

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING, MARCH 16, 1998**

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The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in regular session in the Superior Courtroom, Pittsboro, North Carolina, at 7:00 P.M. on March 16, 1998.

Present: Chairman Margaret Pollard; Vice Chair Betty Wilson; Commissioners Uva Holland, John Grimes and Henry Dunlap; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Assistant County Manager, Reneé Dickson; and Clerk to the Board, Sandra B. Lee

Commissioner Dunlap entered the meeting at 7:25 PM.

The meeting was called to order by the Chairman at 7:00 P.M.

**AGENDA**

- The Chairman asked if there were additions, deletions or corrections to the Agenda.  
  
County Manager, Charlie Horne, asked that Item #5, Resolution for Local Government Tax Reform and Item #23, Contract with Economic Development Corporation be removed from the Agenda.  
  
Commissioner Wilson moved, seconded by Commissioner Holland, to approve the Agenda with the noted requests. The motion carried five (5) to zero (0).

**CONSENT AGENDA**

- The Chairman directed the Clerk to the Board to read the Consent Agenda. Commissioner Wilson moved, seconded by Commissioner Holland, to approve the items listed on the Consent Agenda as read by the Clerk.

1. **Minutes:** Consideration of approval of Board Minutes for regular meeting held February 16, 1998 and the Legislative Delegation Meeting held February 19, 1998

The motion carried four (4) to zero (0).

2. **Resolution #98-04 for Street Addition to the North Carolina System of Secondary Roads – Olde Spring Road:** Consideration of a request to approve Resolution #98-04 for the Addition of Olde Farm Road in the Olde Spring Subdivision to the North Carolina System of Secondary Roads, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

3. **Resolution #98-05 for State Support for English as Second Language Teachers (ESL):**

Consideration of a request to approve Resolution #98-05 for State Funding of School "English as a Second Language" (ESL) Program, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

4. **Resolution #98-06 to State Requesting Property Tax Discount for the Elderly:** Consideration of a request to approve Resolution #98-06 Requesting

Consideration of a Property Tax Discount for the Elderly, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

- ~~5. **Resolution for Local Government Tax Reform:** Consideration of a request to approve Resolution for Tax Reform, attached hereto and by reference made a part hereof.~~

The item was removed from the Consent Agenda.

6. **Variance Request from Subdivision Regulations and Sketch, Preliminary, and Final Approval:** Consideration of a request by Annabel Teague Powers for a variance request from the Subdivision Regulations, Section 6.4C. (1) Residential Lots, and for sketch, preliminary, and final approval for map entitled "Elaine Powers Partin and Gladys K. Teague" dated January 6, 1998 prepared by Rufus L. Johnson, RLS

The motion carried four (4) to zero (0).

7. **Final Subdivision Approval for Price Creek Subdivision, Phase I:** Consideration of a request by John McPhaul for subdivision final approval for Price Creek Subdivision, Phase I consisting of 9 lots on 18.31 acres off SR #1531 (Booth Road) in Baldwin Township

The motion carried four (4) to zero (0).

8. **Resolution #98-07 for Abandonment of Existing Railroad Crossing:** Consideration of approval of Resolution #98-07 for an abandonment of an existing railroad crossing at Christian Chapel Road (SR #1912) and the establishment of a new railroad crossing and re-aligned 1,785 ft. road at a location approximately 950 feet northeast

The motion carried four (4) to zero (0).

9. **State Funds Acceptance for Environmental Health:** Consideration of approval to accept additional State funds in the amount of \$1,601.48 for the Environmental Health Services Program, **Budget Amendment #59**, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

10. **Ryan White Funds Acceptance:** Consideration of approval to accept additional Ryan White Funding in the amount of \$3,000 awarded to the Health Department's HIV/AIDS Case Management Program, **Budget Amendment #60**, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

11. **Breastfeeding Funds Acceptance:** Consideration of approval to accept Breastfeeding Mini-Grant Funds awarded by the Division of Women's and Children's Health to the Health Department in the amount of \$2,000, **Budget Amendment #61**, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

12. **Bad Debt Write-Off for General Health Services Division:** Consideration of approval of bad debt write-off for the General Health Services Division of the Health Department, a copy attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

## **END OF CONSENT AGENDA**

### **PUBLIC INPUT SESSION**

There was no one present who wished to make public comments.

### **PLANNING AND ZONING**

#### **Public Hearing**

**Chatham County Subdivision Regulations:** Public hearing to receive public comments on amendments to the County Subdivision Regulations concerning subdivision road standards for emergency vehicle turn-arounds

**Karl Kachergis**, 1067 Morris Road, Pittsboro, NC, stated that there was a definite need for an ordinance regulating the emergency vehicle turn-arounds, because there are some drives that serve more than one house that can not handle emergency vehicle traffic.

#### **Public Hearing**

**Ordinance Amendments to Provide for Regulation of Swine Farms:** Public hearing to receive public comments on the ordinance amendments to provide for the regulation of swine farms

**Nicholas Herman**, commented on the four principal changes from the previous version of the ordinance as follows:

1. Financial responsibility requirement: Deals with having all operators of swine farms provide adequate security to abate violations or clean up spills; Stated that a certified guarantee would enable operator to contract with County to provide sufficient funds to pay for potential damages. CHANGE: Method has been deleted. Other methods still remain.
- 2, 3. All deal with setback requirements. Two different types of setback requirements. One type called for operator to distance lagoons and swine houses from residences, child care, etc. Second type

was that all operators could not apply liquid animal waste within 500 feet. CHANGE: Both setback requirements include institutional and governmental buildings in setback requirements. 2nd CHANGE: Threshold of animal waste management system (lagoons or houses) were 500,000 lbs. are now, 400,000 lbs.

4. New addition to setback requirements: Section 11, Subsection D, - Vested rights provision for existing swine farm operations: Existing farms may be exempt from both setback requirements if, and only if, the operator shows the Health Department, within 90 days, that the operator (1) Made substantial revenue; (2) Is in good faith; and (3) Is in reliance of a valid state permit. Does not mean existing farm would be exempt from any other parts.

## Ordinance Proponents

**Barbara Lorie**, 117 Blue Heron Road, Pittsboro, NC, stated that she was speaking to promote a cleaner, saner environment, not the destruction of family farms; that swine excrement is spoiling lands and water in North Carolina; that she does not want this to happen in Chatham County; that the ordinance will help to eliminate this problem; that the need is to concentrate on more than just lagoon operations; that the North Carolina General Assembly has directed the Department of Agriculture to develop a plan to phase out lagoons and spray fields; that the DENHR is also involved; that their request is not extraordinary any longer. They asked that the Boards of Commissioners and Health pass the ordinance and keep the faith for all citizens of the

County. Ms. Lorie presented written comments, attached hereto and by reference made a part hereof.

**Rick Dove**, Neuse River Keeper, sponsored by the Neuse River Foundation, presented a slide presentation, showing January as a very wet month and the effects of swine excrement in the Neuse River watershed. He stated that he supported local ordinance control. Written comments are attached hereto and by reference made a part hereof.

**Betty Carter**, 671 Carter-Brooks Road, Siler City, NC, stated that claims made stating that regulations imperil the food supply are totally false; that more than 20% of pork goes to foreign markets; that the federal government (our tax dollars) subsidizes the large pork producers in times of low pork prices; that on February 20, 1998, in a news release, the Secretary of Agriculture announced that the USDA will purchase up to \$30 million worth of pork products to help improve prices to hog producers; that growth is being fueled by growth in foreign markets; that there is nothing wrong with exporting meat products, but it should not be done at the expense of the quality of life in Chatham County. A copy of the news release presented to the Clerk is attached hereto and by reference made a part hereof.

**Elaine Chiosso**, 1076 Rock Rest Road, Pittsboro, Executive Director of and representing the Haw River Assembly, stated that the Haw River Assembly was a non-profit citizen group dedicated to protect Haw River and Jordan Lake; that they have been at work since 1982; that they work to stop water pollution from all sources, residential, industrial, and agricultural; that they support the swine ordinance and Health Board rules as crucial tools needed to protect surface waters in Chatham County; that the influx of intense swine operations could damage rivers and lakes in the County; that the Haw River and Jordan Lake, both sources of drinking water, are already plagued with excessive nutrients such as nitrogen and phosphates; that the Deep, Cape Fear, and Rocky Rivers flowing through the County are also threatened by too many nutrients; that the Health Board Swine Operation Rules and Chatham County Swine Ordinance provide sensible and reasonable regulations; that they believe that the proposed vegetative buffers along streams, well testing and financial assurance of lagoon closure are what is needed to protect our valuable water resources; and that they applaud

the work in creating the Swine Health Rules and County Ordinance strongly support their enactment. Written comments are attached hereto and by reference made a part hereof.

**Ann Von Gruenigen**, 980 Hal Clark Road, Siler City, NC, stated that she was speaking on behalf of the farmers who support the regulations; that some of the farmers are reluctant to voice their support because they feel intimidated by the Agribusiness Council; that she supports swine specific regulations important to protect other farmers; that she opposes language within the proposed new regulations; that she is highly insulted that proposal refers to swine operations as “farms”; that her beef cattle operation is a “farm”; that she lives and works there everyday; that hog farms are not farms but are industrialized operations. She requested an amendment to the language to refer to the intensive swine operations as “operations”, “facilities”, “industries”, “ILOs”, etc.

**Steven Seilkop**, 3942 Rives Chapel Road, Siler City, NC, thanked the Commissioners and the Board of Health for the public input they have considered on this issue and that he would like to take the opportunity to dispel several of the misconceptions and myths that he has heard in the public debate: 1) “We don’t need an Ordinance since we have only four hog operations in the County.” Approximately one year ago, a twenty thousand sow operation was being planned for a site in southern Chatham County near housing developments and family farms; that sprayfields planned for this operation were adjacent to backyards and had drainage ditches running directly into the Deep River; that the reason this operation is not here today is that the prospective operator had a track record of serious violations at other facilities that ultimately kept him from obtaining a permit; that we need this ordinance to gain better control over where these huge operations might locate in the future. 2) “The State has recently put into place stringent swine regulations. We should give them time to work.” The new swine regulations are only slightly different from those that have resulted in severe problems in eastern North Carolina; that there has been no State commitment for research into improving odor control technology and phasing out lagoon systems, but that is far in the future; that if the new and improved State regulations are to be tested, that the experimenting should be done

somewhere outside of Chatham County. 3) “We don’t need additional regulations since health departments already have the right to declare hog operations a “public health nuisance” and shut them down.” That because health directors have this right, it does not mean that the health director can shut down an operation just because all of its neighbors complain about the way it smells or because their property is severely devalued. 4) “The Ordinance imperils our agricultural economy in Chatham County.” The ordinance is a swine ordinance and does not say anything with regard to other kinds of livestock; and that the Ordinance is a compromise that allows large hog operations, but with reasonable rules to control their location, and oversight and monitoring capabilities to assure that they do not become problems. He further stated that it is the responsibility of the County Commissioners to regulate swine industries to assure the County’s economic well-being, to preserve the quality of life, and to protect the County’s natural resources. Mr. Seilkop presented written comments, attached hereto and by reference made a part hereof.

**Dan Graham**, PO Box 444, Goldston, NC, spoke in support of the swine rules and regulations and asked that the Commissioners adopt the new swine ordinance.

**Steven Wing**, 595 Big Branch Drive, Pittsboro, NC, spoke with regard to his experiences in Halifax County, first county to adopt Intensive Livestock Ordinance (ILO) regulations. He stated that the residents who live in close proximity to the operations, have had contamination of wells through sprayfields; that lagoons are also a concern; that there are real health concerns about people who live in the immediate area of these facilities; that lives are affected by the intensity of the odors. He urged the Commissioners to adopt the regulations.

## **Ordinance Opponents:**

**Frank Whitaker**, 2338 Oak Ridge Road, Oak Ridge, NC, Chief Appraiser for North Central Farm Credit headquartered in Greensboro, NC, stated that he is opposed to the regulations. He addressed setback requirements, how they affect the livable space in the County and how they adversely affect the economic viability of the swine operation. He presented a setback requirements handout, attached hereto and by reference made a part hereof.

**Tommy Emerson**, 186 John Emerson Road Siler City, NC, stated that as a lifelong resident of Chatham County and as a director of the Chatham County Agribusiness Council, he opposes the proposed amendment and ordinance; that the Federal Environmental Protection Agency recently announced guidelines to be used in the development of regulations for the Clean Water Action Plan; that the four primary criteria the agency has agreed to use in the guidelines are as follows: 1) Are the regulations affordable to the farmer? 2) Are the regulations cost effective? 3) Are the regulations based in good science? 4) Do the regulations recognize variations among operations? He asked if similar criteria has been established for the ordinance under consideration. He stated that the proposed ordinance mandates that swine farms be located in areas zoned industrial; that if the extra baggage that comes with industrial zoning in and of itself would defeat any such proposed zoning for a farm in Chatham; that the requirement for a farmer to make a cash deposit or provide a deed of trust on the farm to cover the costs of lagoon closures is an affront; that even criminals are not required to post bond until they commit a crime; that the implication is that the County considers the construction of an approved waste management facility to be a crime; that people who are creating environmental problems need to be held accountable under existing laws and regulations; that all should not be punished for the sins of a few; that he does not feel that it is equitable to the farmer landowner of the County; that it is frightening when elected and appointed officials write regulations that are designed to be so onerous that they literally eliminate a valid, legal agricultural enterprise; that they have never suggested that regulations were not necessary; that they merely have said that adequate State and Federal regulations are already in place and that all parties should give reasonable time to see if additional regulations are necessary; that new EPA regulations addressing these issues are not under consideration; that farmers were the first environmentalists; that they can and will continue to look after the land if the Commissioners do not react and raise impediments to the economic success of agriculture; and that the future of agriculture is at risk in Chatham County.

In summary, he stated that the proposed ordinances are redundant unless the ultimate goal is the complete elimination of the swine industry; that the proposal targets three areas above the

existing State and Federal regulations which are increased set backs, bond closure and well testing; that they have shown the increased set backs virtually eliminate the economic feasibility of the enterprise; that the bond requirement is impractical; that the well testing, fi justified by health concerns, is discriminatory in that it is a cost to the farmer but a free service to others; and that in reality, the proposals are obsolete even before adoption because of the alleged concerns are already addressed by other regulators. Written comments are attached hereto and by reference made a part hereof.

**G.R. Quinn**, 6419 Northern Ranches Road, Sanford, NC, stated that he is distressed by the presentations that he has heard; that the News & Observer published lies about hog waste industries; that the newspaper is one of the largest polluters of all; that small farmers do not really exist; that the reason there are big farmers now is that they can only exist through mass production of pork; that there are human waste lagoons in Chapel Hill and Durham spilling into Jordan Lake polluting the water; and that the smell is not that bad.

**J. B. Beaver**, 13842 Highway #902, Bear Creek, NC, stated that one does not see many hogs on

family farms anymore; that there are too many rules and regulations today; and that people might be better off if the rules which were in force today were enforced.

**Charles Glosson**, 9435 NC #87 North, Pittsboro, NC, stated that he is a family farmer raising beef, poultry, small grain, and vegetables; that it is his heritage and livelihood and he hopes, his future; that if the proposed ordinance is passed, it will be the breaking point for small number of farms left in Chatham County; that agriculture is very important in the County; that over half the tax revenue in the County comes from agriculture; that Chatham County farmers have already spent thousands of dollars to meet State livestock regulations; that hog farmers, followed by dairy and poultry producers, will be put out of business in Chatham County if this ordinance is passed. Written comments are attached hereto and by reference made a part hereof.

**Charles Lutterloh**, 3986 NC #87 North, Pittsboro, NC, stated that he opposes the proposed regulations; that many farmers are concerned; and that they understand that the Commissioners do not want to do anything to hurt the farmers in the County. He asked that the Commissioners assure the farmers of the Commissioners' support by not passing the regulations.

**Lynn Barrett**, 552 J. S. Waters School Road, Goldston, NC, speaking as a taxpayer, mother, and homeschool teacher, stated that her twelve year old son owns seven purebred hogs of an old timey breed known for its grazing ability and lean, tasty meat production; that his goal is to produce high quality pasture-raised meat for area families marketed through farmer's markets and a barbecue business; that he plans to expand his business as he earns income and expertise; that he will be severely impacted even on a small scale; that unnecessary regulation hurts everyone; that the County has to add yet another level of bureaucracy requiring more staff and funding using tax dollars to enforce; and that it appears the County is out of control with stricter rules and regulations. Written comments are attached hereto and by reference made a part hereof.

Commissioner Dunlap expressed appreciation for the large citizen turn-out who stated their views with decorum in a manner which could be heard and studied for Commissioner resolution.

Additional letters received by the Clerk to the Board are attached hereto and by reference made a part hereof.

### **Zoning and Ordinance Amendment**

- **Request for Zoning District Change:** Consideration of a request for a zoning district change from RA-40 (Residential-Agricultural) to Heavy Industrial Conditional Use District with Conditional Use Permits for seven additional uses, light industrial uses and supporting retail uses, on approximately 1,260 acres off SR #1912 [Christian Chapel Road] and SR #1924 [Moncure-Flatwood Road] in Cape Fear Township

Commissioner Grimes moved, seconded by Commissioner Holland, to approve the request for the seven additional conditional uses requested, the light industrial uses, and the supporting retail uses with the conditions previously approved. The motion carried five (5) to zero (0).

### **PUBLIC WORKS**

**Regional Recycled Materials Recovery and Processing Facility Resolution:** Consideration of approval of regional recycled materials recovery and processing facility

Commissioner Wilson moved, seconded by Commissioner Dunlap, to approve **Resolution #98-08 Expressing Interest in a Regional Materials Recovery Facility and Authorizing Solid Waste Staff to Participate in Preliminary Negotiations with the Governments of Orange County**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

**Government Complex – Phase I, Siler City Office and Health/Office Renovation Project and Intent to Reimburse Resolution:** Consideration of a request to approve Government Complex, Phase I renovations, award contract, and approve Intent to Reimburse Resolution

Commissioner Wilson moved, seconded by Commissioner Holland, to approve **Project Ordinance Concerning Renovations to the Courthouse Annex-Phase I, the Health and Office Building, and the Siler City Office Building**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Holland moved, seconded by Commissioner Wilson, to award the Health and Office Building Replacement roofing contract to D. Thomas Roofing in the amount of \$60,450.00, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Wilson moved, seconded by Commissioner Holland, to approve the **Intent to Reimburse Resolution #98-09**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

**Water/Sewer Customer Billing Policy:** Consideration of approval of change in customer water/sewer billing policy

Commissioner Wilson moved, seconded by Commissioner Holland, to approve the proposed water/sewer billing policy as follows:

Meters will be read at such time that bills will be mailed to the customer on or about the 1<sup>st</sup> of every month. The bills will become delinquent and final notices mailed on the 25<sup>th</sup> day of each month with a \$5.00 late fee applied. Cut-off of service for non-payment of the bill with an outstanding balance of a minimum charge or more will occur on the 15<sup>th</sup> day of the following month. Should the 15<sup>th</sup> fall upon a weekend or holiday, cut-off of service shall take place on the following business day. Reconnection charges for services discontinued for non-payment customers will be \$35.00 during regular working hours, Monday-Friday, 8:00 AM – 5:00 PM and \$50.00 after regular working hours, weekends and holidays.

This policy gives customers 45 days to have payment received in the office before they get disconnected. There is an increase of \$15.00 in re-connection fees to defray the expense of disconnecting and reconnecting the water service.

The motion carried five (5) to zero (0).

**North Chatham Water Line Extension:** Consideration of a request to approve a construction contract for the North Chatham water line extension

Commissioner Grimes moved, seconded by Commissioner Holland, to approve the contract with Mecklenburg Contracting company in the amount of \$1,893,304.00 for the North Chatham extension, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Grimes moved, seconded by Commissioner Holland, to approve the **Budget Ordinance for North Chatham Water Line Extension** project in the amount of \$1,941,194.00. The motion carried five (5) to zero (0).

### HEALTH DEPARTMENT

**Abolishment of Administrative Assistant II Position and Creation of New Human Services Coordinator Position:** Consideration of a request to abolish Administrative Assistant II position, Grade 14 and to create new Human Services Coordinator III, Grade 17 position

Commissioner Wilson moved, seconded by Commissioner Holland, to make a position change from the School Health Center's Administrative Assistant II position to Human Services III and abolish one 50% Social Worker II position. The motion carried five (5) to zero (0).

**New Patient Fees Implementation for Nutrition Services:** Consideration of approval to implement new patient fees for nutrition services offered by the Health Department

Commissioner Holland moved, seconded by Commissioner Wilson, to approve implementation of patient fees for nutrition services offered by the Health Department, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

### DEPARTMENT OF SOCIAL SERVICES

**Program Integrity Equipment and Position:** Consideration of a request to approve an additional Income Maintenance Investigator position and purchase of additional computer equipment using Program Integrity Funds, **Budget Amendment #55**

Commissioner Grimes moved, seconded by Commissioner Holland, to approve the creation of an additional Income Maintenance Investigator position and purchase additional computer equipment, using Program Integrity Funds, **Budget Amendment #55**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

### ECONOMIC DEVELOPMENT

~~**Contract with Economic Development Corporation:** Consideration of approval of a contract between Chatham County and the private non-profit Economic Development Corporation~~

The item was removed from the Agenda.

### MANAGER' S REPORTS

**Work Session:** The County Manager stated that he appreciated the work efforts of the Board in that it had been a long day, beginning with the work session at 10:00 AM.

**Welfare Reform – Electing County:** The Manager advised the Board that Chatham County has been

selected and confirmed as an "Electing County" for the Welfare Reform process.

### **COMMISSIONERS' REPORTS**

- Commissioner Pollard stated that it was her understanding that the "ISTEA Bill" was signed on Friday. She stated that she hoped some of the money could be used to supplement transportation for the Welfare Reform process; that there are at least six different pockets in the bill; that one of the more exciting ones is for bike trails, historical monuments/sites/preservations; that the money will be available to employers who help in getting people to work, parking spaces, etc. She further stated that she hopes the Manager will investigate ways to use money from each pocket.

- There were no other Commissioner reports.

### **ADJOURNMENT**

- Commissioner Wilson moved, seconded by Commissioner Holland, that there being no further business to come before the Board, the meeting be adjourned. The motion carried five (5) to zero (0), and the meeting was adjourned at 9:05 PM.

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Margaret Bryant Pollard, Chair

ATTEST:

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Sandra B. Lee, Clerk to the Board  
Chatham County Board of Commissioners