



Chatham County, NC

Meeting Minutes Board of Commissioners

Monday, August 17, 2015

6:00 PM

Historic Courthouse Courtroom

Rollcall

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

Work Session - 3:00 PM - Historic Courthouse Courtroom

PUBLIC INPUT SESSION

John Alderman 244 Redgate Road, Pittsboro, submitted the following comments:

I request that priority 15-1378 having to do with the ST Wooten contamination, that those discussions be moved to a later meeting because there is great public interest in this topic. We had inadequate notice concerning this meeting today about this topic. My wife, Gloria, and I have been good, tax paying, Chatham County citizens for 40 years. Since 1982, we have lived at 244 Redgate Road, just off Mt. Gilead Church Road and little more than half a mile from the S.T. Wooten asphalt plant on Sugar Lake Road.

A North Carolina water resource professional once told me, "Citizens should always seek the best water quality available in the area." For Chatham County, given all its water quality and quantity issues, especially in the Jordan Lake service area, groundwater generally provides the best water quality, and citizens have a right to its use without health concerns. When groundwater becomes polluted, particularly by most of the kinds of toxicants, carcinogens, and mutagens present in the soil, within the bedrock, and within the groundwater under the S.T. Wooten properties on Sugar Lake Road, the cumulative and synergistic impacts to groundwater quality are basically permanent. Hundreds of families in the area around the S.T. Wooten asphalt plant have invested hundreds of thousands of dollars, if not more, in their wells associated with groundwater extraction. The families' water resources and real estate investments are threatened by this contaminants plume. Thus, your citizens are being harmed and your tax base is being compromised. Although Wooten has an air quality permit from the state, it has no authorization to pollute our groundwater.

I therefore request the following:

S.T. Wooten should legally agree to remove and properly manage all S.T. Wooten contaminated soils (down to bedrock) and remove all groundwater and bedrock contaminants to a level of "below or at detection limit" during the coming 1 year.

If this is not possible, I request that the commissioners consider the following:

1. North Carolina's zoning statute clearly states that zoning power is granted to the county commissioners "for the purpose of promoting health, safety, morals, or the general welfare." Since the public's health, safety, and general welfare are

significantly threatened by pollution associated with S.T. Wooten properties along Sugar Lake Road, I request that all special zoning authorizations allowing this industrial activity are rescinded and that the property be returned to a status of residential/agriculture. Without the ability to rescind such special zonings, Chatham County can't protect our "health, safety, morals, or general welfare," and it is basically providing a permit to S.T. Wooten to pollute our soil, groundwater, and bedrock. Clearly, the S.T. Wooten property should have never been approved by the Board of Commissioners as a Non-Conforming Situation, since one of the requirements for approval is that the use is "otherwise lawful." Pollution of groundwater is not a lawful activity.

2. Chatham County should hire a nationally prominent, specialist environmental consultant to determine the best way to remove and properly manage all S.T. Wooten contaminated soils (down to bedrock) and remove all groundwater and bedrock contaminants to a level of "below or at detection limit." The consultant should provide an estimate for costs associated with this removal.

3. Chatham County should remove contaminants, as recommended by the consultant. All costs associated with the clean-up, including legal costs, should be paid by S.T. Wooten.

Jane Gallagher 628 Redbud Pittsboro, submitted the following comments:

My comments are regarding the ST Wooten site. I want to thank the commissioners for bringing this on the table but I also want to remind you that this is the fourth round of county commissioners that are trying to get their heads into this very complicated issue. The only two that are here that were here in the beginning are Charlie Horne and Mike Cross, who have history and understand this is a huge community issue of importance. There are eighty people within a half mile of this ST Wooten site that have been offered ground water testing. As you might imagine if you are wanting to sell your land or your house and get away from ST Wooten's site you don't necessarily want your water tested and a lot of people are not doing that. I think as commissioners I wouldn't know what to do with this because people's property values when they sell their property, they don't want to tell anybody that there is ground water contamination. However, people that are buying property and putting their resources in it have no idea because we have been quiet in hopes that we can work efficiently and effectively with DENR and the County Commissioners and ST Wooten so that we don't have to advertise what has been happening down there. It is really not fair. It is the county commissioners' hard responsibility to provide notification not only to the half mile residents but to other residents in the area that exceeds around three hundred that has yet to be done. Nor are there any reports that are common on the website for people to look at. They are relying on key people who over the last fifteen years who have tried to keep their heads into this and hold ST Wooten to the fire. I thank the DENR people who at lower levels have tried to help us and communicate with us. We are very appreciative of DOT who has now spent millions of dollars but it is not DOT, it is the county taxpayers. It is the same thing with DENR. ST Wooten has not put one cent toward this regard. Charlie Horne was supposed to find out why they're not carting in water. There was some suspicion that they were taking it from fire hydrants. They are not allowed to pump water from that site. If you read the one hundred and fifty page report that DOT just released, ST Wooten said "please turn back on our water, when you were cleaning out the ST Wooten soils you forgot to turn it back on". No one is watching over that site. The other point to remember as they talk about what the remediation done to date is, remember that this is far too late. The reason why they are throwing millions of dollars at this thing at the latest hour is because the TCE has escaped from the area that they are doing

the soil and has now reached the residents within a couple hundred feet. Remember that they are throwing this mostly because they don't want publicity and so they are going to talk about trees that are growing to sop up the TCE that are in the stream beds at levels that are exceeding the 2B water quality standards that used to be served violation notices now it is not in the division of water quality and they are not serving those. So remember that when they tell you that everything is remediated it is a little bit too late. The tiger has left the cage and we need to make sure that ST Wooten secures enough money to put these half mile residents on a hookup to Chatham County water. They promised that they would not exceed the permit levels emission exposures. They would keep the same ones they had when they bought the property. Not true. If you go to DENR it is for 1.2 million tons of asphalt produced instead of the four hundred thousand. Who in the county is checking where they are? It is true that they are not at that high level but it is ridiculous that you have to rely on community people to watch where they are with that. I called DENR and they said they could put it in for 395,000 tons. They don't have to leave it at 1.2 million. We ask you for some oversight on that. Secondly they bought residential property, 17 acres; put a new monitoring well in and started a shingling shredding business to dump into the asphalt. Nobody is watching them. This has gotten ridiculous so we also ask you if that should come up in public hearing that the permission to make another industrial site next to the major one not be considered. This is an agricultural residential area. This is the only industrial site in the middle of this community that is rapidly growing. They are going to say that TCE is the major focus of DOT. We have thirty-five chemicals, many of them are carcinogens that aren't the responsibility of DOT but instead are the responsibility of the landowner. We see evidence that they are spraying trucks with diesel fuel to clean the asphalt beds and it is the same fingerprint of chemicals that are in the soil. This is totally unacceptable in a neighborhood. We ask your help in oversight and communicating this complicated issue.

George Lucier 628 Redbud Road Pittsboro, submitted the following comments:

I agree with the request to ask for a continuance on this discussion because the many interested residents on the ST Wooten asphalt plant have not been adequately informed of this meeting. I want to compliment you commissioners on your stance on fracking and what you have done with coal ash. These are preventative measures. In the case of the Wooten TCE issue, the horse has left the barn. The offsite groundwater levels and monitoring wells are fifty times what is considered a safe level and the plume continues to move east southeastward. This is not just a trivial exceedance it is a major exceedance. ST Wooten was aware of the contamination when they bought the property, they should have financial responsibility for the cleanup. North Carolina Department of Environmental Natural Resources granted them a permit in spite of this to release four thousand pounds of TCE into the air per year. So far over the last thirteen years the recovery efforts, the remediation efforts have only recovered thirteen pounds over thirteen years, that is one pound per year versus four thousand pounds per year that are being emitted. This has been at the taxpayers' expense, not ST Wooten's expense. DOT has taken responsibility for the TCE contamination but there are at least twenty-four chemicals, probably more that they have not taken responsibility for. These have a fingerprint of fuel oil and so the question is has ST Wooten allowed cleaning their trucks onsite with fuel oil? That is the only way it could get there. ST Wooten has had several violations. They illegally started a shingle shredding operation. They have violated Chatham County's soil erosion and sedimentation ordinance. My question is who is watching? Is DENR watching? Is Chatham County watching? Back thirteen years ago ST Wooten promised to have regular community meetings with the residents. This has not happened; there has not been one meeting with the residents. The permit that they

agreed to was 395,000 tons per year yet the last permit they got was for 1.2 million. They have violated that agreement with the residents not to go from 395,000 to 1.2 million. Why did Wooten accept the higher level? Communications are poor between all the players, DENR, DOT - responsible for the cleanup, Chatham County as well as the residents. The residents are pretty much left to fend for themselves, to get the information that we need to find out what is happening. We don't get it from anyone else. The final question is what is the economic benefit of ST Wooten? My question to you is how many Chatham County citizens are directly employed by St Wooten? I believe the answer is one. What do they pay in property tax? In my search of the records I come up with \$3,400 a year. Many homeowner businesses pay more taxes per year to Chatham County than ST Wooten. I couldn't find out how much sales tax they generate per year because that doesn't seem to be readily available but is that going to Wilson or is it coming to Chatham County? I don't know the answer but we should find out. Do what you are elected to do commissioners and protect the health and safety of Chatham County residents.

David Richardson, 791 Redgate Road, Pittsboro, submitted the following comments:

Thank you for having this discussion today. I would also like you to table this and do it another time when people can be informed who are interested in this. We heard about this with barely a day's notice. I think there are a lot of people who would like to participate in the conversation with some reasonable notice. Any three year old knows that if you spill something you are supposed to try and clean it up. This contamination has been going on for forty years. Several commissioner groups have come through over the years although there are a few people who are here from the beginning. The citizens don't see anything, or very little, being done. DOT took some responsibility for a cleanup and they spent over a million dollars of taxpayer money. They dug out one section that they thought was their responsibility but there is a lot of other contamination still there. I would like to talk about that other contamination which is often not discussed. The common practice for cleaning dump trucks that were carrying asphalt for years had been to spray the beds of the trucks with diesel fuel to stop the sticking of the asphalt in the truck. It would slide out more readily. They would spray every truck that came in with a couple gallons of diesel fuel then they would back the truck up, tip the bed, spill the diesel fuel out on the ground, load the truck up with asphalt then go dump it. Years later DOT and others realized that the asphalt was breaking down once it was placed on the road bed prematurely. So they set up the lab to try and figure out what was going on. The lab made it worse because in the lab testing they took TCE and they tested the asphalt with TCE and they just dumped it down the toilet or just dumped it out on the ground. They made a bad situation worse, it didn't fix the problem with the diesel fuel that has been sprayed on the site and covered up. ST Wooten and the predecessors have done nothing to clean that up. This TCE is the same chemical that was in the contamination at Camp Lejeune and Wake Forest and it took years for anybody to take those seriously and finally those are being addressed. I hope you will take this seriously and get this addressed. I don't know whether it's ever been done but I think the County Attorney should have been putting together findings of fact over these forty years so that each time new commissioners come to the table and they need to be updated on what is going on, they have findings of fact by your own staff and they can say this is what has been going on and they have something to build on. I don't know whether the findings of fact exist. We also ask that a webpage be developed so the information can be found by the people who want to find it. There is a tremendous amount of information and it is very difficult to find. Finally I am asking you if at all possible, let's find a way to shut down this contaminated site. Let them use their Moncure site and let's shut down this one and clean it up and fix the problem once and for all. I hope it is not going to take another forty years. Thank you for your interest in this.

BOARD PRIORITIES[15-1385](#)

Receive Environmental Review Advisory Committee (ERAC) Annual Report

Attachments: [ERAC Annual Report for 2014--Final Draft](#)

Jerry Cole, Chair of the Environmental Review Advisory Committee (ERAC), presented the annual report of the committee. (Report is attached)

Mr. Cole also reviewed the make up of the members of the committee as the membership has changed quite significantly over the past year.

Commissioner Hales stated she is the Board of Commissioners' liaison for the committee and she thanked Mr. Cole for the committee's work, especially on the coal ash issue.

This Agenda Item was received and filed

[15-1377](#)

Presentation by Chatham Park on school sites.

Attachments: [Chatham Park Power Point - Chatham Co Commissioners](#)

Chuck Smith with Preston Development Company gave a presentation on Chatham Park and possible school sites for Chatham County Schools. (Presentation attached)

Mr. Smith gave a review of what is currently under development and construction: a UNC Healthcare facility, a UNC twelve bed Hospice facility, and a UNC Medical office facility.

Mr. Smith stated a small area plan will be brought to the Town of Pittsboro in early September. The small area plan is going to represent the North Village of Chatham Park. It will be two years before any houses will begin being constructed. At complete build out they would have 22,000 units. That would generate about 7,610 students and means eleven schools would be needed.

Mr. Smith stated Thales Academy will be providing a K 12 school. It will start as an elementary school and it will grow into the later grades. They plan to open two years from this fall. They already have a few schools in Apex and some Chatham County families go to those schools. It is the thought that those families would move to the Chatham Park location once it opens.

The first public school would be above Hwy 64 Bypass and the site would be given to the county if the commitment to build the school could be given within five years.

Commissioner Howard asked if Mr. Smith meant five years from now or five years from when homes start being built. She stated schools tend to get built once there is a population to fill it. She believes it will be difficult for the school system to predict when that will happen. Will the school need to be an elementary school or a middle school? How will they know without knowing what that population is demanding?

Mr. Smith stated they have other schools that want to get a site and then they may sit

there for twenty years but that doesn't help meet the needs. Chatham Park would like to give Chatham County school sites. He doesn't think the timeline is too far off.

Commissioner Howard asked if the school district has had the opportunity to look at the sites to give an opinion about the location of the sites.

Mr. Smith stated they have to provide 700 acres of parkland to the Town of Pittsboro and they would like to group schools with parks so they are able to use shared facilities like parking and ball fields. Chatham Park is just offering the locations as suggestions.

The County Manager stated County staff and members of the school system went and visited the proposed sites to review the topography.

Chairman Crawford stated the location in question is east, northeast of the new bridge being constructed on the Hwy 64 Bypass. He also stated he appreciated Chatham Park's growth projections but he would remind everyone that the Board is responsible for the growth outside of Chatham Park as well. The Board will rely on the DORED communications with the school district in helping make final decisions. He appreciates Chatham Park offering the County school sites but there are other players who are responsible for deciding when a school gets built. He does believe there are other developments in the county growing very quickly and the five year window may be a good projection.

Renee Paschal, Assistant County Manager, asked if the commitment for a site is only for the one school at the northeast village site. Mr. Smith stated that is correct. Ms. Paschal asked if there will be water and sewer to the site provided by the developer. Mr. Smith stated yes. Ms. Paschal stated she would like to see something built into the process that allows the County to do due diligence on the site conditions, on the soils, etc. prior to acceptance. Mr. Smith agreed.

Mr. Smith stated on Thursday, August 20, 2015 from 10am to 2pm and from 4pm to 8pm they are holding a drop in public information meeting at the Chatham Mills.

This Agenda Item was received and filed

[15-1378](#)

Overview of the Lee Paving/ST Wooten Site Contamination, Remediation, and NCDENR Sampling Events.

Attachments: [BOC ST WOOTEN presentation](#)
[Appendix C Waste Disposal Documentation](#)

Anne Lowry presented a presentation on the Lee Paving/ST Wooten Site Contamination, Remediation, and NCDENR Sampling Events. (Presentation attached)

Vice Chair Cross would like to know where the contaminated soil is going. Ms. Lowry will send the NCDOT report with all the information. (Report attached)

Commissioner Howard would like to know if NCDOT has looked into any barrier methods for the plume. Ms. Lowry will contact NCDOT and ask the question.

Chairman Crawford asked if Ms. Lowry knew anything about ST Wooten's current water demands that might be affecting the situation. Ms. Lowry did not.

Commissioner Hales would like to know if it is possible to have any monitoring wells

off the property with owner's permission. Ms. Lowry will look into that with NCDOT. Commissioner Hales asked how a property owner could go about getting a monitoring well if they wanted one. Ms. Lowry stated she would look into that.

Commissioner Howard asked if any present activity is contributing to the challenge. Ms. Lowry stated NCDOT states it is the old TCE creating the contamination, not what is currently happening on the property.

Commissioner Hales asked what is happening on the additional parcel with the shingle shredding operation. Ms. Lowry stated she is under the impression nothing is supposed to be happening on the neighboring property and DENR would have some oversight.

Jane Gallagher stated ST Wooten does have permission for the shingling operation and the EPA wants shingles to go into asphalt because it saves them from going into the landfill. They had said originally they wanted the seventeen acres to be a cement plant. That was the proposal to the community with a lot of outrage so they started the shingling operation. They shut down the well, which the county allowed on residential property at great dismay by the DOT for the reasons raised by the Chairman. It can affect where the plume is being dragged. In addition, they have another well they are pulling from and that can disturb the direction of the TCE.

Commissioner Hales asked if there is a well at the current location. Ms. Gallagher stated there is. There is also a well at the additional location that is 100 gallons per minute. When the well was put in, people in close proximity lost the flow of their water but it has since been shut down. She stated essentially what is happening is the half mile residents are becoming the default monitoring site for the DOT. They put expensive filters on three pieces of property. They are testing it right before it goes into the house and right after it comes out.

Commissioner Howard stated she thinks there should be a link for access to information on the county website.

Commissioner Petty stated the Board talked before about getting County water to that area.

The County Manager stated the funds were an issue and also the Board never directed staff to design and build the line. He could not recall the distance from an existing line to the area.

David Richardson stated he would like to suggest instead of providing water to the ST Wooten facility that the County look for an alternative such as encouraging them to operate at of their Moncure site. That would provide an opportunity to clean up the site once and for all instead of letting the contamination continue. He stated if you look on Google Earth or drive by the site you can see they have a mountain of chemicals stockpiled for future work and he can't help but think that every time it rains there is leaching occurring, making the contamination worse. He believes that ST Wooten has done nothing during the years they have owned the property to contribute to fixing the problem. He wants to know why no one is asking them to do anything. He hopes the County will use this as an opportunity to look at a new approach.

Chairman Crawford asked what the nature of the promise to the neighborhood was and how the County would see that it is enforceable.

Ms. Gallagher stated it is in the minutes and in newspaper articles

Commissioner Hales stated it is a DENR air quality permit that ST Wooten has and perhaps the County can look at the permit. She asked how long the permit was for and Ms. Gallagher stated it is a five year permit. Commissioner Hales stated it would be a good start to look at the permit and perhaps make a commitment to do some air quality testing.

Chairman Crawford stated he believes the Board needs to hear from ST Wooten.

John Alderman stated as a citizen he desperately needs the Board to take leadership in terms of getting closure to what is happening at ST Wooten. He has lived his entire adult life seeing this occur. He does not trust the federal government or the state government to protect the people. The only thing that he thinks can protect the people is what he said in his public comments. He does not believe the Board is currently protecting the health and safety of the people. He is going to probably die and turn over his property to his children without any kind of resolution. That is not fair to his kids. One of his children is currently serving his county and the other did serve in the Coast Guard, he now works with him here with his business. He stated the Board should use the power the state legislature has given it, particularly the power of zoning. He stated the Board should rescind that document or the process of giving ST Wooten special privileges to have an industrial facility in a residential area. He believes they are killing the resident because you can't put these kind of chemicals into the environment with humans and expect them to be healthy. He asked the Board to go after them even if it takes legal action or studies that the Board has to pay for. Without the leadership from the Board the community is in great danger.

Chairman Crawford asked how the Board would proceed send some questions to ST Wooten and invite them to come to a Work Session and also investigate what options we have as a County with monitoring and zoning.

The County Manager stated the staff could check the current status of the property and the Environmental Review Advisory Committee may be able to look at some of these issues as well.

Chairman Crawford stated he wouldn't be looking to supply water to the site to help them make the situation worse.

Commissioner Petty stated he would like to clear that up. When the Board talked about putting water there it wasn't to help the business it was to address the contamination issue and to help the people who lived there. Now it has been turned around to say we were helping to support that industry and that is a false statement.

The County Manager stated the idea was to get water to the residents if they had an interest in connecting.

Chairman Crawford asked if he had the Board's unanimous consent to have the staff follow up on getting the information on the County website, do a finding of fact of the best knowledge available, and an invitation to ST Wooten to answer questions from the Board. Commissioner Hales asked if it could all be ready by the September meeting.

The County Manager stated it is possible but in an effort for staff to look at all the circumstances and to adequately give ST Wooten the chance to come it may be September or October.

The Board agreed to direct staff to follow up on the items by September or October.

[15-1343](#)

FY 2016 Budget Critique

Attachments: [BudgetCalendar](#)
[FY 2016 Heads Up Document](#)
[Financial Indicators](#)
[Budget Trends](#)
[PresentationOnBOCGoalsUpdate](#)

Renee Paschal, Assistant County Manager, reviewed last year's budget calendar and asked for feedback from the Board on the budget process, the calendar and the budget document.

The Board agreed that the process from the previous year worked well, however they would like to move to two Budget Work Sessions instead of three Budget Work Sessions.

Ms. Paschal stated the Board raised several issues at the Budget Work Sessions and staff wanted to report back on those issues, the first being extended library hours. Staff will bring that report to the Board in January. Staff will also bring an analysis of bringing recycling center staff in house to the Board at the retreat in January. The Board will begin talking about Affordable Housing with the next agenda item so there will be a considerable amount of follow up on that issue.

Commissioner Hales believes replacing the County Government Center should be considered in the CIP. The current building was built in the early 1980's. Ms. Paschal stated it will probably have to be treated as a future project in the upcoming CIP because there is not time to do an RFQ for an architect and to have a feasibility to study done to have a cost estimate.

[15-1388](#)

Set Date for Affordable Housing Retreat

The County Manager stated staff met last week with the UNC School of Government and many housing agencies and they recommend two, one half day retreats on affordable housing. He asked the Board to set Thursday, October 1, 2015 and Thursday, October 8, 2015 from 9am to 12pm as the days of the retreats. The Board agreed to both dates.

The County Manager stated the group would also like the Board to complete a survey that will go out August 31, 2015 and they would like it returned by September 4, 2015.

The County Manager asked the Chair and Vice Chair to meet with the facilitator September 11, 2015 at 9am to create the agenda for the retreats.

[15-1376](#)

Presentation by Tax Administrator on deferment

Attachments: [Deferments Presentation](#)

*Kej Kepley, Tax Administrator, gave a presentation on Tax Deferment.
(Presentation Attached)*

This Agenda Item was received and filed

CLOSED SESSION[15-1386](#)

Closed Session to discuss matters within the attorney/client privilege.

A motion was made by Commissioner Howard, seconded by Commissioner Hales, to go out of the Work 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 Mike Cross, seconded by Commissioner Karen Howard, that the meeting be adjourned. The motion carried by the following vote:

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

End of Work Session**Regular Session - 6:00 PM - Historic Courthouse Courtroom**

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 6:05 PM.

APPROVAL OF AGENDA and CONSENT AGENDA

Commissioner Hales asked to move Item # 15-1372 to the Regular Agenda. Chairman Crawford stated the item would be moved to the end of the Board Priorities.

Chairman Crawford read the Resolution Proclaiming September as Senior Center Month in Chatham County into the record.

A motion was made by Commissioner Karen Howard, seconded by Commissioner Diana Hales, that the Agenda and Consent Agenda 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

[15-1387](#)

Vote on a request to approve the July 20, 2015 Work and Regular Session Minutes.

Attachments: [DRAFT Minutes 07.20.2015](#)

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

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

[15-1344](#)

Vote on a request to approve the FY 2015-2016 contract with the N.C. Forestry Service

A motion was made by Commissioner Howard, seconded by Commissioner Hales, that this Contract, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

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

[15-1364](#)

Vote on a request to approve Vehicle Purchase 2015-16 and authorize the County Manager to execute the contracts.

Attachments: [charger](#)
 [explorer](#)

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

[15-1367](#)

Vote on a request to approve updated Chatham County Utilities Standard Specifications

Attachments: [DRAFT - Updated Specs 070115](#)

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

[15-1368](#)

Vote on a request to approve Recreation Agencies Recommendations

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

[15-1373](#)

Vote on a request to approve an Appointment to Chatham Trades Inc. Board of Directors

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

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

[15-1369](#)

Vote on a request to approve the Tax Releases and Refunds

Attachments: [July 2015](#)

[July 2015](#)

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

[15-1295](#)

Vote on a request by Goldston Apex Properties dba Builder's First Source - to rezone approximately 4.19 acres to be added to the current development for three new storage structures and laydown yard from Residential District (R1) to Conditional District Light Industrial (CD-IL) and to reclassify the existing zoning of Conditional Use Light Industrial District (CU-IL) to Conditional District Light Industrial (CD-IL), including all or a portion of parcels 17893 and 73463.

Attachments: [More Information from Planning Department website](#)

A motion was made by Commissioner Howard, seconded by Commissioner Hales, that Resolution #2015-29 Adopting a Consistency Statement for the Approval of Rezoning Property to CD-IL District for Goldston Apex Properties dba Builder's First Source for Parcel No. 17893, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

A motion was made by Commissioner Howard, seconded by Commissioner Hales, that the Ordinance Amending the Zoning Ordinance of Chatham County for Rezoning to Conditional District Light Industrial on behalf of Goldston Apex Properties dba Builder's First Source, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

[15-1370](#)

Vote on a request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision final plat approval of Briar Chapel Development - Phase 11 North and Granite Mill Boulevard realignment, consisting of 124 residential lots on 16.2 acres located off US Hwy 15-501 and Briar Chapel Pkwy, Baldwin Township, parcel #87090 and 89623.

Attachments: [More Information from Planning Department Website](#)

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

[15-1296](#)

Vote on a request by Strontium Partners, LLC for a three year extension on a Conditional Use Permit approval for a 15 unit condominium building to be located within Governor's Village, Parcel No. 76561.

Attachments: [More Information from Planning Department Website](#)

A motion was made by Commissioner Howard, seconded by Commissioner Hales, that Resolution #2015-30 Approving a Conditional Use Permit Revision Request by Strontium Partners, LLC on Parcel No. 76561, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

[15-1374](#)

Vote on a request by Bradshaw and Robinson, LLP on behalf of NNP-Briar Chapel, LLC to adopt an ordinance permanently closing a portion of Granite Mill Boulevard and Boulder Point Drive.

Attachments: [Ordinance BOC 17Aug15 ATT1](#)

[Closure abandonment request ATT2](#)

A motion was made by Commissioner Howard, seconded by Commissioner Hales, that this Ordinance, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

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

[15-1383](#)

Vote on a request to approve NNP Briar Chapel, LLC for subdivision preliminary plat approval of Boulder Point Drive Extension consisting of 3.59 acres located off Andrews Store Road, SR-1528, Baldwin Township, parcel 87024

Attachments: [More Information from Planning Department Website](#)

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

[15-1384](#)

Vote on a request to approve NNP Briar Chapel, LLC for subdivision preliminary plat approval of Phase 16 Common Area consisting of one lot of 5.55 acres located off SR-1528, Andrews Store Road, Baldwin Township, parcel #82829

Attachments: [More Information from Planning Department Website](#)

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

[15-1375](#)

Vote on a request to adopt Resolution Approving Road Maintenance Abandonment of Raymond Sharpe Road.

Attachments: [Raymond Sharpe Road \(SR 2183\) Commis Resolution Package](#)
[Raymond Sharpe Road Abandonment Resolution](#)

A motion was made by Commissioner Howard, seconded by Commissioner Hales, that Resolution #2015-31 Approving Road Maintenance Abandonment of Raymond Sharpe Road, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

[15-1381](#)

Vote on a request to adopt a Resolution Proclaiming September as Senior Center Month in Chatham County

Attachments: [Senior Center Month Resolution](#)

A motion was made by Commissioner Howard, seconded by Commissioner Hales, that Resolution #2015-32 Proclaiming September as Senior Center Month, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

End of Consent Agenda

SPECIAL PRESENTATION

[15-1379](#)

Vote on a request to adopt a Resolution Proclaiming September 2015 As Alzheimer's Awareness Month.

Attachments: [Alz Awareness Resolution Sept](#)

Alice Watkins, Executive Director of Alzheimer's North Carolina, addressed the Board. She stated Chatham County has raised over \$90,000 in the last five years for Alzheimer's.

Pat Richardson with Galloway Ridge also addressed the Board. She stated Chatham County is second in the state for raising funds and awareness for Alzheimer's.

Chairman Crawford read the resolution into the record and presented Ms. Watkins and Ms. Richardson with the resolution. The three posed for pictures.

A motion was made by Commissioner Howard, seconded by Vice Chair Cross, that Resolution #2015-33 Proclaiming September 2015 as Alzheimer's Awareness Month, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

PUBLIC INPUT SESSION

Martha Girolami, submitted the following comments:

I am so grateful for the Board and Staff's excellent work on this Chatham County Fracking Moratorium Ordinance.

This ordinance is so important to protect our County's environment and people and property and resources. Thank you.

I have a few comments on the content and wording but really this ordinance is very well done.

On Page 1; the second Whereas: If the BOC looks back over the last three years, you will find in your minutes that 100's of people have spoken against rushing to Frack and against Fracking and in favor of a moratorium or ban. Remember how many people signed the Chatham County Fracking Ban in a very short time. I think it was over 1000 and I am sure we could have easily found thousands more residents eager to sign on.

On Page 2: item (14): is the correct word "geography" or "geology"?

On Page 2: item (16); what about a study of the impact of natural gas development on the integrity of the Sharon Harris Nuclear Power Plant? What can go wrong here?

On Page 3: item (18): This section maybe should be enlarged to acknowledge that no one will know what chemicals are used; stored; transported in our county for drilling, fracking, maintenance, fuel etc. Chemical disclosure is a huge unresolved issue. I am sure you have read that from 80 to 400 tons of chemicals are used to frack one horizontal well and these amounts do not include fuel, maintenance chemicals and drilling chemicals.

Think what just happened in Tiengin China! Storage of 700 metric tonnes of sodium cyanide when only 10 tonnes was allowed. Then uninformed fire fighters hose the spilled flammable toxic material and are killed in the resulting horrific explosions. One ISO required packaging for solid sodium cyanide is a polypropylene bag inside a wooden box—not much protection. Do you think you will know if cyanide compounds are on site and used in the gas extraction and development. No you won't. You won't know the packaging, the transportation routes, the amounts on site or what is there or how used. And the chemicals used can change at any time since there are minimal restrictions of what can be used in gas development. The chemicals used

are the choice of the gas driller/developer. What is Helium or other noble gas is found in the Triassic gas? How are the industrial processing and hazards changed?

On Page 3: item (21): There is a great lack of information that needs to be researched before natural gas development: Studies that are needed:

- 1 Hydrology study*
- 2 Surface water baseline study*
- 3 Baseline air monitoring*
- 4 Baseline health assessment*
- 5 Drinking water well testing*

Page 7; Section 7 (a): Ask the consultants to get citizen input on impacts.

Page 8: Section 8 (b): I think the oil and gas developer who starts work in violation of this ordinance should be guilty of a felony and the fine should be much more than \$500 per offense.

Judy Hogan, Moncure, submitted the following comments:

My name is Judy Hogan and I live in the Triassic Basin in Moncure. Commissioners, I have read your proposed fracking moratorium, and I am impressed. It is very inclusive of all the concerns I myself have had for several years since I began learning about the harm that comes from having fracking near where people live.

- 1) The water table here is much too close to the gas deposits where they exist in the Triassic Basin.*
- 2) The old coal mines are full of cracks and fissures in the area where the gas or the fracking fluids could go.*
- 3) Fracking means air, water, and land pollution.*
- 4) It ruins our agriculture, which is very important in Chatham—both conventional and organic/sustainable. We are rare in this country for the number of sustainable farms and the businesses and citizens which support them.*
- 5) The fracking chemicals are very hazardous for human health as well as to farm animals and wildlife. Many of us heard the dairy farmers from Pennsylvania talk of their cows dying and aborting calves; the high price they paid to bring in water, and their own illnesses.*
- 6) Shearon Harris Nuclear plant sits on the Jonesboro earthquake fault, and all of Chatham is at risk if anything goes wrong at the nuclear plant because of all the irradiated fuel rods stored there in water, which could catch fire if they lost water.*
- 7) Jordan Lake, which has gas under it, could be affected, and it brings us over a million visitors every year.*
- 8) We must move more and more away from fossil fuels. Already many sources of green energy, especially wind and sun here, are reasonably priced and should be replacing the burning of gas, coal, and nuclear power.*

I salute you for your wisdom, in this and in the thoughtful way your moratorium has been written. I hope this act of yours will influence other counties in this Triassic Basin, especially Lee County, so close to us. They will all see what is possible and learn from what you have done. May they also be wise and courageous! Bravo!

Jeanie Ambros, submitted the following comments:

Thank you for the opportunity to speak in support of the Chatham County Fracking Moratorium Ordinance. Thank you for listening to the many voices in our community

who have wanted a fracking moratorium in place. We need this time to carefully examine what sort of impacts our county will face from an industry that is powerful enough to obtain exemptions from the Clean Water Act and other environmental regulations. Environmental contaminations happen. People have experienced harm. Keep in mind that the pursuit of economic gain from oil and gas exploration and production has taken precedence over importance of investing in unbiased studies to examine the short and long term consequences of hydraulic fracturing and horizontal drilling activities on the environment and human health. In approving this fracking moratorium the Board can begin to gain a better understanding of the readiness of its county's departments, programs and services to deal with the full range of impacts an extractive industry brings. I support the moratorium for all the reasons already stated in this ordinance. I support the moratorium because it is the right step for the Chatham County Board of Commissioners to take at this time. Please approve the fracking moratorium ordinance tonight. Many thanks.

Barb Alotis, submitted the following comments:

Thank you for the opportunity to speak this evening. One of the main responsibilities of government is to protect their citizens from harm. It has been proven that the liquids used in fracking are toxic substances that are known to be hazardous to humans. The choice our elected officials are facing is whether they are going to stand with our environment and health and safety of the people here in North Carolina and here in Chatham County or blindly support what the oil and gas companies and other interests want to do for their own profits. The simple question is will our elected officials support the oil and gas companies or the people of North Carolina and Chatham County. Despite the contention that fracking is unsafe, the industry and those who profit from it, whether or not they are directly connected to it, deny this. This is hogwash. We are more intelligent and better informed than that. It has been shown that the gas will not last for long. It will be short lived. Damaging our environment, air and water and consequently our health for a few years of gas extraction is irresponsible and short sighted. We must not allow ourselves to be sold out. It has been found by North Carolina State that the fracking legislation signed by Governor McCrory would only add 2,000 jobs and 150 million in new annual revenues spread out over twenty years. Certainly sustainable energy would add more new jobs and revenue without desecrating our environment. The right to local community self-government serves as the foundation for the American system of law yet the people's right to self-governance has been ignored by our elected representatives, not Chatham County and overridden by the courts in favor of corporate rights. Our constitutional rights to self-governance are being violated by the North Carolina legislature working in concert with the corporations that they regulate. We the people of North Carolina and Chatham County will not stand by idly as our rights are negotiated away by oil and gas corporations in our state government. That is why we are here tonight, to bring the issue of fracking before the people as a referendum. I urge our Board of Commissioners to vote for a moratorium on this ultimately harmful affliction on our county. Thank you.

Dawn Crawley, submitted the following comments:

I am from Environmental Lee, a Chapter of Blue Ridge Environmental. We just want to thank you for considering the moratorium and please vote for it. Fracking benefits very few and harms many. They have proven causes earthquakes, you don't know if the gas will stay in the state it could be shipped overseas. Wind and solar can be used and are environmentally friendly and will not pollute our water. We are having droughts in many places already. It could pollute everything in the state as far as the

water because of the watersheds. The emissions from it can harm anybody especially the kids and the older people. They have nose bleeds and neurological problems. They will put the wells next to schools, they don't care. Please consider the moratorium. Thank you.

Marla Benton, submitted the following comments:

I live in the Governor's Club area. I am also a nurse and I have worked for a retirement magazine recently. I am very familiar with the senior related issues we are having in Chatham County and they are only going to be getting worse within the next few years. We have over 15% of our county residents that are 65 and up. That is growing. We've also been named a retirement destination so people are coming in. I think we need to be very careful about imposing any restrictions or limitations on adult care homes. Imposing a half mile restriction would be a mistake. I think we need these homes in our community. There is a great need. I saw it as a nurse, I saw it working for a magazine going into different communities. I really think we need to look at that. Adult care homes keep our loved ones closer to us and also provides important intergenerational communities instead of isolating our seniors as we have been doing in the past. We keep them in our communities. I think another issue that you have to consider is that both the state and federal courts previously overturned and challenged when they were imposed with these half mile restrictions. It would waste our time and our tax money to impose such a restriction that would only eventually be overturned. I lost my father in November to Cancer, my mother is 67 and she lives in Maryland and I would like to know that at some point in the future I can bring to Chapel Hill. I'm in the Governor's Club, Governor's Lake area and I would like to know there is something there where I can keep her close to me without having to send her to Fuquay or Wake County where all the big places are popping up everywhere. I would prefer for her to be in a home cared for by people in my neighborhood where I can go by and see her. I think there is a big need and we need to be part of the solution and really consider these homes for our seniors and not impose restrictions that they have to be a half mile from our homes or townhomes. These are good people; good citizens and I think they need to be a part of the communities and not isolated. Thank you.

John Wagner, submitted the following comments:

I want to thank each of you for the work that you did to make this meeting and this vote happen tonight. I really appreciate your efforts. Four days ago I drove to a workshop in Seneca Lake, NY and although New York has banned fracking the oil and gas industry wants to store fracked gas from other states in unstable underground caverns that are beside and underneath the lake. The important thing about that is that the company wants to become the gas storage and transportation hub for the northeast even though every town and every county that depends on the lake for their water source has voted and passed resolutions against this plan. If it fails an explosion or a leak could destroy the water supply for one hundred thousand people. On the way home after that I stopped at a friend's home in northeastern Pennsylvania after driving through fracking territory. His home was less than one thousand feet from a fracking well pad. A year ago the same house, I saw trees being felled and bulldozers clearing space for the pad. This year the fracking had started. I went to the sink, turned on the faucet and filled up a glass of water. Unlike the previous year, this year it was orange and had an oily sheen across the top. That was new. One thousand feet away was a fracking well. A few minutes later as I started driving home to Chatham County I was partially run off the road by a fracking tanker truck that was coming around the narrow country roads and it was passing a

sharp curve. This is not what Chatham County needs. Fracking is a violent and dangerous extractive process that is carried out by companies that lack common decency. They lack respect for communities. They will do whatever is necessary to shatter the state's bedrock and suck up their precious methane. I ask you to unanimously vote for this moratorium. We need countywide planning so that careful, intelligent development can occur and leave our quality of life intact. We need two years to develop plans for enhancing the county and doing what is possible to protect it from corporations that want to drain our resources and leave behind their toxic mess. This is one of the most important votes that you all are going to face as County commissioners and I urge you to vote yes unanimously tonight. Thank You all very much.

PUBLIC HEARINGS

15-1371

Legislative Public Hearing request by the Governor's Club Property Owner's Association, Inc. for a text amendment to the Chatham County Zoning Ordinance, Section 7.2 Definitions and Section 10.13 Table of Permitted Uses to change the definition and allowances for Family Care Homes within the R1, R2, R5, and O & I zoning districts.

Attachments: [More Information from Planning Department Website](#)

Jason Sullivan, Planning Director, reviewed the specifics of the request.

Joe Glasson, 11408 Governors Drive, submitted the following comments:

I am here speaking in behalf of the Governors Club Property Owners Association, which represents over 2,000 residents of our community within Chatham County. You have a packet, so let me capsulize.

Amendment as proposed does the following:

- *Aligns to NC State Statute 168-22*
- *Replicates the Town of Pittsboro ordinance*
- *Clarifies the intent and need of both: with a Y2 mile radius from an existing facility will prevent clustering or concentration of Family Care Homes in residential neighborhoods, undermining the character of the neighborhood*
- *Provides for continued support of Family Care Homes throughout the County*

Why the change? A Family Care Home organization has purchased two multi family residences with the intent of creating assisted living facilities to seniors within our community. They have an existing facility in the Duke Forest and they do their job well. The Duke Forest facility is on 3.5 acres, in a forested and serene setting. Their arrival in our neighborhood and their accompanying business model is welcome, as we see a few of our current residents signing up and living in their assisted living facility. We are working with them as it relates to commercial traffic and safety issues. While their Duke Forest facility is located on 3.5 acres, these two residences occupy less than an acre and have limited access to gardening areas and walking paths (as they advertise) as the residences are surrounded by a golf practice facility and a paved parking lot. Again, we are working with them to create a safe environment.

Possible expansion and the purchase of additional and adjacent residences are of major concern.

Therein lies a major safety issue for us as well as them. Simply, too little space to accommodate their business model with a golf course abutted to the possible purchases. We don't want to exclude Family Care Homes in our community. A fair market already exists for access to senior care facilities. While one may envision Fearrington

Village's Galloway Ridge or Carolina Meadows, their original business models encompassed those services and were planned and executed accordingly. Ours did not, nor was it intended to. And, a new facility has opened very near to us, on 15-501 at Lystra Road, offering full care senior services in a wonderful facility sitting in a commercially zoned area. Solid options exist and others may well come.

On behalf of our Property Owners Association, we request this change, which aligns the County with the North Carolina Statute (168-22) and is modeled after the effective and existing ordinance in the Town of Pittsboro. This is a common sense approach for our County. Thank you.

Commissioner Hales asked if there is a one acre property currently with a facility in Governor's Club.

Mr. Glasson stated there are two properties that are not contiguous and they will operate those two residences as one facility. The concern is that they could buy three additional residences adjacent to that. Those properties adjoin the golf course and the out of bounds line of the golf course is on the property of those residences. They believe that poses real safety issues. Clustering several of these family care homes together also creates commercial traffic issues for the neighborhood.

Commissioner Howard stated she is trying to understand what the perceived danger is.

Mr. Glasson stated Live Well does good work and they would like the residents of Governor's Club to have access to the current adult care home facility. They are working with Live Well to make sure there are safety measures in place because the residences are right next to the golf practice facility and some of those golf balls do come up on the decks of those residences. The concern is that the developer would sell additional residences for the purpose of becoming adult care facilities and that could pose a great safety concern. They also don't want to change the character or the neighborhood.

Commissioner Howard asked if there had been interest in the other residences. Mr. Glasson stated yes. Commissioner Howard if this would be limiting a place like Carolina Meadows to expand. Mr. Glasson stated no. Those communities were planned to have these facilities in place. Governor's Club was not planned to have these types of facilities.

Commissioner Howard asked if this issue has to be addressed through ordinance or could it be addressed through their homeowners association. Mr. Glasson stated their covenants are too ambiguous to challenge it.

Chairman Crawford asked if the residences are on separate parcels of land or are there several residences on one parcel. Mr. Glasson stated the two residences that have been purchased are each on a separate parcel with one residence in between them. Chairman Crawford asked how the half mile rule would apply to those two residences. Mr. Glasson stated those two residences are acting as a single facility so the half mile rule would apply to the two of them together.

Chairman Crawford asked for clarification on the number of beds needed to meet the

requirement of being a family care home. Mr. Glasson stated six beds or less.

Commissioner Howard asked if they could amend their covenants. Mr. Glasson stated they could amend their covenants but someone could sue them over the fact this has already been done.

Vice Chair Cross suggested the Board turn the issue over to the Planning Board.

Chairman Crawford stated the Board did appreciate hearing from Mr. Glasson but it also needed to hear the result of the Planning Board's deliberations and the advice of staff because the Board's decision will affect the entire County.

This Agenda Item was referred to the Planning Board.

BOARD PRIORITIES

15-1391

Vote on a request to approve Food Lion settlement offer on PTC appeal for business personal property audit.

A motion was made by Commissioner Petty, seconded by Commissioner Hales, that this Contract, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

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

15-1349

Vote on a request by Mark Ashness, P. E., CE Group, on behalf of Polk-Sullivan, LLC for subdivision First Plat approval of Seaforth Landing, consisting of 45 lots on 107.85 acres located off SR 1941, Seaforth Road, New Hope Township, parcel #17487

Attachments: [More Information from Planning Department Website](#)

Lynn Richardson reviewed the specifics of the request. She stated the Planning Board recommended by unanimous vote to approve the road names and first plat approval as submitted.

Commissioner Hales asked if the Army Corps of Engineers was involved. Ms. Richardson stated the Army Corp did verify the wetlands. Commissioner Hales stated if there are 45 lots then there are 45 wells and septic fields and she wondered if the developer had thought about any community wells.

Mark Ashness stated the lots are about 2 acres in size which is about twice the size of what they normally do with community wells. They are very confident that for the size of the lots individual wells are the best option.

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

15-1380

Vote to approve a Fracking Moratorium Ordinance

Attachments: [FRACKING MORATORIUM 2015-Final Draft 8-17-2015 245](#)

Commissioner Hales stated a temporary moratorium on oil and gas development is

before the Board.

County Attorney stated the moratorium puts the County in a holding pattern in order to investigate fracking.

Chairman Crawford quickly reviewed highlights of the ordinance.

Commissioner Petty stated he is not satisfied that all the information is 100% accurate. He does, however, think there are enough questions to require caution.

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

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

[15-1389](#)

Vote on a request to approve award of FY 2015-1016 generator service contract to Atlantic Power Solutions by approving adoption of resolution and authorize the County Manager to execute the contract.

Attachments: [Atlantic Power Solutions quote August 2015](#)
[Atlantic Power Solutions Resolution](#)
[Atlantic Power Solution Agreement July 1 2015-June 30 2016](#)

A motion was made by Commissioner Hales, seconded by Commissioner Howard, that Resolution #2015-34 Approving a Contract to be Entered Into Between Atlantic Power Solutions, Inc. and Chatham County, 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

Abstain: 1 - Commissioner Petty

[15-1372](#)

Consideration of a request for clarification of a building setback in Rosemont subdivision for property adjoining the Corps of Engineers boundary.

Attachments: [Attachment 1 PB2004PG360](#)
[Attachment 2 Aug 2000 BOC Minutes](#)
[Attachment 3 July 2000 Corps Ltr](#)
[Attachment 4 Rosemont HOA Ltr](#)
[Attachment 5 Corps Email re setbacks](#)

Commissioner Hales stated she pulled the item from the consent agenda because she wanted a better understanding of the item.

Jason Sullivan reviewed the specifics of the request.

Patrick Bradshaw, attorney for the property owner, stated the house is 86 feet from the boundary.

Commissioner Howard asked if the Board's approval would apply to the entire

subdivision and not just this specific property.

Mr. Sullivan stated the Board's approval would apply to the entire subdivision so individual requests would not continue coming to the Board for approval.

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, Vice Chair Cross, Commissioner Hales, Commissioner Howard and Commissioner Petty

MANAGER' S REPORTS

The County Manager reminded the Board that the Leadership Academy Graduation is on Friday, August 21, 2015. Lunch is at Noon and graduation will follow.

The County Manager stated the Tobacco Policy for the County will become official on March 1, 2016. The County will slowly implement the policy through education and signage up until that date.

The County Manager stated the County has received a request from Murewa, Zimbabwe to become a sister city or twin community. The Murewa Rural District Council is an Agricultural based community and a couple of years ago they exchanged some ideas and concepts with Chatham County.

The County Manager stated Chatham Trades is asking for permission to set aside up to \$20,000 of their \$300,000 of building funds for retrofitting and maintenance of their building.

A motion was made by Commissioner Hales, seconded by Commissioner Howard, that Chatham Trades use up to \$20,000 for their water repairs and building maintenance. The motion carried by the following vote:

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

MANAGER' S REPORTS

A motion was made by Commissioner Hales, seconded by Vice Chair Cross, Chatham County become a Twin District of the Murewa, Zimbabwe Rural District Council. The motion carried by the following vote:

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

COMMISSIONERS' REPORTS

Commissioner Howard stated there is good work coming out of Cardinal Innovations. It is promising that the County will be able to continue a relationship with them.

Commissioner Hales stated at a recent TARPO meeting there was a vote to approve the Chatham Transit expansion of two buses. They also revised their opportunity for citizen input and there are many more opportunities.

Commissioner Hales stated she had the opportunity to attend the Lake Jordan Partners meeting and the Environmental Management Commission has pushed back the Jordan Lake Reallocation. This is the third year it has been pushed back.

Commissioner Hales asked staff if they had an update on where the County is with the well testing outside of Brickhaven. The County Manager stated staff would need some guidance from the Board because they would need to set up not only the invitation to test but also the money to have the tests done, assuming people will want the tests done. Staff is also working on the air quality issue as well.

Commissioner Hales stated she believes a mile is a reasonable distance to offer for well testing.

Commissioner Howard asked if there was an estimate as to how many wells are in question. The County Manager stated he did not know. Commissioner Hales stated that is where the GIS could come in. Vice Chair Cross stated he didn't know why you would want to test any wells until you knew which direction the underground water was flowing. He also stated he was unclear as to why you would go past the first group of wells on the perimeter if you are looking for leachate leaks because they would show up there first. Chairman Crawford stated he believes Commissioner Hales is trying to establish a baseline in the event there is a catastrophic breach.

Chairman Crawford stated the County could make the offer but people do not have to accept it. Commissioner Hales stated she believes it is important to make the offer.

Commissioner Petty stated he believes you establish a problem first. There is no need to test out a mile if there isn't a problem at five hundred feet.

A motion was made by Commissioner Hales, seconded by Commissioner Howard, that the County investigate through the GIS contacting residences with private wells within a mile radius of the Brickhaven coal ash site and offer free testing.. The motion carried by the following vote:

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

COMMISSIONERS' REPORTS

Chairman Crawford stated he visited the Farm at Penny Lane and to be made aware of their work on behalf of people who are dealing with mental health issues. They are working with Chatham Habitat for Humanity at the County Fair and are building the Margaret Pollard House. The Chairman encourages everyone to learn more about the work that they are doing.

The Chairman stated the Chatham County Fair is September 10-13, 2015.

ADJOURNMENT

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

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