



Chatham County, NC

Meeting Minutes Board of Commissioners

Monday, December 15, 2014

6:00 PM

Historic Courthouse Courtroom

Work Session - 3:00 PM - Emergency Operations Center

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

PUBLIC INPUT SESSION

No one was signed up to speak.

EMERGENCY OPERATIONS CENTER PRESENTATION AND TOUR

14-1094

Emergency Operations Center Presentation and Tour

Attachments: Commissioner Meeting presentation

Tony Tucker, Emergency Operations Director, welcomed the Board and reviewed some quick safety information in the event of an emergency in the building. Mr. Tucker and Janet Scott, Deputy Emergency Operations Director/Communications Director, gave a PowerPoint presentation.

Vice Chairman Cross stated residential addresses have to have four inch numbering and he asked what commercial business needed to have. Mr. Tucker stated they needed six inch numbering for their addresses. Vice Chairman Cross asked what happens when people don't comply, especially businesses. Mr. Tucker stated the EOC will contact them and make every effort to make them comply. He stated they do let people know that if they do not comply then emergency services will not be able to find them. The County Manager stated that there are freeman in the county who are antigovernment and do not want to be found.

Commissioner Howard asked who makes the request to name a road. Mr. Tucker stated anyone's land that touches that drive has a say in what the private drive is named. The EOC needs 60% of the landowners to agree on the name. Vice Chairman Cross stated the EOC uses a form. Mr. Tucker stated he was correct and the form provides for three possible names. Mr. Tucker stated after 60% of the landowners agree, the person at communications responsible for road naming reviews it and if it passes her inspection it goes to the Board of Commissioners for approval. Commissioner Howard asked if there are three dwellings on a road, is it the homebuilder that requests it. Mr. Tucker stated the third house to be built on the road would be told they would need to request it.

County Manager asked Ms. Scott to go through a call scenario to help explain the six different screens a dispatcher uses. She used the example of a service dog that

calls 911. When its owner is unconscious and it calls 911, the responder knows to call all available units; fire, ems, and law enforcement. The responder stays on the call and works with all emergency services until help arrives.

Commissioner Petty asked if all emergency services are on the same frequency. Ms. Scott stated the main problem is that they operate on VHF and UHF frequencies, and law enforcement and fire departments are on different systems and can't talk to each other. They are looking at one radio system so that they can all talk to each other. They are also limited to the channels they can use because there is a lot of traffic on each channel.

Vice Chairman Cross asked if they get a lot of misdials with the new 919 area code required dialing. Ms. Scott stated they did at first but now they tell people to stay on the phone if they call by accident. They have to send a unit out or try to contact them to see what is going on if someone misdials and hangs up. Commissioner Petty asked if they have been able to track the time of day they get the highest number of calls. Ms. Scott stated the heavy call load is 9am to 12am at night. They have it broken down into hourly segments.

Commissioner Petty asked if something should happen and they need someone over in the backup center in Siler City and they need to send someone from the Communications Center in Pittsboro, how quickly they can get someone over there. Ms. Scott stated they can get someone there in fifteen minutes going 55 mph. Ms. Scott stated everything is mirrored in the backup center to be exactly like the Communications Center in Pittsboro so that there is no delay in getting someone setup over there. Commissioner Petty asked if there is county fiber to that building. Mr. Tucker stated there was. Mr. Tucker stated they can fit about half the people in the EOC at the backup center as they can in the EOC in Pittsboro here but it is still enough room to be operational. Mr. Tucker stated last year during an ice storm they filled up the backup center and dispatched everything to the Pittsboro center which was also fully staffed.

Commissioner Howard asked if they maintain enough part time or temporary workers to be able to staff both centers. Ms. Scott stated they don't have enough workers without calling people in and paying overtime. She stated it is tough to keep part time workers because people want full time jobs. They get trained and then go to another center and that is expensive for the county. Commissioner Petty stated the objective is to have a backup to this one so that they can handle calls both places. Ms. Scott stated the workers that live on the west side go to the backup center in Siler City and the workers that live on the east side come to Pittsboro. The County Manager stated they will even go pick them up and bring them to work in emergency situations.

Mr. Tucker described the different types of emergency situations they prepare for in the county. The County Manager stated the next time they do a planned drill with the nuclear plant they are preparing for a terrorist attack.

Commissioner Hales stated she had received phone calls on LAN line with different alerts and she asked if that system is available for the EOC to use. Mr. Tucker stated that is actually the EOC's alert system. It is called Code Red and it costs \$10,000 a year. It costs money to use it as well as they get 60,000 minutes a year. It eats the time up really fast with each alert they send. They use it mostly for lost children or elderly people who go missing. Most weather events are broadcast widely already and this system is not a good use of those alerts.

Commissioner Howard asked if the shelters are pet friendly. Ms. Scott stated some of them are. Mr. Tucker stated the schools didn't want pets in their facilities therefore

they retrofitted two FEMA trailers with cages so that they could be pulled up next to the schools and you could take care of your pets that way.

After the presentation Mr. Tucker and Ms. Scott took the Commissioners on a tour of the Communications Room.

BOARD PRIORITIES

14-1026

Vote on a request to approve the FY 2016 Nonprofit Grant Process

Attachments: [Chatham County Nonprofit Agency Funding Policy 9-15-14](#)

Renee Paschal, reviewed the specifics of the item.

Ms. Paschal stated staff needed the Board's direction on a few items today. They need to know whether or not the Board would like to continue 55% of the funds be earmarked for hunger, housing and healthcare. The pot for funding is \$233,000. Historically \$10,000 has been reserved for the Board to allocate directly. The nonprofit volunteers make a recommendation based on \$223,000. Staff wants the additional \$10,000 to go in the pot for the nonprofit volunteers to be able to say how they would spend it if they had it available. The commissioners could chose to follow the recommendation or not chose to follow the recommendation. A small amount of the funding has also been set aside for capacity building. Staff would like to continue to set aside \$1500 for capacity building. Staff also needs to know how and whether or not the Board would like to fund art agencies.

Ms. Paschal stated in 2010 the funding was moved to the Chatham County Economic Development Corporation (EDC). In 2012, due to budget cuts, the EDC removed the Arts from their budget and the arts began competing again for the nonprofit pot of money with the County. In 2014, the Board of Commissioners decided that because the nonprofit pot of money is so limited that the money should go to human services agencies and not to arts agencies. In 2015 the Board decided not to fund art agencies.

Commissioner Hales stated she would like the nonprofit team to allocate the entire \$233,000. She worked on the panel for three years and they do a tremendous amount of due diligence. Ms. Paschal stated the Board gets more pressure on this issue than anything else in the budget. If it is pressure, it may feel that it needs to take from other areas. Vice Chairman Cross stated that additional \$10,000 always draws attention. He agrees with Commissioner Hales. Commissioner Howard asked if it is all distributed at the same time. Ms. Paschal stated it is and through the same process, however, it could be held in reserve. The problem is there is no defined process for them to do that. The County Manager stated if they are thinking about an unexpected emergency, the County has provisions for that. Commissioner Hales asked if there is a reason it can't increase. Ms. Paschal stated that is the current budget. If the Board wants to increase that amount she recommends it do that at its retreat.

The Board agreed to continue earmarking 55% of the funds for hunger, housing and healthcare; to initially consider the allocation of \$233,000 toward funding for nonprofit agencies; and also to allocate \$1,500 for capacity building.

Commissioner Howard asked how the funding of the arts through the Economic Development Corporation (EDC) worked. Ms. Paschal stated the EDC had a certain amount of money set aside in their budget, the agencies applied to EDC, and the EDC oversaw that process. Chairman Crawford asked if the EDC set the criteria.

Ms. Paschal stated they did but the agencies would still need to meet the County's certification requirements. Commissioner Howard recused herself from the conversation as she felt her role as a board member of the Chatham Arts Council was a conflict of interest. She did say the arts were important, especially to Siler City. She feels Siler City needs to revision itself and make itself attractive as it is trying to bring in an interested business to the mega site. Commissioner Hales agrees that the little bit that goes to arts is well spent. It is really hard to fit arts into these categories and criteria of the nonprofit structure but perhaps the EDC could pick that up again as the funding mechanism. Vice Chairman Cross asked how much funds were actually being discussed and does it come out of the \$233,000. Ms. Paschal stated it does not come out of the \$233,000 but the Board would have to increase the budget by an amount to cover it. Ms. Paschal stated if the Board would like to increase it through the EDC, staff will come back with a recommended amount at the retreat.

The Board agreed to fund the arts but should be funded through the Chatham County Economic Development Corporation.

A motion was made by Commissioner Hales, seconded by Vice Chair Cross, to approve to earmark 55% of nonprofit funds to hunger, health, and housing; to continue capacity building at \$1500; to include arts as a funding category through the Chatham County Economic Development Corporation; and to initially consider the allocation of \$233,000 toward County support of nonprofit agencies with no reservation by the Board. The motion carried by the following vote:

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

Abstain: 1 - Commissioner Howard

[14-1073](#)

A continued discussion by staff regarding the Board's interest in regulating land use in the unzoned areas of the county.

Attachments: [Att1 15Dec14 BOC](#)
[Att2 15Dec14 BOC w maps](#)

Hillary Pace, Planner, continued the discussion on the options regulating areas in the unzoned areas of the county. Chatham is a partially zoned county. After October work session there was a general consensus about open use district zoning requiring heavy public input and follow up items were requested.

New commissioners had questions about what open use districts were. Ms. Pace reviewed.

Jason Sullivan, Planning Director, reviewed what is involved in undertaking a Comprehensive Plan.

Mr. Sullivan and Ms. Pace opened up the discussion for questions.

Commissioner Petty stated that he continues to hear from some people in the agriculture community that they are not being considered in the county's land use planning and zoning. He asked if there is a way to communicate to them that they are being considered. Mr. Sullivan stated they have been in contact with Sam Groce, Director of the Chatham County Cooperative Extension, and with members of the Agricultural Advisory Committee to communicate that staff does consider agriculture and it is part of the planning process. From a zoning standpoint, by the general

statue the county can't regulate agriculture. Mr. Sullivan stated that a comprehensive plan may help identify how the county wants to protect and identify these agricultural areas.

Commissioner Hales had questions about open zoning. She believes it sounds like an approach that would identify certain things that one must come to the Planning Board for. She asked why the heavy industrial zoning option was not chosen. Mr. Sullivan stated he believes it to be a band aid approach. It would be another standalone ordinance. An open use district uses the framework the county already has in place. The heavy industrial ordinance typically has more stringent regulations. Commissioner Petty stated you can also address those heavy industrial uses in an open use district zoning. Mr. Sullivan stated he was correct.

Mr. Sullivan stated the other consideration is the inventory of community businesses. The commisioners don't have to have community input on either approach. Staff does recommend, however, the inventory because it would establish a good baseline for the comprehensive plan.

Vice Chairman Cross asked, if at the input sessions, staff would have the initial list of uses generated. Mr. Sullivan stated staff would have some definite examples but it would be up to the Boardl as to what the full blown list would be. Vice Chairman Cross stated the Board should consider what the public does not want in that area.

Commissioner Hales asked if the county does open uses, then there is a land use plan and then they want to move to full zoning, would that be the time to think about a Unified Development Ordinance? Mr. Sullivan stated that is a different animal unto itself. Converting all of the county's documents to a UDO is a substantial undertaking. That is when you take all of your ordinances and combine them into one document. He stated you are also combining regulations with differing definitions into one document.

Ms. Pace stated you can incrementally add zoning or switch over to full zoning. A comprehensive plan provides for recommendations on how to do that. Commissioner Petty stated the open use accomplishes our objective by getting public input on what we want to do.

A motion was made by Commissioner Petty, seconded by Vice Chair Cross, to direct the Planning Department to initiate public discussion/community meetings. The motion carried by the following vote:

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

[14-1078](#)

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

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

Larry Hicks of the Chatham County Economic Development Corporation (EDC) presented the item to the Board. He stated they posted an advertisement for applications in July of this year and they received 16 applications. They interviewed all 16 applicants and in front of the Board is the recommendation of appointees by the EDC. Three board members are up for reappointment and four are being recommended for appointment.

Commissioner Howard asked if the County advertised. Debra Henzey, Community Relations Director stated the County did advertise August 1st with a deadline of September 30th. Mr. Hicks stated they also asked current EDC members to solicit for applications. We also asked members to solicit ideas for Board members. Commissioner Howard had questions about how the appointments had been done in the past. Vice Chairman Cross stated the Board of Commissioners found the EDC was better qualified than the BOC to find the applicants and asked the EDC to recommend them. Then the BOC approved them.

Commissioner Howard also asked how the recommended applicants were selected. Mr. Hicks stated they wanted to increase the diversity of the board. Demographics were a consideration. They had a high concentration of white males from the east and northeast. They were also looking at skill sets. The connections the applicants have start to leverage what they do at the EDC.

Commissioner Hales asked if a board member has to live in Chatham County. Mr. Hicks stated they do not. Chairman Crawford asked if they had concerns that someone who lives outside the county may have trouble getting here for meetings. Mr. Hicks stated that Lori Ford is here in the County 80% of her life so she should have no trouble making meetings.

After more discussion, Commissioner Howard stated she would like more time to review and discuss the applications.

A motion was made by Commissioner Howard, seconded by Commissioner Hales, to postpone the discussion to the Work Session on January 20, 2014. The motion carried by the following vote:

Aye: 3 - Commissioner Hales, Chairman Crawford and Commissioner Howard

No: 2 - Vice Chair Cross and Commissioner Petty

14-1082

Discuss a Resolution Opposing Coal Ash Disposal in Chatham County

Attachments: [Chatham County Coal Ash Resolution Signed Dec 15 2014](#)

This item was tabled until the Regular Session under Board Priorities.

End of Work Session

Regular Session - 6:00 PM - Historic Courthouse Courtroom

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

INVOCATION and PLEDGE OF ALLEGIANCE

CALL TO ORDER

APPROVAL OF AGENDA and CONSENT AGENDA

Commissioner Petty stated Item 14-1082 was moved from the Work Session to the Regular Session under Board Priorities.

A motion was made by Commissioner Petty, seconded by Commissioner Hales, that the Agenda and Consent Agenda be approved with the noted changes. The motion carried by the following vote:

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

[14-1077](#)

Vote on a request to approve the November 17, 2014 Work Session and Regular Session Minutes and the December 4, 2014 CIP Work Session Minutes.

Attachments: [November 17, 2014 Minutes DRAFT](#)
[December 4, 2014 CIP Minutes - DRAFT](#)

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

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

[14-0941](#)

Vote on a request to approve the Chatham County Zoning Impact Fee Ordinance, Section II, Definitions, to modify the definition of accessory dwelling unit for ordinance consistency.

Attachments: [Hyperlink](#)

A motion was made by Commissioner Petty, seconded by Commissioner Hales, that an Ordinance Amending the Impact Fee Ordinance of Chatham County, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

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

[14-0942](#)

Vote on a request to approve the Chatham County Subdivision Regulations to add a definition for utility lots and accessory dwelling units to Section 2. The request also includes clarification to Section 3, Security for Completion and Maintenance of Improvements, Section 5, Procedure for Subdivisions, Section 6.2 Additional First Plat Information, Sections 7.4, Lots, and addition of plat notes to Section 11 Appendix A: Certification Forms for Initial and Final Approvals.

Attachments: [Hyperlink](#)

A motion was made by Commissioner Petty, seconded by Commissioner Hales, that an Ordinance Amending the Subdivision Regulations of Chatham County, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

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

[14-0943](#)

Vote on a request to approve the Chatham County Watershed

Ordinance to include Sections 302, Watershed Areas Described, to exempt minor utilities from minimum lot size requirements; Section 109, General Definitions, adding a definition for accessory dwelling unit.

Attachments: [Hyperlink](#)

A motion was made by Commissioner Petty, seconded by Commissioner Hales, that an Ordinance Amending the Watershed Protection Ordinance of Chatham County, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

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

[14-0944](#)

Vote on a request to approve amendments to the Chatham County Zoning Ordinance Section 7, Definitions, to include a definition for minor utility and major utility, to modify the accessory dwelling unit definition; Section 10 Schedule of District Regulations, to exempt minor utilities from minimum lot size requirements and to remove existing public utility language and add minor and major utilities to the Zoning Table of Uses; Section 5 Conditional Zoning Districts, to include an additional required finding.

Attachments: [Hyperlink](#)

A motion was made by Commissioner Petty, seconded by Commissioner Hales, that Resolution #2014-49 Approving Text Amendment to Sections 5, 7, 10, 10.13 of the Zoning Ordinance of Chatham County, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

A motion was made by Commissioner Petty, seconded by Commissioner Hales, that an Ordinance Amending the Zoning Ordinance of Chatham County, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

[14-0951](#)

Vote on a request to approve F-L Legacy Owner, LLC for a Conditional Use Permit revision on the existing Planned Residential Development called The Legacy, located at Parcels 17378 and 89437, off Big Woods Rd., New Hope Township, to revise the site plan/sketch design to site the primary amenity area, relocate some residential lots, and to reconfigure some roads rights-of-way. This request will not be adding additional residential lots or new land areas.

Attachments: [Hyperlink](#)

A motion was made by Commissioner Petty, seconded by Commissioner Hales, that the Resolution #2014-50 Approving a Revision to a Conditional Use Permit Request by F-L Legacy Owner, LLC on Parcel No. 17378 and 89437,

attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

[14-0987](#)

Vote on a request to approve Carolina Meadows, Inc. for a Conditional Use Permit revision to increase the size for the new Health Center located in Area B up to 130,000 sq. ft., an increase in the number of allowed beds from 100 to 120, and to construct 100 residential units in Area C where the current Health Center is located, Parcel Nos. 62114, 64734, 20033, and 74450, Williams Township.

Attachments: [Hyperlink](#)

A motion was made by Commissioner Petty, seconded by Commissioner Hales, that Resolution #2014-51 Approving a Revision to a Conditional Use Permit Request by Carolina Meadows, Inc. on Parcel No. 62114, 64734, 20033, 74450, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

[14-0988](#)

Vote on a request to approve Kunal Enterprises LLC c/o George Farrell, Jr., for a Conditional Use Permit revision to expand the uses currently on the property, Parcel No. 70029, located at 12820 US 64 E, and to deed restrict approximately 17.829 acres, Parcel No. 69707, located on Marshall Rd., as non-buildable to offset the impervious surface expansion on the commercial property.

Attachments: [Hyperlink](#)

A motion was made by Commissioner Petty, seconded by Commissioner Hales, that Resolution #2014-52 Approving a Revision to a Conditional Use Permit Request by Kunal Enterprises, LLC c/o George Farrell, Jr. on Parcel No. 70029, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

[14-0997](#)

Vote on a request to approve Maternal Health Funds Reduction \$991.00

Attachments: [Agreement Addendum - \\$991.00 Maternal Health Funds Reduction.pdf](#)

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

[14-1034](#)

Vote on a request to approve the reappointments to the Community Advisory Committee (Nursing Home & Adult Care Homes)

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

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

[14-1058](#)

Vote on a request to approve Family Planning Funds Reduction \$1,105

Attachments: [Agreement Addendum - \\$1,105 Family Planning Funds Reduction.pdf](#)

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

[14-1061](#)

Vote on a request to approve additional TB Funds \$28.00

Attachments: [TB Control Additional Funds.pdf](#)

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

[14-1063](#)

Vote on a request to approve Immunizations Education and Outreach Funds \$3,298

Attachments: [Agreement Addendum - \\$3,298 Immunization Funds.pdf](#)

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

[14-1064](#)

Vote on a request to approve Environmental Health NACCHO Additional Funding

Attachments: [Checks \\$11,563.06.pdf](#)

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

[14-1065](#)

Vote on the request to approve EH Association of Food & Drug Officials Funds \$1,277.05

Attachments: [Check \\$1,277.05.pdf](#)

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

[14-1066](#)

Vote on a request to approve the Tax Releases and Refunds

Attachments: [November 2014](#)
[November 2014](#)

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

[14-1067](#)

Vote on a request to approve an appointment to the Board of Equalization and Review

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

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

[14-1068](#)

Vote on a request to approve "First Amendment to the Interlocal Agreement for the Maintenance of the American Tobacco Trail and Development of Park Facilities"

Attachments: [ATT--FirstAmendmentToInterlocal](#)

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

[14-1072](#)

Vote on a request to approve Brantley Powell on behalf of HBP Properties, LLC for a twenty-four month extension of preliminary plat expiration for balance of The Estates at Legend Oaks, Phase III, consisting of 23 lots, to extend the preliminary plat expiration date from

July 1, 2015 to July 1, 2017.

Attachments: [Hyperlink](#)

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

[14-1074](#)

Vote on a request to set a public hearing for January 20th, 2015, for a proposed county-initiated text amendment to the Chatham County Zoning Ordinance Section 18, Board of Adjustment, to update the ordinance in response to statutory changes.

Attachments: [BOA Edits 18AUG14boc](#)

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

[14-1076](#)

Consideration of a written offer on a foreclosed property and consideration of a resolution to begin a negotiated offer, upset bid advertisement.

Attachments: [Upset Bid Property Disposal Resolution-WrenSmithParcel#72238 OFFER-PARCEL#72238 WRENN SMITH RD](#)

A motion was made by Commissioner Petty, seconded by Commissioner Hales, that Resolution #2014-53 Declaring Real Property Surplus and Authorizing the Sale of Said Property in the Negotiated Offer, Advertisement and Upset Bid Process, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

[14-1069](#)

Vote on a request to approve the FY 2016-2022 Capital Improvements Program.

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

[14-1081](#)

Vote on a request to approve Agreement with Chatham County Schools regarding assumption of owner-architect contract and contract with Harrod and Associates for construction of the joint school bus/county garage.

Attachments: [BusGarageConstructionContract](#)
[AgreementOnAssumptionofOwner-ArchitectAgreement](#)

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

End of Consent Agenda

PUBLIC INPUT SESSION

Russell Roberson stated he has been a resident of Chatham County his whole life and he has been going through some difficulties. He lost his home in a foreclosure and he owns another piece of property and cannot afford the impact fee. He would like his impact fee waived and he understands it has been done before several times and he thought he would just ask for a waiver. Chairman Crawford asked what the procedure is for such a request. The County Manager stated it is an ordinance that was adopted several years ago to support the school system and to his knowledge no impact fee has ever been waived. He does however understand the trials that Mr. Roberson is going through. If we waive the impact fee we then set ourselves up to have many other requests similar to this. Vice Chair Cross stated he would have the the County Attorney check the State's authority for us to do that. He believes it has to be charged in every case and he doesn't believe the Board has the authority to waive it. Commissioner Petty stated it is not something you want to make a decision on tonight. Chairman Crawford stated the Board has heard the request and thanked him for his time and said the Board would be in contact with him. Mr. Roberson said he wanted to know how to check into this. He has a couple of people's names where it has been waived.

Chairman Crawford asked him to provide the Clerk with the names of those individuals and the Board would verify those names. Mr. Roberson stated he would get in touch with the Clerk this week.

Sue Clark, 29 Caswell, Chatham County, read the following comments into the record:

On behalf of the Library Advisory Committee, I would like to thank you for your continued support of the Chatham County Public Libraries. We have a terrific county and have enjoyed the benefits of your attention and continued desire to serve our county well in this area. In the past year the library obtained grant funding to hire a consultant to develop a strategic plan for the library. An outcome of the study was that Chatham County needs equitable services throughout the system and that libraries today provide many opportunities that were not available in the past. Growth is the key to Chatham's future. There are many factors that contribute to attracting employers to an area, not least of which is a community that invests in its future through its youth. Libraries play a critical role in connecting families with materials and programs that promote learning and skill development. The Strategic Plan 2014-2017 recommends that Wren Memorial and Goldston Public Libraries have an increased access to children's library services by adding professional library staff to be shared by both of them. Chatham Community Library has been able to create

well-attended programs and develop a collection of materials to encourage families and young readers to read. Now it is time to develop those same environments to benefit children in the branch libraries.

She read quotes from NC State Librarian, Cal Shepherd who said; "Libraries are becoming the living rooms of our communities." and by NC State Secretary of Cultural Resources, Susan Kluttz who said; "Libraries are not your Mother's library anymore". She also quoted Valerie Foushee, NC Senator who said; "Reading opens up whole new worlds, read everything ... quite often you will find you have gained valuable information you are able to bring into a conversation (paraphrased)" and Robert Reives II - NC Representative, District 54 who said; "Libraries gave me the books my parents could not. ... The day after I finished Law School I delighted in knowing I could again read any book I wanted to."

Judy Hogan read the following comments into the record:

My name is Judy Hogan and I speak to you to ask you to do all you can to stop the coal ash dumping in Brickhaven near Moncure. I consider the two main issues of our time being, first, to take care of our planet Earth and not to pollute it so badly that we destroy the only home we have. Second, we human beings need to learn to see all other people who share our planet village as equally human, so that we never reduce any group to being sub-human or unimportant. If we can learn these two things, then we may save our human race and our only possible place to live in this universe of ours. At present the American justice system has allowed a major flaw, which flies in the face of the American Constitution for it is allowing corporations to be treated as single human beings. For these corporations we are sub-human. They are focused on their profits and so they feel free to create waste, which harms human beings as fracking does, and as coal-burning does, and then dispose of that waste in such a way that we real human beings will suffer soil, air, and water pollution and the health and life expectancy effects of that. Our North Carolina Legislature is allowing our only public utility company, Duke Energy, to dump its dangerous coal ash wherever it wishes without consulting the local jurisdictions, our towns, and counties. All they need is a permit from the Department of Environment and Natural Resources (DENR). Duke plans to bring up to 20 million tons of coal ash from the Charlotte and Wilmington areas by truck and rail to dump in the Moncure (Brickhaven) and Sanford Colon Rd. areas. They further have the gall to say it won't hurt us. We have learned that these corporate "people" lie whenever it suits them. I personally heard the lies when their illegal behavior had already been documented last spring. The Duke staff told me that the coal ash flowing into our water source in the Cape Fear River was below the Sanford water intake, when in reality it was above it. An aerial map documents this. We citizens appreciate whatever our BOC can do. We need you.

Pam Fulk, speaking on behalf of Chatham Animal Rescue and Education (C.A.R.E.). Wants to thank the Board, C.A.R.E. works with Animal Services on a regular basis and they appreciate the approval of the Capital Improvement Plan which includes the animal shelter. They look forward to working with the Board in the future.

Elaine Chiosso read the following comments into the record:

There are many pollution issues threatening the Haw River and Jordan Lake in

Chatham County that could be greatly improved by action from the Chatham County Commissioners.

Fracking: Southeast and east Chatham are in the Triassic Basin where fracking for shale gas could begin in 2015. The Chatham County Commissioners can take the lead on actions to protect our people, land and waters from the dangers that fracking can bring since clearly our state is not planning on doing so.

Jordan Lake: The legislative decision to continually delay the implementation of the Jordan Lake rules and instead install Solarbees is a travesty - and great disservice to all who use the Lake for drinking water and recreation. Almost all of Jordan Lake is within Chatham County, and we need you to be champions for strong protections now.

Chatham Park: The Chatham Park Master Plan created by Chatham Park Investors and approved by Pittsboro provides few protections for streams and wetlands, and no protections for steep slopes, highly erodible areas, and Natural Heritage areas. The Chatham County Commissioners can play an important role in protecting the Haw River and Jordan Lake from sedimentation and polluted storm water runoff resulting from this immense project. Actions the Chatham County Board of Commissioners (especially the three new Commissioners) should consider include the following.

- Support the efforts by HRA and other Chatham environmental organizations to demand a comprehensive Environmental Impact Analysis be done of the entire acreage at Chatham Park before the Army Corps and the state issue permits for construction that disturbs streams and wetlands.*
- Request Pittsboro to work with Chatham County in the development of a "Unified Development Ordinance" that covers not only Pittsboro, but also, eastern Chatham County.*
- Take steps to ensure water allocations for Chatham Park are part of a larger water allocation and water conservation plan that includes, and is acceptable to, Chatham County without endangering either the Haw River or Jordan Lake during droughts. The wastewater system for Chatham Park must also not endanger Jordan Lake, the Haw River and the Lower Haw River State Natural Area that is such a valuable resource for Chatham County*
- As provided by North Carolina statutes, initiate procedures to take back under Chatham County jurisdiction those Chatham Park properties granted to the Town of Pittsboro for their ETJ on two occasions by Chatham County Coal Ash is now a front burner issue for Chatham County after Duke Energy announced their plan to send up to 20- 30 million tons or more from ash dumps in Charlotte and Wilmington to abandoned clay pits in Chatham and Lee counties once used by brick companies. The 5 coal ash ponds that are the toxic legacy of the Moncure Cape Fear Coal Plant" sit right on the Cape Fear River in Chatham County. These coal ash waste ponds are leaking toxins into the river and are considered one of the most dangerous of all the ash pond sites in the state with threat of a breach that could send tons of coal ash into the Cape Fear River. These ash ponds are just 2 miles from the Brickhaven clay pit site being eyed by Duke Energy. We do not want millions of tons of ash being trucked into southeast Chatham from all over the state for disposal. But we consider carefully the idea of using the Brickhaven clay pit site for disposal of (and only of) the Cape Fear ash.*

Thank you for your consideration and attention to these serious issues.

Barbara Lori welcomed the new Board members. She represents the citizens of Chatham County and would like to talk about the environment. She would like to have back the Environmental Review Board. She would like more emphasis placed on how we get around our county such as bike paths, walking paths and community

buses and ways to get around without carbon dioxide in the air. She would also like to deal with the racial issues in our county. We do have racial issues we just don't talk about them.

Martha Giralami submitted the following comments into the record:

Duke Energy has decided unilaterally on using the Brickhaven clay mine as the environmental solution to its coal ash disposal problem without any input from the Chatham BOC and Moncure area residents. This is a stunning loss of Chatham's control of its authority, rights and resources. We should be very angry and disturbed that we have had no voice. In the past two weeks, local people have tried to catch up with Duke Energy by participating in the following.

1. Formed a grass roots opposition group, developed a website and flyer.
<http://nocoalash-chathamconc.org>
2. In Lee County: There is good coverage by the Sanford Herald about the opposition to coal ash dumps in old clay mines. The Lee County BOC held a special hearing on coal ash disposal.
3. Duke Energy held two information sessions on their disposal plan. I do not think that Chatham County outside of the Moncure area is engaged in this issue to the extent citizens in Lee County are. Do you know that according to a DE employee, that the Chatham clay pit in Brookhaven will be used first and maybe later those in Lee? Also that disposal will start in March or April 2015?

Here is a partial list of what the Chatham BOC should consider doing. We need your opposition and request to be on record with DENR, Duke Energy and to be publicized. We need all of us to be making waves.

1. The Chatham BOC should pass a resolution opposing this undemocratic and environmentally unsound project.
2. Chatham County must move rapidly on zoning. I do not know what the zoning status of the Moncure area is or what type of changes to the zoning could be more protective. Also take into account DE's plan to develop a 1500 acre industrial site near the Cape Fear Power Plant.
3. The Chatham BOC needs to have its ERC and appropriate departments become expert on the DE permits; map the area of impact; determine the residences impacted; conduct its own EIA.
4. The Chatham BOC should request a full environmental impact assessment of the coal ash dump plan. They should make sure there is an air permit as dusting is often a problem with ash material handling and storage.
5. The Chatham BOC must insist that DE retains the liability and continues groundwater monitoring forever if the coal ash is dumped at Brickhaven.

Other unresolved issues and thoughts: Will Lee County approve Chatham County's leachate for treatment? Will the Brookhaven clay mine reclamation site become a regional dumping ground for coal ash. Waste disposal is a commercial business and you can't limit interstate commerce. What does Chatham county get out of this?

Jeffrey Starkweather stated he thought he needed to address the Economic Development Corporation discussion after attending the work session earlier in the afternoon and having served six years on the EDC and being an author of their bylaws. He thanked the Board for the vote for postponing the decision to vote on the

EDC appointments because he thinks it is important. When they setup the bylaw process, the whole idea was that the new commissioners would have input appointing people to serve on the EDC. Very similar to what you just did with the nonprofits board, the Board should set the priorities of what board members you think should be on there. In his opinion the EDC has gone in a different direction than originally planned. It wasn't just supposed to represent big corporations or different interests trying to get big industries here. We talked about having farmers, small business people, nonprofits because economic development is a lot more than just bringing in new industries. He heard two things that were incorrect. One is the idea that they met confidentially. Appointments, as you will learn quickly, are not an exception to the open meetings law. They have to do that out in the open. The process was set up so that when the new commissioners come in they would advertise for positions, each of the new commissioners who were elected have nominees, now the bylaws haven't changed. There are rules for changing the bylaws. Those nominees would have to go through the same process that anyone else who applied did. Then whoever reviewed the nominees would recommend to the EDC and the EDC would recommend to the Board and pass along all the other applicants. He had the minutes from the last time it was discussed and there was never a formal decision to go away from nominees and the bylaws were never changed. He doesn't think that has been decided. What did happen and what this previous Board did (and he was totally opposed to it) in the past all the other board members respected people's nominees and approved them. We had a person from the planning board that got rejected. He is not sure if it was Sally's or Mike's appointment. A person from the ERB was rejected. He was supposed to be Sally's appointment and was rejected as well. He thinks it might be a good idea if early on in its work sessions the Board address this in more detail and decide what direction it would like to go.

BOARD PRIORITIES

[14-1079](#)

Presentation of the GFOA Certificate of Achievement for Excellence in Financial Reporting.

The Chairman read a little about the achievement into the record.

He stated that the Certificate of Achievement for Excellence in Reporting is the highest form of recognition in the area of governmental accounting and financial reporting and its attainment represents significant accomplishment by a government and its management.

The Chairman presented the Certificate of Achievement to Vicki McConnell, Finance Officer for Chatham County. Ms. McConnell thanked the Chairman for the award.

[14-1082](#)

Discuss a Resolution Opposing Coal Ash Disposal in Chatham County

Attachments: [Chatham County Coal Ash Resolution Signed Dec 15 2014](#)

The Chairman read the resolution into the record.

Discussion on the resolution followed.

Commissioner Hales stated all the commissioners who were in town did go to the Duke Energy meeting at the Sheron Harris Plant. Having received their information and their assurances that the toxins were a very tiny part of the coal ash compared to other information from other reports including toxicologists, she does believe we do have a health risk for the county not only at the site itself but also in transporting the ash. She believes the current distribution of a resolution goes to our local delegates. If the resolution is passed she would like to send it to every member of the Coal Ash Commission, who has been newly appointed. She would also suggest that the entire Environmental Review Commission be copied on it as well. Lee County is also trying to establish a hosting fee if they are going to become the dump site and they did not generate any of it. Chatham on the other hand has the Moncure coal ash pits. Those pits have leaked and are also in jeopardy. They are only in distance about two miles and that ash would not be moved from the site in to the Brickhaven clay pit if the clay pit goes forward. She believes the ash that is going to be moved first is going to be moved from the Charlotte area. The Moncure ash would continue to sit on the Cape Fear River. She is very much in favor of passing a resolution.

The County Manager addressed a couple of issues raised by Commissioner Hales. First, the Cape Fear ponds, Vice Chair Cross and Commissioner Petty can substantiate a conversation they had with Duke Energy that we have implored them to make the Cape Fear one of their priorities. Secondly, one of the options we want you to consider at one point along the line is a host fee

Commissioner Petty asked if those two items should be included in the resolution. Vice Chair Cross stated the EPA report will be out Friday and that may change the whole situation. He would suggest doing this resolution and nothing will stop them from doing another one if they feel it is necessary.

Commissioner Howard stated that in a second resolution they may want to include a statement about the impact that it is going to have on marketing this super site adjacent to the coal ash pit.

Vice Chair Cross stated there may be enough public outcry, the legislature is back in session in January and the EPA report will be out on Friday. A lot is going to happen shortly. It might be a little early to add too many things to the resolution. This was an information forum that Duke Energy had. They are not required to have public hearings. DENR is required to have public hearings before they permit projects.

Commissioner Howard asked if we had heard anything about when they wanted to start.

The County Manager stated sometime in the spring of 2015. They are trying to work on the permits for the clay pit and all the upfront work that will be required prior to the actual transport and disposal. Their long range plan is to bring the coal ash by rail car but their short term plan is 150 trucks per day.

Vice Chair Cross stated it would take them six months to get the railroad spur in down to the dump.

Commissioner Hales stated the owner of the property has to give permission to the railroad.
to build the spur. Chairman Crawford stated there would have to be some formal easement created as well.

Vice Chair Cross stated if we have to take the coal ash and they build a railroad it might be an advantage to the industrial park. But that is not what they want and that is not what they are talking about. They are talking about coal ash. He doesn't want to be the host to it but if the County has to he wants a lot of money for it.

Chairman Crawford asked if there were any amendments or wording changes any of the members would like to make to the resolution.

Commissioner Hales had a question on the resolution where it talked about the limitations on local land use or zoning ordinance provisions. She believes it is unzoned area. The Board said it was zoned heavy industrial. Jason Sullivan, Planning Director, stated the zoning on the site is mixed. The bulk is R1 which is a residential zoning. The mining operation that is there is a grandfathered use. There is a portion that has a conditional use heavy industrial district rezoning and the conditional use permit for that portion of the the property is mining specifically. So it is a blend of zoning. The activities are heavy industrial but the zoning is not consistent with heavy industrial zoning classification.

Commissioner Hales asked if the owner of the mine has to go through the planning process and is there an opportunity to get an EIS at that time. Mr. Sullivan stated the way the General Statute is written he doesn't believe there is but they can discuss that with the County Attorney. Commissioner Hales realizes the legislation is going to tie everything up in knots but is there still a way for the County to have jurisdiction for requiring and EIS based on health impacts. Vice Chair Cross stated only if you get the Legislature to change the law. Mr. Sullivan stated not under the current regulatory mechanism.

Chairman Crawford asked if there was any way to see their plans since we are legally cut out of the process all together. Do we have to wait until they go before the mining committee?

Mr. Sullivan stated at this point he believed we could request their plans but did not know if they legally have to give them to us. Chairman Crawford asked if the Board has to do a resolution to do that request.

The County Manager stated it can be a motion from the Board. In their early discussions the Duke Energy folks were willing to come talk to the Board about the particular issues. His recommendation is to do the resolution, then invite Duke Energy to present at a Work Session and then figure out your next steps after you have heard them, see what the EPA is going to recommend and see what options are available.

Commissioner Howard asked about Chara coming to present.

The County Manager stated when he said Duke Energy, Chara is going to be a part of that. Commissioner Petty stated they usually present together.

Commissioner Howard stated the Board is going to have to be very specific in its request.

The County Manager agreed. Chairman Crawford stated he would also like to hear

from Green Meadows, LLC.

Commissioner Hales does like the resolution as it gets us on record and wants to broadly get it out there.

A motion was made by Commissioner Hales, seconded by Commissioner Howard, that Resolution #2014-54 Opposing Coal Ash Disposal in Chatham County, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

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

14-1018

Vote on a request to adopt a Resolution Setting the Time and Place for Meetings of the Chatham County Board of Commissioners for Calendar Year 2015

Attachments: [2015 BOC Meeting Calendar Resolution and 2015 BOC Meeting Dates and 2015 Employee Holiday Calendar Vs. 1 with Attachment A](#)

After some discussion, the Board agreed to adopt the original schedule meeting the third Monday of the month at 6pm with a possible afternoon work session and amended the schedule allowing the Board to reserve the right to meet the first Monday of the month at 10am.

A motion was made by Commissioner Hales, seconded by Commissioner Howard, that Resolution #2014-55 Setting the Time and Place for Meetings of the Chatham County Board of Commissioners for Calendar Year 2015, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

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

14-1070

Vote on a request to approve an Interlocal Agreement with Chatham County Board of Education for Sale of Jack Bennett Road site

Attachments: [JackBennettInterlocalAgreement](#)

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

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

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

MANAGER' S REPORTS

The County Manager had no reports at this time. He wished everyone a Merry Christmas

COMMISSIONERS' REPORTS

Commissioner Petty stated he would email everyone the North Carolina Association of County Commissioners request to prioritize federal issues that impact Chatham County.

ADJOURNMENT

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

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