning that brings lawyers, experts, sworn testimony, and no chance for citizen input. Why would Chatham adopt a process where citizens have no voice. In '96 I was at a hearing where a farmer stated he didn't want zoning on his land. A county board member said he had been zoned since 1964. That was thirty two years and he didn't know it. Is that an exception? It doesn't surprise me under any land use scheme agriculture is exempt by state law. So if you pursue agricultural activities you are exempt in North Carolina. There is a schedule of agricultural activities that should be studied carefully. It recognizes agriculture and a host of enterprises farm families undertake to make ends meet. It is unlikely I will be here in twenty years to see the growth but many here will and your children will. What legacy will you leave? You may think Chatham has changed a lot the past twenty years, you have not seen anything yet. Will it grow in a way you hope and dream of. Today is a critical point in the history of this place we call Chatham County. This place will change. We are at a fork in the road. In politics we see elected officials take the low road, the easy road frequently. To coin Robert Frost, take the road less traveled. I urge the commissioners, that the commissioners will take the high road and protect our county by adopting modern county wide land use that will address our growth. Thank You.

Sonny Keisler submitted the following comments:

My name is Sonny Keisler. I live at 3006 River Forks Rd. I would like to begin by referring you to a document the Rocky River Heritage Foundation gave to the Environmental Review Advisory Committee in February that highlights water quality problems in the Rocky River watershed. My presentation focuses on the area highlighted in blue ... the Rocky River from the Charles Turner Reservoir to Varnell Creek.

I wish to make one major recommendation. The Chatham County Board of Commissioners should determine why the Rocky River has low dissolved oxygen levels from the Charles Turner Reservoir to Varnell Creek 6. 7 miles downstream. In 2010, one year after the Charles Turner Reservoir was filled, this stretch of the Rocky River was placed on the North Carolina 303d list of impaired waters because it failed to meet Class C water quality standards for dissolved oxygen. I will provide three reasons why the Commissioners should address the problem of low dissolved oxygen.

First, the North Carolina Division of Water Resources has not made a determination as to why low dissolved oxygen levels exist. What is needed is empirical research focusing on at least two issues: (a) first how much water is being released from the Charles Turner Dam and (b) secondly do low dissolved oxygen levels exist above the Hackney Dam just upstream from US Highway 64. If these two questions are answered then the leading hypotheses as to why low dissolved oxygen levels exist

could be addressed. This hypothesis says low dissolved oxygen levels exist because not enough water is being released from the Charles Turner Reservoir.

A second reason is this. The success of the Chatham-Siler City Advanced Manufacturing Site depends on the Rocky River being able to provide up to 4 MGD of water to Siler City. If the Rocky River is impaired because not enough water is being released from the Charles Turner Reservoir, then Siler City will not have 4MGD to make available to various users including the Advanced Manufacturing Site.

A third reason focuses on Siler City wastewater discharges. Siler City wastewater is discharged into Loves Creek and then into the impaired section of the Rocky River. The Clean Water Act, however, states that the receiving stream for wastewater must have the assimilative capacity to receive the discharges. The Rocky River frequently does not have the required assimilative capacity.

In summary, it is now legally questionable as to whether the Rocky River can provide the water and wastewater resources necessary for the Advanced Manufacturing Site. As such, if Chatham County wants to site to be a success, it needs to undertake basic research the State of North Carolina has refused to undertake and then the County should push for solutions highlighted by this research. Thank You.

Dean Tipton submitted the following comments:

Gentleman, these people in my opinion have got the state legislators and DENR and everyone else over in Raleigh behind them. When they move this ash in to this community, it is going to affect this community, Sanford, and the surrounding communities. When they move it in the rail or truck some of it is going to be spilled. It will get in the air. When it goes airborne it particulates. You breathe particulates everyday just like I do but we don't want arsenic, selenium, lead, thallium. Do you know what thallium is? It was used in rat poison. The EPA did away with that because it was so toxic. It is in coal ash. I am disappointed in the legislators in Raleigh. They are sticking a knife in our backs. Lee County and Chatham County elected them, I can't argue with that. You have the constitutional rights to do so. But let me say this in closing. The people in Lee County and Chatham County are not hypochondriacs. That is a person who imagines they have illnesses and disease. Coal ash will not be imaginary. It will probably be more susceptible to children and the elderly. It is going to go airborne and in the streams also eventually. Selenium has got such a concentration it will go through the liner, into the streams and probably will get airborne too.

BOARD PRIORITIES

[15-1150](#)

Fourth Quarter 2014 Employee of the Quarter: Lesa Chavis,
Emergency Operations Communications

Attachments: [LChavis EOQ Nomination 111414](#)

Courtney Goldston, Human Resource Analyst, asked Lesa Chavis of the Emergency Operations Department to come forward. Ms. Goldston stated Ms. Chavis was nominated by Frances Wilson, Tax Collector and Renee Paschal, Assistant County Manager for her work on a project with sales tax revenue. Ms. Goldston read excerpts from Ms. Chavis's nomination.

The Chairman presented Ms. Chavis with the award and they posed for pictures.

This Agenda Item was received and filed

[15-1110](#)

Presentation on Options for Henry Siler School

Attachments: [CPNIBuildingConditionAssessment](#)
[DFINovember2014Proposal](#)
[DFIStudyExecutiveSummary](#)
[DFI UNC SOG Henry Siler School Highest and Best Use Analysis Presentation 11-8 13](#)
[The Future of Henry Siler School](#)

Renee Paschal, Assistant County Manager, gave a PowerPoint presentation. Ms. Paschal stated there were several people present who were interested in the issue, particularly people with the West Chatham Food Pantry. She stated if the Board had any questions about their particular idea or proposal they are here to address those.

Ms. Paschal stated the DFI study found the building would be suitable to be reused as residential development. There are a couple of barriers to that. The property is not located within the Siler City Commercial/Historical district and the building is also not on the National Historic Register of Historic Places.

Commissioner Howard asked if Market Rate Housing meant multiple units. Ms. Paschal stated yes and the average would be around 60 units. She stated at the time they were talking about re-using the facility and building some additional units.

Ms. Paschal stated another group has been looking at the site since the County received the DFI second proposal in the fall. They are looking at redeveloping the site as the Henry Siler Resource Center. The group is being lead by the West Chatham Food Pantry. They are out of space where they are currently renting. By law the County could convey the property to the non profit. They could not turn around and sell the property but they could continue to use it for a public purpose. Members of this group also helped redo the Paul Braxton School for the Boys and Girls Club so they have had experience taking a fairly run down building and turning it in to something useful.

Commissioner Howard asked if the County would be responsible for cleaning up the lead and asbestos or if the organization taking over the property would be responsible. Ms. Paschal stated the County would probably want the party taking over the property to take the responsibility but it is negotiable.

Ms. Paschal reviewed the seven options she has come up with and stated there could also be additional options.

1. Solicit bids again with or without a minimum price (nominal cost to advertise)
2. Demo the building and hold land to sell in more favorable economic climate (\$70K, with UST removal, no ongoing maintenance costs)
3. Leave the building and hold land to sell; continue to incur costs for maintenance (minimum of \$3,500/year)

These options have highest chance of county achieving substantial revenue

4. Issue an RFP for affordable housing or low-income senior assisted living facility (nominal cost to advertise; evaluating RFPs might be challenging)
5. Engage DFI for public private partnership (\$42,500, plus possible additional county contribution to make project viable)
6. Convey to new nonprofit for Henry Siler Resource Center (possible funds for seed money; \$10K to remove UST)—could lease until IRS designation complete*
7. Issue RFP to all nonprofits (for fairness) (nominal cost to advertise)—evaluate based on viability of proposal*

The BOC may want to consult with the Town of Siler City before deciding

*According to Siler City Planning Director, the county could subdivide property and give building and parking to nonprofit and retain .79 acre to sell in the future

Commissioner Petty entered the meeting at 10:51 AM.

Commissioner Hales asked if DFI is still a willing partner. Ms. Paschal stated they are still interested in working with the County but that would cost a substantial amount of money at \$42,500.

Chairman Crawford stated it seemed the County under any of these options is responsible for the underground storage tank and it might be better to take care of it sooner rather than later. Commissioner

Hales asked if it would be appropriate to hear from the West Chatham Food Pantry and Dr. Reddix. She stated Ms. Paschal arranged a tour and she and several others attended to see the school. There was a healthy discussion about this location and the use of this building as another alternative to just tearing it down.

Phil Johnson stated he was on the steering committee of the Henry Siler School and also on the Board of the Boys and Girls Club and the West Chatham Food Pantry. He believes the main interest to the Board is how would they fund the project. He stated he has already called US Rural Development and has talked to the manager of the Community Funding Group in Raleigh. He directed Mr. Johnson to the agency director out of Asheboro and he talked to him as well. Both have told Mr. Johnson the mission the Pantry fits Rural Development's financing guidelines. USRDA is telling Mr. Johnson they do not need a new 501-3c and they would prefer they do it through the Pantry or an existing non profit. USRDA has given Mr. Johnson the impression, although they have not committed to anything, that the project the Pantry has outlined will fit the mission and between both grants and loans, they would consider funding the entire project. He told them the DFI study for apartments they were looking at two million dollars. Obviously, the Pantry does not think it would need that much money. It would have offices for nonprofits and it would be the resource center for all the non profits that come in under that umbrella.

Mr. Johnson stated they think they can do it for substantially less than two million dollars and a major part of the two million dollars was the HVAC system. it would have to be completely replaced. They understand the cost to be somewhere between \$400,000 to \$600,000. He is hoping they could consider renewable energy and consider geothermal. Although it may cost as much or maybe even more, they could take advantage of the federal tax credits. They, of course, as a non profit don't pay taxes but they can sell those credits. They can generate 50-75% of what the normal credit amount would be by selling them to somebody. Mr. Johnson stated the building has hardwood flooring, and the building is basically sound. The back area where they built the lunchroom is perfect for the pantry. He has been hesitant to talk

to anybody about options but he thinks Chatham Transit could have a satellite site for a couple of buses. It would be the perfect place to have a resource center for all the nonprofits in Siler City. The nonprofits, instead of paying rent would pay into a maintenance pool. It is up in the air but it is feasible.

Mr. Johnson stated again that he believes financing is the big issue. Rural Development said they would certainly want to have DFI come in and repurpose their analysis of that building as an office building instead of apartments and that although Rural Development might consider rolling those costs into a loan, it would be much better if the County would consider doing that. They said certainly that tank would have to come out of the ground. Those are the only two solid suggestions they had that would involve the County in particular.

Commissioner Hales asked if it would be a disadvantage if the County partitioned off the 0.8 acres. Mr. Johnson stated it would, in his opinion, if they went geothermal because that western portion is perfect for trenching. He believes trenching is the cheapest way to go for geothermal but they would have to dig the trenches and put it in.

Commissioner Howard asked if there was a reason the DFI study didn't consider office space. Ms. Paschal stated that they were looking at the highest and best use of the space and it naturally lended itself to residential, either market rate, affordable or senior. Commissioner Howard asked if the County were to get that repurposed it would involve some cost. Ms. Paschal stated it would and she could find that out.

Ed Spence stated he lives in Siler City. He hates to see a building deteriorate. He stated Mr. Johnson addressed the technical issues and he would like to make some comments about the building itself. His suggestion would be to perhaps, patch the roof, remove the tank, and check for termites. They had the building inspected and they said it did not need to be torn down. The hardwoods could be beautiful again. The walls and brick are sound.

Dr. A.R. Reddick is a new resident to Siler City and has had extensive conversations starting with the Town Manager, Bryan Thompson, and several of the Commissioners and they are involved in an outreach program starting in Pennsylvania, The Becoming One Enrichment Diversity Center, Inc. The downtown of Siler City needs something to refurbish it. He spoke to the Town Manager in the concept of having the community enrichment center there [Henry Siler School] and also house all of the non profits and the focus is on youth. There is nothing in Siler City relative in terms of a broad perspective for youth. He met with the Board of Directors of the Boys and Girls Club. He was a little surprised that none of them mentioned them or their interest in their earlier comments. Their goal was to organize it with the enrichment center for youth in addition to that with a cultural and language component and reframing the issue of racism in this country, dealing with these issues and creating a dialogue for that process. Currently there is a website that they are co-founders of in Pennsylvania, www.dialogue.tv. If you pull up that website you will see the dynamic of this program. They were just invited as the Black History Month speaker at Pitt Community College in Winterville, NC. Pitt is one of the fastest growing community colleges in North Carolina. There are 20,000 students there. There is an education building there named after his brother who served there for thirty years. He is suggesting that the building [Henry Siler School] be named The Becoming One Enrichment Diversity Center, Inc. He also suggested that they work to organize all of the nonprofits in this area to house in that building which would draw additional traffic to downtown Siler City. They have discussed it with the Town Manager and several

of the Commissioners and several of them are open to the idea. They would certainly like to have that input.

Ms. Paschal stated the next steps should be to contact the town to see what their thoughts are and then remove the underground storage tank. The Board agreed. The Chairman asked about the roof repair. Ms. Paschal stated the County has already done the roof repair. She continued to say staff would contact DFI to see if they can update their study based on office use.

Vice Chair Cross stated in the event the County has to go back to one of the two options that requires historical property tax credits, Secretary Susan Clutz from the Department of Cultural Resources is currently doing a statewide tour of historical places. She is trying to ask the Legislature to re-instate or keep the historic tax credits in place. If we are interested in going that way we need to get an application in to be designated historic and do a resolution to support her effort. The Governor is behind it and they have already been to all four corners of the state. They are going somewhere every week. Perhaps we could invite her here to look at this school and tell her our plans, she is perfectly willing to come. It takes time to get designated and we still are going to need to help her fight to keep these tax credits if two of our options require tax credits.

The Board agreed they would like staff to pursue Vice Chair Cross's suggestion.

Commissioner Petty stated Chatham Trades is still in need of a facility and wanted to know if there was enough square footage with this building to meet their needs. Ms. Paschal stated she did not think there was but she will follow up with them.

Commissioner Howard stated if the County went with option 7 and issued an RFP to all non profits, it would open it up to them. Ms. Paschal stated that was correct.

[15-1163](#)

Approval of release of funds to Habitat for Humanity.

Attachments: [HabitatAgreement](#)

The Chair explained that these fund transfers would have been automatic had certain protocols been followed. Because these protocols were not followed the Board has to formally consider the matter.

Renee Paschal, Assistant County Manager, reviewed the specifics of the item.

The County had a contract with Habitat for Humanity to release the \$150,000 of Briar Chapel Affordable Housing Funds. The contract stipulated that the County had to approve the contract for purchase. The property was actually closed on before the County approved the contract. The County Attorney has determined that staff does not have the authority to release the funds and the Board needs to vote to release the funds. The Board clarified nothing has changed about the agreement.

A motion was made by Commissioner Petty, seconded by Commissioner Hales, that this Agenda Item be approved. The motion carried by the following vote:

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

[15-1156](#)

Presentation by Dr. John Fountain on Study of Nitrogen in the Rocky River.

Attachments: [JCF bio sketch 2015](#)
[Nitrogen In The Rocky River 2015](#)

Dr. Fountain gave a PowerPoint presentation reviewing his Study of Nitrogen in the Rocky River.

Commissioner Hales stated the study also looked at dissolved oxygen. Dr. Fountain stated the pattern is not as clean. During good flow dissolved oxygen in the lower reservoir was quite good. They didn't go out in the reservoir itself to do samples. When you are talking about problems in the reservoir you need to sample in the reservoir, and with depth in the reservoir and they didn't do anything on that.

Commissioner Hales stated the Siler City reservoir begins where the two prongs of the Rocky River come together. Initially there was an upper reservoir in the 1930's and there was a lower reservoir built to expand the holding capacity and there was an additional expansion of that second reservoir. Part of the difficulty with the reservoir is that it is eutrophic, which means it does not sustain any life. This is the water that is coming into the reservoir that is going to be treated and then released as drinking water to Siler City residents. She asked if it is only during rain events or all the time, that there is excessive nitrogen. Dr. Fountain stated they didn't analyze in the reservoir, what they analyzed was that the tributaries during normal times are not bringing in excessive amounts of nitrogen. Finite amounts of nitrogen come in during rain events.

Commissioner Petty stated he believed Dr. Fountain stated it was a naturally occurring event in the soil. Dr. Fountain stated in the one rain event that was correct.

Commissioner Petty asked if Dr. Fountain did this presentation for the Town of Siler City. Dr. Fountain stated he did last fall.

Commissioner Petty asked if any sampling had been taken at the waste water treatment plant or just downstream. Dr. Fountain stated Progress Boulevard is just a few yards downstream from the plant and is as close to direct sampling as you can get. They report the volume and the concentration.

Commissioner Petty asked if that appears to be accurate. Dr. Fountain stated they don't analyze their waste streams but they analyze above Progress Boulevard and Second Street and below so they can see the extent of dilution. It is within reason and it looks pretty accurate.

Commissioner Petty asked if they requested their assistance in the data sampling and share what their intent was and what their results are. Dr. Fountain stated they provided them with the state report which was daily and weekly data from the plant.

The Chairman asked during low flow periods how much of the lower Rocky River's flow is directly attributable to the waste water plant. Dr. Fountain stated that was a good question and that is something they know because the gauging station at Highway 64 gives them the amount that is not coming from Love's Creek. The waste water treatment plant reports the influent each day and he assumes that is the same as what comes out since they don't have any significant storage facility. It depends on how much they are releasing from the dam at any given time but it is on the order

of 30% to 40%.

This Agenda Item was received and filed.

[15-1164](#)

Receive 2014 Comprehensive Annual Financial Report and vote on a request to approve the 2015 fiscal year audit contract.

Attachments: [Chatham County - 2015 Audit Contract](#)
[2014 Presentation](#)

Justin Knight, with Martin Starnes & Associates, gave a PowerPoint Presentation on the Comprehensive Annual Financial Report.

The Chairman asked if the figures indicated any of the changes from the sales tax changes from the surrounding counties. Vicki McConnell, Finance Director, stated those changes will be reflected in the coming year.

The report was received and filed.

[15-1152](#)

Duke Energy and Charah Coal Ash discussion.

Indira Everett, with Duke Energy, stated she was joined by her colleague Jeff Brooks and their partners from Charah, Scott Sewell and Charles Price.

Ms. Everett: I want to first say thanks for allowing us to continue what has been ongoing discussions about our proposed mine reclamation plans. We had a very intensive review at your last Board meeting that we presented at and since that last meeting we have continued to provide written responses to many of those questions that we received. In fact we provided responses to about twenty five questions. Today we are here to address that final question, the twenty-sixth question. This information continues to be updated and involved, we'll certainly continue to keep you abreast of what changes or any additions that we need offer for you. I know some anticipated that the permits for our mine reclamation for the Brickhaven as well as the Sanford mine sites would have been received from DENR last week. As you know that did not occur. Our contractor, Charah, designed our mine reclamation plans and our projects appropriately to meet the State's requirements, the State's requirements and the North Carolina Coal Ash Management Act as we have previously noted this to you back in November. Since submitting those permit applications, the new Federal Coal Combustion Residual Rule, you'll hear that referred to as the CCR Rule, has been drafted for publication. Duke Energy is committed to making sure we are responsive to both the State and the Federal requirements for coal ash management and storage. Charah is reevaluating the permits that were permitted, their permit application. To ensure they meet all the federal standards as well as those state standards that they originally had. We expect that to take a few weeks and then Charah will submit updates to DENR so state permit writers can proceed with issuing the draft permits for the public comments that we have mentioned would happen after those permits were approved. In our opinion, this adds even more environmental protection to an already conservative design. As that process unfolds and as we continue to get information internally about that and where they are in that timeline, I will continue to keep this Board abreast as I have been doing. At this time I would like to ask Scott Sewell to come up to answer the last of those twenty six questions that we were asked to answer. Before I do that I have spoken to a few of the residents in the room today and for those that I have not had the chance to speak with, I know there may be specific questions that they may have. We want to be responsive to that so I am going to ask any of them that are still present to get a business card from me and to let me know what your concerns are, what your

specific questions are and we will be happy to get back with you on those individual questions. If those folks are in the room that have not gotten my card, please come up to me and I will be happy to share that with you. At this time I am going to turn it over to Scott from Charah. Thank you again for your time.

Scott Sewell, of Charah, thanked the Board for allowing them to speak today.

Mr. Sewell: As you know, leachate is water that comes in contact with coal ash during the construction process. It will be collected onsite and managed safely as we'll discuss a little further. Once the structural fill is complete and the coal ash is fully encapsulated, leachate will no longer be generated. Charah has a lot of experience managing coal ash and leachate. We spoke previously, specifically about the Asheville project. We wanted to bring some information specific to Asheville, I know there were a lot of questions about the constituents within the leachate at that facility. Sometimes things are a little easier for me to see or understand when I see it in person. We brought a sample of the leachate from Asheville. I'll pass that around. (Passed around jar of leachate, a clear liquid). That gives you an understanding of the amount of solids in there. It is clear. Obviously you cannot see all of the constituents within that jar so we have also brought six months' worth of daily testing from the facility, MSD's testing and we will pass that out to the commissioners as well. (Passed out handouts of testing data to the commissioners). We would be happy to discuss this with your engineers or anyone else who would like to go through the data. This is the daily testing at the facility.

The County Manager: Can you go ahead and summarize what the report you are handing out says for the six months?

Mr. Sewell: The site has met all testing standards.

(The Commissioners discussed the order of the handouts.)

Mr. Sewell: The leachate testing will be dictated by the wastewater discharge permit that is issued for the receiving facility. What you are looking at there describes what constituents and what levels are tested for at that facility. We expect there will be a ninety day characterization period for composite sampling and will be done weekly. That testing period is typically once every two weeks going forward. The components in the leachate will be similar to what is in the coal ash but at a reduced level. That is what that testing shows. I hope this information proves helpful to you and your team in evaluating the leachate.

County Manager: You said it met all the standards, can you describe the standards.

Mr. Sewell: They are detailed inside of the industrial discharge permit so for each constituent there is a threshold level that must be tested. Then daily there is a gallons per minute threshold as well as a suspended solids and pH threshold.

County Manager: Correct, but when you are describing it for your presentation this morning, can you elaborate on what it is the standard was, whether it be some organic compound and see where the testing landed as compared to sampling. In other words, you are just giving me some general comments about standard... I am asking you for the specifics of the testing that you've done for that period.

Mr. Sewell: The specifics are outlined in the papers that I have...

County Manager: The public does not have that. I am asking you to describe that.

Mr. Sewell: Can I have my documents back and I will read it directly to the public. (Commissioners handed back the documents to Mr. Sewell). I'm looking at June of 2014. On June 10, 2014 we had a pH of 7.6, a TSS limit of 3.4, when you look at cadmium we were below the 0.0001 threshold, excuse me I don't know every one of these. When you look at beryllium we are below a 0.001 threshold, zinc we are at 0.32, selenium we are below 0.48 threshold...

Commissioner Petty: The numbers you are giving are not the actual measurement but the percentage below the threshold.

Mr. Sewell: If there is a sign like this (pointed to sign on sheet) it is below the threshold, it is non-detectable.

Commissioner Petty: Well it is a variance of what the threshold is. What we have is not exactly what you are looking at but I can interpret, I think, what I am seeing on this scale as long as I know what it is. The numbers that are listed are a variance from the standard, plus or minus whatever it actually ended up being. It is not the measurement of that component but the variance of that component.

Mr. Sewell: It is the measurement of that component but if the level is so low that it is not detectable by the means and standards that we have it shows as a less than sign. Additional information that we can provide will be our industrial discharge permit that holds each one of those thresholds. This is just daily sampling.

Commissioner Hales: This is the daily sampling result but the actual threshold by permit is not reflected here.

Commissioner Petty: Well you can come up with that by noting that it is plus or minus whatever that number is.

Mr. Sewell: You are correct and we can provide you with that if it is needed.

Commissioner Hales: You shouldn't have to calculate, these are the actual readings, correct?

Mr. Sewell: Correct.

Commissioner Hales: Not knowing where the threshold is, I don't know if 0.005 is above or below what is in your permit. I just know that you are reading on that particular day for that particular element.

Mr. Sewell: That is correct. If you look down on the lower part of the page there is a check box and it says all monitoring data and sampling frequencies meet permit requirements.

Commissioner Hales: Correct. I didn't see that you had anything where you were not meeting permit requirements, in other words you were exceeding.

Vice Chair Cross: In July.

Mr. Sewell: Would that be additional detail that the Board would like? Would you like our threshold requirements?

Chairman Crawford: I am also seeing under selenium for example, there is a pretty high degree of variation for your test of October 21 levels of 0.06 but then on October 31 it is 0.78. Then we have 0.50 on September 23, a somewhat less significant

change of 0.54 under selenium again. There is a lot of variance it seems within the sample, at least that I have in front of me now.

Commissioner Petty: That could very well, just like in the earlier presentation, have to do with the water generated during that time. It could dilute those numbers or a lower flow of water would increase the percentage.

Chairman Crawford: But it kind of underscores my understanding to where you have variability in the ash and you have variability in the conditions by which the effluent is produced. I am just having for the first time evidence produced by you that shows just how much that variance is and it is significant. I am not sure what the standard is but I am impressed by how I don't think anyone could predict safely how much exactly you are going to have on any given day. It is a big variance and I also understand that selenium is one of those minerals that apparently can leach through or somehow is associated with breaches of these kinds of poly vinyl liner systems. That is why my mind was drawn to selenium to ask these kinds of questions. There is a high degree of variance.

Commissioner Petty: On the variance you are looking at, if you look all the way to the left there is a flow volume. Do you see?

Chairman Crawford: I do see flow volume.

Commissioner Petty: Do you see a big difference in your two numbers when you take...

Chairman Crawford: I go for the biggest differences...we have 0.026 on the low one of 0.026 is the flow and then with the very high spike to 0.789 and 0.456, the flow has almost doubled from those two reference points.

Commissioner Petty: I think that is where your difference is going to be. I think if what I am hearing, and I am hearing it a couple of ways, we see the variance but no one knows exactly what the measurement is.

Mr. Sewell: We can provide that.

Commissioner Petty: If you had a category that says here is your variance and it is a variance from whatever that base is.

Mr. Sewell: We believe that actually providing the testing historical data would be Helpful. If you need the additional information as far as what the thresholds are and summarize in a better format we can provide that as well.

Chairman Crawford: I would appreciate that. We understand too, that the proposed site in Brickhaven is going to be four times the size of the one that you have completed in Asheville. I just want to verify that around seventeen thousand gallons per day is the anticipated flow as different cells are being created, then once it is complete the flow should be zero.

Mr. Sewell: That is correct.

Chairman Crawford: Have you a contract with someone to take that effluent or are you going to treat effluent or pretreat it on site? What is the missing piece of the puzzle that we need to have in terms of from the site, what is happening at the site and then where is it going to go after that? We have citizens who are concerned about the transport of the effluent as we have citizens who are concerned about the

fly ash that might come from shipping by trucks.

Mr. Sewell: I understand. We will not pre treat onsite. We are working with a couple of options for wastewater treatment and we have not completed that evaluation yet.

Commissioner Hales: The wastewater treatment plant, you have no contract at this point. You have no one willing to take at this point in time.

Mr. Sewell: No, we have not decided who we would like to take it to yet.

Commissioner Hales: They can put their own, as I understand, they can put their own pre treatment requirements.

Mr. Sewell: Yes, that is correct.

Commissioner Hales: One of the things I want to talk about is the selenium and the liner. I also want to ask if you would, as Charah moves forward, provide status updates to the Chatham County website and post other information. We do have a page for some documentation on coal ash and that would be a helpful thing for community members.

Mr. Sewell: Ok

Commissioner Hales: Going back to selenium and the liners. You are going to use the high density HDPE liner. There was a study done by Dr. Dennis Lemly at Wake Forest University referring to the information provided to EPA by the Geosynthetic Materials Association, which is the trade group for the manufacturers of these kinds of liners. In this 2002 study on liners there was only one coal ash site out of 199, I am assuming most of those others were solid waste landfills, but only 1 was coal ash disposal. It had a particular leachate rate of three hundred to six hundred percent greater from coal ash than other waste types. Selenium was not measured in the leachate. The question was whether or not organic and selenium and water can permeate through a liner and at that time there was no field monitoring to show whether selenium migrated. This brings up your testing for selenium. You are testing directly in the leachate. This is what you just gave us, this is leachate specifically but it is not monitoring wells.

Mr. Sewell: No, it is not monitoring wells. It is as the leachate comes out and is transported to the wastewater treatment facility.

Commissioner Hales: Because one of the things I am looking at is the leachate and am I looking at micrograms, is that your measurement here?

Mr. Sewell: I believe so.

Commissioner Hales: I haven't had enough time to look through all of these but I saw one that was forty.

Mr. Sewell: The forty are in gallons per minute. There are different measurements across there and we can summarize that as well when we provide additional detail.

Commissioner Hales: In the review of the literature in the testing in the documentation sent to EPA by the Geosynthetic Materials Association, there is a question about the amount of selenium, the concentration of selenium because coal ash leachate can have up to twenty thousand micrograms per liter of selenium. My question is are there more recent studies, labwork, field performance studies that

indicate that your liners will work to stop this pollutant. We are going back to 2002 here. It is a concentration of concern, especially for selenium because of the bioaccumulation. This particular researcher did make a point that there is both the engineering study but then there is also the biological assessment. The engineering studies may say it is great, everything is going to be trapped. But in a biological assessment you look further downstream and part of the problem with the selenium is that it doesn't take lots of concentration, you have dilution as a factor, for wildlife and fish or in their food chain to make an enormous difference resulting in reproductive failure. Exposure to high levels in humans can cause cancer and neurological problems. I would want to know a lot more about your testing of selenium here and what the threshold is and also I don't think you are testing for thallium.

Mr. Sewell: That is not a requirement. These are the required constituents by our permit.

Commissioner Howard: But the receiving facility could request further testing?

Mr. Sewell: That is correct.

Commissioner Howard: So we could request it.

Commissioner Hales: Testing is part of it but then what? It is going to be up to the receiving wastewater treatment plant to determine if they are going to put this into their system and what they might want to test before they put this into their system, what other mitigation are they going to do before they just dump it. I believe in Asheville you just put it in to the standard wastewater municipal treatment plants. Is that correct?

Mr. Sewell: Yes.

Commissioner Hales: In Charlotte, I believe you had back in the fall of last year, you were investigating with the City of Charlotte and the airport to do a structural fill runway. What happened there?

Mr. Sewell: They [Charlotte] decided not to go through with the project.

Commissioner Hales: And they chose not to go through the process for a number of issues.

Mr. Sewell: Let me rephrase that. The project did not go through. It was not due to technical issues or environmental issues or anything like that. It was a business decision that this project did not happen.

Commissioner Hales: It was a runway expansion?

Mr. Sewell: It was not. There were several projects being considered at that point in time, all had different valuations.

Commissioner Hales: They were looking at part of the idea in Charlotte, they have the Riverbend Plant there, it was again a way to move local ash into another facility, using it as a structural landfill which is what this is being called.

Mr. Sewell: It is not a structural landfill it is a structural fill.

Commissioner Hales: I misspoke, structural fill. There was a report that it could be

good for the airport but there were the concerns about if there was a failure in the encapsulation system. That was a structural fill that didn't happen. Are there other structural fills proposed right now that you are looking at across the state?

Mr. Sewell: Right now we are focused on these two here in Chatham and Lee County.

Commissioner Hales: In Asheville the 30.8 acre site generates approximately 1.4 million gallons per month. What do you expect will be generally here in Brickhaven?

Mr. Sewell: Around 1 Million gallons a month.

Commissioner Hales: So they are actually generating more in Asheville?

Mr. Sewell: It's a function of how you set up the design of the structural fill, the rain amounts in that area as well as how we phase the fill and close out certain sections. The way this site is designed is designed differently.

Commissioner Petty: Cell size would have a big impact.

Mr. Sewell: Cell size as well as how we cap and cover and advance the site. It is detailed in our permit application.

Chairman Crawford: Can you tell me from your permit application what the final height of the mine reclamation is going to be? How tall above existing ground level are we going to go with the reclamation?

Mr. Sewell: I don't have the number off the top of my head right now but I believe it is 4 foot above the highest elevation on the property.

Commissioner Hales: You are including the entirety of the property. So there are low places and high places. This will be a relatively low place on the property so it will be above surrounding ground level at that location.

Mr. Sewell: No, if you remember the last presentation, we showed elevation markers of where that site will be from different locations around the county. It will not be visible outside of that site. It will be built flat and then sloping down to the southern end of the site.

Chairman Crawford: How are you handling the power line that transects the property from the southwest to the northeast?

Mr. Sewell: It is below that. The fill will not exceed that line. It is roughly around the base of those lines.

Vice Chair Cross: Those transmission lines actually cross the property?

Mr. Sewell: Yes.

Vice Chair Cross: In the wastewater treatment process they generate sludge and what you take out of the water is going to be in the sludge so I am interested in knowing. I know now we have hydraulic pressurization into the earth and we have plowed into the earth and we have spread on pastures of other partially treated wastewater so I am interested in where this concentrated sludge is going to be put after it leaves whoever you get a treatment contract with.

Mr. Sewell: *It is up to the wastewater treatment plant.*

Vice Chair Cross: *I understand that, but if you want to calm our concerns include that when you get there.*

Mr. Sewell: *Yes Sir.*

Commissioner Hales: *What if no wastewater treatment plant wants to take it?*

Mr. Sewell: *We do not see that being an issue.*

Commissioner Howard: *Will there be coal ash trucked in from other locations, for example South Carolina.*

Mr. Sewell: *At this time there are no plans to bring anything from South Carolina to these facilities. We have contracts to work with ash from Sutton and from Riverbend.*

Ms. Everett: *We have said in Lee County that we will not bring anything from South Carolina to here. It will be from our plants here in North Carolina. We have made that declaration, if you will, in Lee County and I am making that here as well as our plan.*

Commissioner Hales: *Going back to Asheville, and I believe Commissioner Crawford mentioned that you have been involved in that site for 7 years now, is that correct?*

Mr. Sewell: *That is correct.*

Commissioner Hales: *There have been 200 dump trucks per day driving 2 miles to the airport from the site causing serious road damage and buckling of pavement, even though the trucks are not overweight. I read Duke Energy and DOT are working on a repair agreement. You also heard about neighbors on the road and we have neighbors that will be on these roads. Even if you have a railroad spur you are going to have trucks. There have been reports in Asheville of folks that are living around the area about the coal ash on road. What about Chatham? I also brought this up before, I noticed in your slide you show that folks working in the pits were not wearing any protective gear. The reports are on a dry windy day there is going to be ash flying. How do you anticipate you will work in Chatham County to minimize trucking? I know you have tarps that you cover the trucks with and you also wash them, I understand, at both ends after you dump. Where does that water go?*

Mr. Sewell: *That gets tied into our leachate system at the fill site.*

Commissioner Hales: *So it is not just a hose out there somewhere.*

Mr. Sewell: *It is a station and it is captured and it is tied into the same line that carries the leachate off the site.*

Commissioner Hales: *So maybe that reflects some of the changes in the leachate when you are looking at your flow?*

Mr. Sewell: *No, I don't think so. That more has to do with some rain events around that period of time.*

Vice Chair Cross: *Did we not have a statement at our previous meeting that there would be no offsite trucking to the Moncure site, that everything would be done by rail*

except within the facility?

Mr. Sewell: I think right now it is primarily rail. Everything that we are set up for is to rail from Sutton and to rail from Riverbend but our permit does say that truck traffic is available.

Vice Chair Cross: I was thinking at our previous meeting that Indira made the statement there would be no truck traffic outside the perimeter of the site, maybe I misunderstood.

Mr. Sewell: that is our intent, to primarily move everything by rail.

Chairman Crawford: Yesterday in the Sanford Herald there was dialogue that was reported between an engineer being asked questions by the Lee County community on the proposed ash pits and a biologist. The engineer was predictably talking about the engineering side of things and his confidence in the technology. The biologist brought a more cautious view. In particular each kind of looked at the standards set by the EPA and various government agencies differently. The standards that the engineers will use are basically addressing human toxicity levels but the biologist reminded us that we are essentially custodians of a much broader environment. These contaminants in the coal ash are a lot more toxic in effect to fish and all kinds of naturally occurring aquatic life than it is to us, in particular cadmium copper, arsenic, lead, zinc, mercury and selenium are extremely toxic to fish and wildlife. For example, only a few parts per million, a few drops in an Olympic size swimming pool or a few drops in a hundred thousand standard fifty five gallon drums of water are all it takes to kill fish and wildlife outright or accumulate in their food and poison them from dietary toxicity and reproductive failure. I just wanted to point out that as a Board when we are asking about this leachate we're asking essentially your commitment to go beyond the engineering standards that are currently understood to be minimum by engineers and help us reach a stronger standard of environmental safety that would actually sit well the biologists. I feel we as a Board need to understand in a more coherent form exactly what the plan is from how the leachate is going to be collected, what duration, how many weeks, months, years this period exists of leachate collection and what is going to happen to it. If it is not going to be processed there and we don't know who is going to handle it among our neighbors we actually need to see these things spelled out, not because we are paranoid but because this stuff is actually a harmful thing to our environment. So that you understand why we are pressing hard on these answers is because this is toxic. To say that it is below level for human toxicity, I could have taken a drink from your sample but is that in the long run the best thing to have minnows and a viable habitat growing in? I think a biologist would probably say no.

Mr. Sewell: That is exactly why we are taking it offsite and having it treated somewhere.

Chairman Crawford: We need to know where that somewhere is and exactly...

Mr. Sewell: I understand. It is not going into rivers or streams. It is contained onsite at an engineered, lined, encapsulated facility and then taken to a wastewater treatment facility to be cleaned. But we understand the additional detail once we understand where that site will be and the method by which it will be transferred there. We will provide all that detail once we come to that agreement.

Vice Chair Cross: His comments amplify the importance of my question about what is going to happen to concentrated sludge when the wastewater treatment plant is finished with it. If it takes that little bit to do the damage this biologist is speaking of.

Mr. Sewell: I understand but also understand most of these facilities that we take the water to, the water is too clean for their use. That is usually the issue. We will provide that detail so the sludge that you are talking about, the least of that sludge's worry will be coming from our material. We'll detail that out with the standards and where that is going once we understand where that facility is.

Vice Chair Cross: Well I am assuming to treat it is to take as much possible of these chemicals and elements out of it so it will end up in the sludge at a concentrated level.

Mr. Sewell: We will provide that detail to you.

Commissioner Petty: Is it possible to dry the sludge on site and put it in the cells with the rest of the ash?

Mr. Sewell: That is not our plan.

County Manager: Dan LaMontagne, our Public Works Director, has been involved with this sort of thing for a number of years on and off. The report you handed out is from the Metropolitan Sewage District. But it is not your personal Charah testing. Is that correct?

Mr. Sewell: Excuse me?

County Manager: It is not Chara testing. It is Metropolitan Sewage District of Asheville testing.

Mr. Sewell: No, we self-report our testing to them.

County Manager: But this has a label on it Metropolitan Sewage District.

Mr. Sewell: That is correct. It is done in concert so we submit to them and then...

County Manager: So this report is also your report.

Mr. Sewell: Correct.

Count Manager: You had no discrepancy in this report onsite from your testing from when it was tested at MSD?

Mr. Sewell: Not that I am aware of.

County Manager: Not that you are aware of. You acknowledge that it could be.

Mr. Sewell: No.

County Manager: So you are saying it couldn't be.

Mr. Sewell: I am saying this is the information that MSD...

County Manager: Provided you but is not Charah's report, at the site.

Mr. Sewell: This is Charah's data, yes, provided to MSD.

County Manager: So the MSD is no different than your report.

Mr. Sewell: That is correct. It is shared data.

County Manager: Isn't it true that most of the testing that we have here is inorganic...

Mr. Sewell: That you have in Chatham County?

County Manager: Let Dan elaborate.

Dan LaMontagne: Just to clarify, you have the analysis done at an independent laboratory, is that right?

Mr. Sewell: Yes.

Mr. LaMontagne: Do we have those laboratory reports?

Mr. Sewell: No, but we can provide those.

Mr. LaMontagne: Another concern that we have is that a lot of these inorganics, they are going to a biological wastewater treatment plant, presumably, which are outfitted to treat organic contaminants mainly. So a concern that we have is that the inorganics will simply pass through a typical wastewater treatment plant. Are there any pretreatment for the metals, clearly a municipal sewer plant is designed to treat sewage, which is household organic waste. That is what the plant is designed for, bugs to break that down and treat that and discharge clean water. The metals going in to it, our concern is that they will not be treated out and will pass through and go into the receiving streams.

Mr. Sewell: We do not see that as the case. We can speak to that again back to Mr. Cross's concern of exactly what are they going to do at that wastewater treatment facility to handle this water, we can detail that once we have identified that location.

Commissioner Hales: I guess it would be a municipal wastewater treatment plant would be governed by the municipality and their permit with the state requires a particular testing regimen, these things are outside that testing regimen. You said your water is too clean but have they tested it. Have they tested it for these very items. If they are just passing through on their way downstream that does create a problem. If you don't know what is in it that is an issue. We certainly could encourage any municipal wastewater treatment plant to certainly look at a testing regimen for these items of concern.

Mr. Sewell: Absolutely.

Chairman Crawford: Does Charah have any plan of doing base line testing of wells on neighboring properties. I know you are committed to do test wells on your own property but it may be the case that we would have down the road problems where you are faced with a property owner claiming there is a breach and leachate has reached their residence. If we had a baseline, your own company would be protected in the event of that loss. Have you contemplated establishing this kind of baseline testing of neighboring properties' wells?

Mr. Sewell: Yes, we are willing to talk to the neighbors. If they would like their wells tested, we will work with the neighbors in close proximity to the site.

Chairman Crawford: When would you like to initiate that because we as a Board we would like to be appraised of that process because it involves direct contact with our

citizens. If possible would you work with our County Board of Health to oversee or cooperate in reaching out to these property holders because we want to make sure that they are treated with respect and everything is explained and that the County is involved in safeguarding their interests.

Mr. Sewell: Absolutely.

Chairman Crawford: Thank you, we appreciate that.

Commissioner Howard: I think there is just still too much that we are going to be coming back to. I really don't feel as though I have gotten any answers that make me feel any more comfortable than I was before. There is a lot that is coming back to us. I am not sure we advanced particularly well today.

Commissioner Hales: When do we expect a permit?

Mr. Sewell: I can't speak for DENR as far as what their timelines are but we would anticipate that in the near future.

Commissioner Howard: We were originally given a timeline of March at the previous meeting.

Commissioner Petty: Have you given any consideration to catching the rainwater so you have a base to compare the leachate to? For example, I don't know what is in rainwater but I know there is acid rain, I know the pH changes in areas where there is acid rain. Is it possible that any portion of this that might be present in some of the rain water prior to the leachate that will affect it?

Mr. Sewell: I don't know, I doubt it. It is not something we have considered.

Commissioner Petty: For example in the previous presentation we had a pre and post test so we had an established base line to see what the results were. I didn't know if any consideration had ever been given to something like that for this testing.

Mr. Sewell: No, not with rainwater.

Commissioner Hales: We do have a commitment for you to work with the Chatham County website to start posting some data that are informational and I guess that also goes to Duke. I know you have been, I believe you are going to implode the Moncure building, I don't think that has occurred yet, has it?

Ms. Everett: The first wave of implosions have already occurred. When the next phase happens we will send out communications as we did before. We send them out to the residents as well as I always send you communications as well. As soon as I have that exact time frame I will let you know.

Commissioner Hales: How wide ranging are those communications, I know a couple of individuals have told me they did not receive anything.

Ms. Everett: I think it is within one mile of the site.

Commissioner Hales: Could you expand that please.

Ms. Everett: What is your suggestion?

Commissioner Hales: Two miles or so because, we want to be able to also include

the people that are going to be around Brickhaven. I don't know what the mileage is between the Moncure Cape Fear power plant and the Brickhaven coal pit. I think that two miles is adequate.

Ms. Everett: We will certainly take that back to the team that does that for consideration.

Commissioner Hales: If you could provide some information if you know once it is scheduled maybe we could put something up on the coal ash website because it is related.

Ms. Everett: It would be a general timeframe of the week and you can imagine we are very concerned about safety. We don't need spectators there and that kind of thing so it would be a general briefing.

Commissioner Hales: I think that would be a benefit, just as more public outreach.

County Manager: One other item, Commissioner Cross asked the question about trucks vs. rail car. You said the preferred method for Charah and Duke Energy is rail but it does not eliminate trucks as a possibility for some interim time. When do you decide on whether trucks and truck traffic will be necessary or not?

Mr. Sewell: I don't think it will be a firm day when that is or is not a possibility that I can commit to you right now. Our primary method is rail.

County Manager: But you do acknowledge there will be some trucks.

Mr. Sewell: It is a possibility.

County Manager: But you don't know for sure.

Mr. Sewell: No, I do not.

County Manager: Thank you.

The Chairman thanked Mr. Sewell for his time. Mr. Sewell thanked the Board for allowing the group to speak.

[15-1147](#)

Discussion regarding establishment of a Board of Adjustment.

Attachments: [BOA BOC District map 11x17](#)

This item was postponed to the Work Session of the March 16, 2015 Board of Commissioners Meeting.

[15-1153](#)

Vote on a request to approve funding for arts agencies

Ms. Paschal reviewed the specifics of the item. She stated the commissioners voted to approve arts funding but did not set an amount. Staff needs the Board to set an amount.

Commissioner Hales stated she feels \$5,000 is an adequate amount for funding.

After some discussion, the Board agreed \$5,000 was an appropriate amount to allocate for funding for the arts.

A motion was made by Commissioner Hales, seconded by Vice Chair Cross, that \$5,000 be allocated for funding for the arts. The motion carried by the following vote:

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

15-1157

Discuss two items involving the Central Carolina Community College Board of Trustees:

- A. Appointment by the Board of Commissioners to the Central Carolina Community College Board of Trustees
- B. Legislation changing the Trustee Membership

Attachments: [TRUSTEE MEMBERSHIP](#)

County Manager reviewed the item, explaining that legislation has been somewhat vague up to this point. The new legislation would mean the Pittsboro Campus would become an administrative campus of Central Carolina Community College, requiring two members to the Board of Trustees and one of those members can be a Commissioner.

Vice Chair Cross stated he would like to stagger the appointments so both appointments don't rotate off at the same time.

Commissioner

Howard asked what the lengths of the terms are. Vice Chair Cross stated they are four year terms and all the other members already have staggered terms. It was suggested that Chairman Crawford be the Commissioner to serve and that his term expire June 30, 2019 and the second member's term expire June 30, 2018.

A motion was made by Vice Chair Cross, seconded by Commissioner Howard, that Chairman Jim Crawford be appointed to the CCC Board of Trustees to a term ending June 30, 2019. The motion carried by the following vote:

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

MANAGER' S REPORTS

The County Manager asked the Board if they wished to formally approve the Pittsboro location of the Community College as an administrative unit of Central Carolina Community College. The Board discussed the pros and cons of doing so, including securing two seats on the Board of Trustees. The Board agreed this would be a positive step for the County.

The County Manager also reported that the Chatham County Economic Development Corporation put out an Economic Analysis Report about Chatham Park and some have reported that this is an indication the County supports Chatham Park. He stated this is not the case and the Economic Development Corporation is a 501-3C independent of the County.

A motion was made by Vice Chair Cross, seconded by Commissioner Petty, to approve the Pittsboro Campus as an administrative unit of Central Carolina Community College. The motion carried by the following vote:

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

COMMISSIONERS' REPORTS

Commissioner Hales introduced the "Resolution Supporting House Bill 76 To Disapprove Mining and Energy Commission Rules for Natural Gas Extraction " The Resolution reads as follows:

WHEREAS, the North Carolina General Assembly directed the Mining and Energy Commission to draft rules concerning the extraction of natural gas in this State; and,

WHEREAS, the North Carolina General Assembly, in its current legislative session, will be considering whether to disapprove these draft rules as presented by the Mining and Energy Commission; and,

WHEREAS, the Mining and Energy Commission ignored 99% of the 217,000 comments from the public on the inadequacies of these rules; and,

WHEREAS, the Chatham County Board of Commissioners feels that the draft rules do not adequately protect our environment, our County, or our State; and,

WHEREAS, in addition to the effects on the environment, neither legislation nor the draft rules provide any compensation to Chatham County, or any other county affected by hydraulic fracturing, for the impact of natural gas extraction on both the local economy and infrastructure.

NOW, THEREFORE, BE IT RESOLVED that the Chatham County Board of Commissioners oppose the extraction of natural gas in Chatham County and in North Carolina for the following reasons:

- 1) The draft rules do not adequately protect the environment of our state and do not promote the welfare of the citizens of Chatham County or of the State of North Carolina.*
- 2) The legislation and draft rules remove all local authority with respect to the extraction of natural gas and fail to provide local governments with compensation, either direct or indirect, for the impact of the extraction on local economies and infrastructure.*

BE IT FURTHER RESOLVED that the Chatham County Board of Commissioners asks its local delegation to oppose the rules drafted by the Mining and Energy Commission in order to preserve the safety and welfare of the citizens of Chatham County and the State of North Carolina. The Clerk to the Board of County Commissioners shall deliver copies of this resolution to the Honorable Patrick McCrory, Governor of North Carolina, the Honorable Tim Moore, Speaker of the North Carolina House of Representatives, the Honorable Phil Berger, President Pro Tempore of the North Carolina Senate, the Honorable Robert Reives, Chatham County State House Representative and the Honorable Valerie Foushee, Chatham County State Senate Representative.

Adopted this 2nd of March, 2015

Commissioner Petty stated he did not feel everything in the resolution was completely factual and did not know if he could support some of the statements. He asked for clarification about the statement "ignored 99% of the 217,000 comments".

Commissioner Hales stated 217,000 comments were received but only a few were addressed.

By Consensus the Board agreed to change the resolution to read "ignored the majority."

A motion was made by Commissioner Hales, seconded by Commissioner Howard, that Resolution #2015-11 Supporting House Bill 76 to Disapprove Mining and Energy Commission Rules for Natural Gas Extraction, attached hereto and by reference made a part hereof, be approved as amended. The motion carried by the following vote:

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

COMMISSIONERS' REPORTS

Vice Chairman Cross stated the North Carolina Association of County Commissioner's Annual Budget Planning Conference is August 20-23, 2015. It is a beneficial 3-4 day conference and this year Ms. Pascal and Ms. McConnell would like another commissioner to attend with the Vice Chair. He asked for the commissioners to start looking at their calendars and begin thinking about whether or not they would like to attend.

A motion was made by Commissioner Petty, seconded by Commissioner Hales, 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, Vice Chair Cross, Commissioner Hales, Commissioner Howard and Commissioner Petty

ADJOURNMENT

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

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

Excused: 1 - Commissioner Howard