

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
FEBRUARY 07, 2011

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Moncure School, 600 Moncure School Road, located in Moncure, North Carolina, at 6:00 PM on February 07, 2011.

Present: Chairman Brian Bock; Vice Chair Walter Petty; Commissioners Mike Cross, Sally, Kost, and Pamela Stewart

Staff Present: Charlie Horne, County Manager; Jep Rose, County Attorney; Renee Paschal, Assistant County Manager; Vicki McConnell, Finance Officer; Elizabeth Plata, Deputy Clerk to the Board; and Sandra B. Sublett, Clerk to the Board

PLEDGE OF ALLEGIANCE AND INVOCATION

Commissioner Petty delivered the invocation after which the Chairman invited everyone present to stand and recite the Pledge of Allegiance.

CALL TO ORDER

The Chairman called the meeting to order at 6:05 PM.

APPROVAL OF CONSENT AGENDA AND REGULAR AGENDA

The Chairman asked if there were additions, deletions, or corrections to the Agenda and Consent Agenda.

Commissioner Kost asked that the January 18, 2011 Regular Minutes be removed from the Consent Agenda and placed on the Regular Agenda for a modification; and that Item #2, Approval of a request to continue with the efficiency contest during the Fiscal Year 2012 budget process, the award be increased from \$100 to \$500.

Commissioner Kost moved, seconded by Commissioner Petty, to approve the Consent Agenda and Regular Agenda with the noted requests.

1. **Minutes:** Approval of Board Minutes for Regular Meeting held January 18, 2011 and Work Session held January 18, 2011

The January 18, 2011 Regular Meeting Minutes were removed from the Consent Agenda and placed on the Regular Agenda for modification.

The January 18, 2011 Work Session Minutes were approved as requested. The motion carried five (5) to zero (0).

2. **Continuation of Efficiency Contest:** Approval of a request to continue with the efficiency contest during the Fiscal Year 2012 budget process

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

3. **Tax Lien Advertisement:** Approval of the unpaid lien advertisement for a two week period beginning March 3, 2011 in the Chatham News/Record at a cost of \$4.00 per parcel

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

4. **Blake House Moving Company Agreement:** Approval of agreement with Blake House Moving Company, Inc. for moving the three historic houses located on the construction site of the new judicial facility and authorize the Chatham County Manager to sign the amendment on behalf of the County, attached hereto and by reference made a part hereof.

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

5. **Orange-Person-Chatham Mental Health Board Appointment:** Approval of a request by Commissioner Cross to appoint Tom Glendenning to the Orange-Person-Chatham (OPC) Mental Health Board

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

6. **Orange-Person-Chatham Mental Health Board Appointment:** Approval of a request by the full Board to appoint Heather Johnson to the Orange-Person-Chatham (OPC) Mental Health Board

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

7. **Library Board Appointment:** Approval of a request by Chairman Bock to appoint Shelby Susan Clark to the Library Board

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

8. **Grant Approval for Chatham County Interagency Arrest Grant:** Approval of a request by the Sheriff's Office to apply for Chatham County Interagency Arrest Grant, Office of Violence Against Women, in the amount of approximately \$400,000, effective July 01, 2011 for two years

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

END OF CONSENT AGENDA

COMMISSIONERS' PRIORITIES

Government Finance Officers Association (GFOA) Distinguished Budget Award: Presentation of Government Finance Officers Association Distinguished Budget Award

Chairman Bock congratulated Renee Paschal, Assistant County Manager and Staff on receiving the Government Finance Officers Association (GFOA) Distinguished Budget Award.

Commissioner Kost stated that previously she was a reviewer for the GFOA Award and received budgets from all over the United States. She stated that of all she reviewed, she denied approximately one half of them; that the criteria is very stringent especially as a communications tool; that she knows the amount of work that goes into budgets and the modifications that are needed to make the budget a better communication device for the citizens; and that she applauds Ms. Paschal for making it happen.

Public Hearing:

Western Wake Partners: Public hearing to receive public comments on the proposed location of a discharge line for the Western Wake Partnership Wastewater Plant

Chairman Bock reviewed the guidelines for the public hearing and asked that handouts with questions and answers regarding the discharge line be distributed.

Harold Weinbrecht, Mayor of Cary, 105 Windspring Court, Cary, NC, congratulated the newly elected Commissioners. He stated that there were many aspects to the project that were mandated by the State including discharging into the Cape Fear River

which is resulting in the underground pipeline which is being discussed at the night's meeting. Jordan and Harris Lakes are not options for this project. This project will provide additional water and wastewater capacity for the expanding businesses in eastern Chatham County, RTP South, and western Wake County which means new jobs. The facilities will also provide Sanford, Wilmington, Fayetteville, and others on the Cape Fear River Basin additional water for drinking, manufacturing, cooling, and processing. The Chatham easements will be for underground pipeline carrying clean water to the Cape Fear River. Since the pipeline is mostly underground, the property owners will often be able to use their property as they are using it now while being paid for the pipeline underneath. Chatham and Cary, along with Apex, have a long history of working together on utility issues. We have been providing up to three million gallons per day for drinking water from Jordan Lake for more than fifteen years. We have also been to the State and advocated on behalf of Chatham County to discharge into the Cape Fear River. We have been responsive to Chatham County property owners' requests for utility services and at last count, we have 1,967 Chatham County residents in Cary making Cary the third largest municipality in Chatham County. None of Cary residents in Chatham County have ever been forcibly annexed by property owners. All were requested by the property owners. Cary hasn't forcibly annexed or involuntarily annexed since 2003. This council has had forcible or involuntary annexation proposed to them twice by staff, which has been rejected. In his opinion, there is not interest on this council to do any type of involuntary annexation. The Cary Sub-Committee has been working with the new Chatham County Commissioners to hopefully get a joint land use plan on tract soon. So far, they are working toward it and it can be resolved. For nearly a decade, Chatham County has been on record saying they want the water returned to the Cape Fear River which is what they are trying to do. He stated that they are hopeful that the Chatham County Board of Commissioners will support their efforts to require the easements the Partners need through Chatham County for the project most of which will be through Progress Energy's land.

Jackie Hocum, Mayor of Morrisville, stated that like several on the Board of Commissioners, she is fairly new to elected office but not at all new to community advocacy. She stated that she was present on behalf of her Morrisville residents and business owners and also as advocate for the residents of New Hill and a former member of the New Hill Community Association. She stated that she has long taken an interest in the Community of New Hill and how they were affected by this wastewater treatment facility; that she is happy to report that late last month, the New Hill Community Association and the Partners found a mutually beneficial way to move forward in the best interest of their region. However, the promised community center, bus shelters, and reliable water and sewer service to those nearest the plant can't happen if the project does not move forward. The support of those necessary easements is critical for her Morrisville Community and the other Partner Communities and also to help them deliver on promises they have made to the New Hope Community as well. She thanked the Board for the thoughtful consideration of this request.

Keith Weatherly, Mayor of Apex and Chairman of the Partners Advisory Committee, 1112 Wellstone Circle, Apex, NC, stated that they appreciate the opportunity to speak tonight about their request to proceed with obtaining easements from the folks where they intend to run a pipeline for this essential public works project. This is economic development for the Towns of Apex, Cary, and Morrisville. They need the project to proceed and hope that the Commissioners will allow them to do so. They have a very strong record of regional cooperation with Chatham County. Mayor Weinbrecht alluded to the water treatment facility that Apex and Cary jointly own drawing water from Jordan Lake that they have currently permitted Chatham County to draw up to three million gallons of water. They are pleased to have cooperated with the citizens of Chatham County in this way for many years. Apex also has a fire station in New Hill with which they have a mutual aid agreement that they respond as requested for the communities in Moncure and northern Chatham County for residents and businesses. The Apex Fire Department/EMS both respond when needed and requested to provide ambulance service and water rescue for the Haw and Chatham side of Harris Lake. They have indeed cooperated when needed when requested with the good citizens of Chatham County and they intend to do so for many years to come. The main point, he stated, that he wanted to emphasize tonight is that they hope that this long record of cooperation is good for both Chatham County and the Partners and that they will find many opportunities in the future to find avenues to benefit both of our citizens. If Chatham County will allow them to obtain the easements necessary along the

pipeline corridor, they pledge to treat the twelve land owners with utmost respect in all of their negotiations. They will give great deference to every concern for their property rights and will compensate the property owners as appropriate on every reasonable request to make them whole and satisfied. They pledge, as members of the Partnership, will treat Chatham County citizens as they treat their own in all of the negotiations to obtain the easements. They will be open to discuss any issues with the Chatham County Board of Commissioners during the process as they proceed so that they can remain fully informed about the issues and concerns of Chatham citizens. Any concerns that are brought to the Board of Commissioners by the citizens, he pledges will be immediately and thoughtfully addressed. He expressed appreciation for allowing them to speak this evening and stated that they would be responsive to any questions the Board or people in attendance may have.

Jack Tilley, 4295 Old US #1, New Hill, NC, stated that he had been living in the area since 1936 and been fighting everything Wake County throws at east Chatham County. Every time they have something coming, it comes to Chatham County including the power plant, etc. He asked the Board if it knew how to stop a train and continued by saying the way is to stop it before it starts. He stated that they didn't need to have their rights-of-way taken away, as when it is taken away, they control it. It doesn't belong to Chatham County any more. They are the ones who control it. If someone wants to build someone or cross it, it has to go for their approval. He has been told several different things; 20 feet, 30 feet, and 40 feet. If it is 40 feet, they are probably going to put another line later and take over some more land. He asked why the line couldn't be taken out from Apex and go across Holly Springs and tie in Holly Springs, Morrisville, and Apex and go down the other side of Harris Lake. It doesn't make sense to put it in Chatham County. He stated that he hopes the Board will vote the proposal down.

John Alderman, retired endangered species biologist for the Wildlife Resources Commission, stated that he is a consultant and has a firm centered in Chatham County since 2003, he consults with some of the largest corporations in America and some of the largest federal and state agencies throughout the southeast United States. Fully understanding the processes required to review such projects as the pipeline, he states that direct/indirect and cumulative impacts associated with this project were not fully reviewed by state and federal agencies. The permit review agencies and the permit awarding agencies did not fully review this project. Why is that important for Chatham County? As we fast-forward into the future, as the urbanizing/suburbanizing counties become built-out and they do not have to address the environmental concerns that they should have addressed, those pressures are transferred to the more rural counties, Chatham County will bear the brunt of the review process for future projects that come along: last year, five years from now, ten years from now. He stated that he knows that as a professional. He stated that he sees how the process works, he understands the process. He cautioned the Board to be very careful when they allow such a project to go through Chatham County because what they are doing is facilitating future pressures on how Chatham County gets developed. He wished the Board good luck with the process.

Brenda Steen, Executive Director of the Apex Chamber of Commerce, 220 North Salem Street, Apex, NC, thanked the Board for the opportunity to speak. She read a prepared statement as follows:

“On behalf of the 500 businesses who are members of the Apex Chamber of Commerce, represented by our 15 board members, the Apex Chamber of Commerce is in favor of the proposed regional wastewater treatment facility. The Apex business community is concerned about limited wastewater treatment capacity and its adverse impact on economic development, as well as the burden to taxpayers if the facility is not built. To reiterate, we fully support this project moving forward.”

Tom Glendenning, 168 Eddie Perry Road, Pittsboro, NC, stated that in the eastern part of the County, which is approximately one quarter of the County or one hundred thousand acres of the four hundred thousand acres, is in extreme development wasteland. It has very poor perking soils. It is permitted for five acres but the Department of Environmental Health will usually give one house per ten acres. The Haw River in Chatham County is the cleanest section of the Cape Fear of any county from the head waters to Wilmington. We are paying a penalty on that since we can't discharge into it although

Pittsboro did just receive a tripling of its capacity last November. Jordan Lake in the eastern part of the County is sixty thousand acres dedicated to the lake with fourteen thousand acres under water. The land, as nice as the lake is, is worth approximately fifteen million dollars in tax revenue. That is just land value, no buildings, no houses. Western Wake Partners has developed a marvelous plan, having been at it for over ten years. They plan to spend over one hundred million dollars and he may be short in that amount by twenty or thirty. Their capacity is ninety million gallons per day. More capacity is needed for a million people. He doesn't think they will see that capacity reached anytime soon. They have gone through thirty-six permits and in rebuttal to the last comment about review: He knows the engineers and US Army Corps of Engineers who have reviewed this and he trusts their opinion. They have covered the issue regarding inter-basin transfer. It is a well-done plan headed by Mr. Sawyer. He urged the Board to go to the Western Wake Partners website and review the plan to see how well it is done. For Chatham County, if we take the opportunity and as witnessed by the Apex Mayor's expression of willingness to appease everyone and work things out, taking a figure of five million gallons a day, roughly seventy thousand people, twenty thousand homes, conservatively six billion dollars in tax base, and forty million dollars in tax revenue, out several years. It will mean cleaner water to our neighbors downriver, Sanford, Dunn, Lillington, Erwin, Fayetteville, and Wilmington. He stated that he was very much for this project.

Ken Jeffers, PO Box 228, Moncure, NC, stated that he was opposed to this project based on many of the things outlined tonight. He enjoys the peace and tranquility of Chatham County and hates to see it changed very much. His secondary reason, he stated, was if this project is approved, he thinks there should be numeration for Chatham County and for Moncure specifically. We stated that they have a brick building in Moncure that was an old high school gym that used to function as a youth center for approximately thirty years, bringing youth in for supervised activities to keep them off the streets and out of possible trouble. Approximately seven years, it had to be shut down because of its state of disrepair. For the last five years, they have been working on it to get it back, but due to short money and labor they have a long way to go. They still have to replace two bathrooms, a kitchen, and need a new HVAC system. If this project is approved, he would like to see numeration come into Moncure in the form of money for the youth center. For a couple of hundred thousand, they could bring the kids off the streets again. And he would like for the Commissioners to keep that in mind, depending on how the situation goes.

Mike Winters, presented his comments to the Board and provided them in their entirety for the record as follows:

"Mr. Chairman and members of the Board of Commissioners, my name is Mike Winters, business address 1100 Crescent Green Drive, Cary, NC 27518, home address 5125 Linksland Drive, Holly Springs, NC 27540. I am appearing today on behalf of the Research Triangle Foundation of North Carolina. Liz Rooks, the Executive Vice President of the Foundation was scheduled to appear before you but had to be out of state with her mother who is very sick and under Hospice care.

As you know, the Research Triangle Foundation is a non-profit company, devoted to economic development and attracting jobs for the citizens of our region and state. The Foundation developed and manages the property in Research Triangle Park. On behalf of the Park, we respectfully request that you grant Western Wake Partners your unconditional approval for acquiring easements through Chatham County for the Western Wake Regional Management Facility effluent pipeline.

There are 20 companies in the Wake County portion of the Park that will benefit from the treatment facility contemplated by Western Wake Partners. Currently these companies provide almost 7700 jobs to the citizens of our region. Many of these citizens are residents of Chatham County. Many other Chatham County citizens work in the Durham portion of the Park which will not be served by these facilities, but these citizens and their employers are benefited by the strength of the Park and our ability to attract additional companies. The North Carolina Bio-sciences organization and the North Carolina Biotechnology Center are organizations that are located within the Park. These organizations have communicated their support on behalf of their members and related communities. They understand that our region, in particular the Research Triangle Park, has a strong base of Bio-science and Bio-

tech companies who provide opportunities for high paying jobs and economic growth. We can only grow these industries if we have the appropriate infrastructure to attract and support them. These industries are dependent upon access to water and wastewater and the ability to treat water and wastewater.

We ask you to approve this mechanism to allow Western Wake Partners to acquire the necessary easements in Chatham County. This enabling tool is essential to establish a necessary route for a pipeline to serve our citizens and their employers. We believe approval of the easements will enable the pipeline and the development of the facilities, which will allow the Research Triangle Park to attract even more related companies in this sector, and to provide more jobs for our citizens.

You are aware that the Park is the economic engine of the Triangle and in many ways the engine of other parts of the state. In these difficult times it is critical that we maximize the use of our best assets to bring new companies and jobs to the region for the benefit of our citizens. Attracting new companies creates a multiplier effect by bringing related jobs to the region and offering the opportunity for residential and commercial development that will enhance our property tax base and our sales tax revenue. We all understand that our local and state governments depend upon this growth in order to provide necessary services to our citizens.

Please continue your excellent service to all of your citizens and their need for expanding job opportunities in order to provide for their families. Most economic development experts around the county see our region with a great potential for recovery earlier than other regions and at a level higher than other regions. To make that happen, our area and our citizens need you and other governmental bodies to make the forward thinking choices like these requested today.

Please vote for your unconditional approval of the easement acquisition rights so that this facility can serve as part of the infrastructure to support the growth needed and desired by the citizens of this region. Thank you for your time and consideration.”

Jewel Morris, 6613 Old Jenks Road, Apex, NC, stated that she works for the Environmental Protection Agency but that is not why she is in attendance, but as a citizen of Apex. As public servants, we must tackle challenging problems such as expanding services to meet the needs of changing populations. She has spent her career as a public servant, so she understands the dilemma at finding solutions that consider the interest of a few and without losing sight of the big picture. The larger focus at the population of three towns and approximately nineteen hundred current residents of Chatham County will be served by the Western Wake Regional Wastewater Management Facility and we are negatively impacted each month construction is delayed. She stated that she is a property owner in Apex. Several years ago, she and her husband were approached by developers with interest in acquiring their property. It was unsolicited. They considered selling and entered into negotiations. They hit a brick wall when they found out that Apex was dependent on this new facility for future wastewater treatment capacity. Planning for this facility has continued for over a decade. She firmly believes that the State of North Carolina acted prudently for the residents and for their future when the requirement to consider a regional wastewater treatment facility was broached. That decision was environmentally, economically, and conservatively responsible. Since those days of almost a decade ago, many state and federal entities have reviewed and studied every aspect of placement for this facility and as a point, conveyance. These include the NC Department of Environment and Natural Resources, both Divisions of Air Quality and Water Quality, the US Army Corps of Engineers, the US Environmental Protection Agency, US Fish and Wildlife Service. The efforts exerted by this many regulators, scientists, and engineers, have been a good things. In the first place, they all wanted this facility and its effluent conveyance to 1) Be placed in the very best location environmentally; 2) To be an example of how we in North Carolina lead in science and technology; 3) Demonstrate how we can come together as different communities and solve our problems. During this time period, there have been many meetings to gather stakeholder input and several public hearings. This has been a well-vetted process. She was born, raised, educated, and has worked her entire life in this area of North Carolina. She is proud, particularly, of what collectively they have accomplished in this area of environmental conscience.

Sandy Jordan, Executive Vice President of Economic Development with the Cary Chamber of Commerce, 307 North Academy Street, Cary, NC, stated that the Research Triangle Area of North Carolina has consistently ranked as one of the best places in America to live, work, and play. We have seen communities throughout this region grow providing current and new citizens with a quality of life that is second-to-none. We have witnessed our existing businesses expand while leading the nation in the attraction of new corporations and job opportunities. While we have certainly experience economic downturns, we seem to have escaped the harshest impact and emerge more quickly than most. Many factors have influenced our success. The visions of the past leaders that created the Research Triangle Park and nurtured that concept, the strong education base we have with universities and colleges that help turn out a skilled, productive, and expanding work force, and local leadership that is recognized the importance of providing the positive business climate and infrastructure that allows this growth to take place. If we are to remain a leader in the global economy of the twenty-first century, we must continue to have vision and we must provide for the basic necessities of economic growth. The Western Wake Regional Wastewater Management Facility is a critical component in sustaining our competitive position. The capacity to treat wastewater is basic to residents and businesses alike. He strongly urged the Commissioners to give the Western Wake Partners support in acquiring the easements through Chatham County for this facility. Such action will support regional growth and will position this area to continue to rank among the nation's leaders as a wonderful place to live and an outstanding location to do business.

Esta Cohen, 688 Van Thomas Road, Pittsboro, NC, stated that on the fact sheet provided by Chatham County, it states, "Timber harvesting should be done before the utility pipeline construction begins." This raises the question for the timber owner, what if the timber isn't ready to be harvested? The County further states, "We expect Wastewater Partners provide sufficient time for timber removal from easements." Time for timber removal is a one-time deal. Timber is a renewable resource. Its harvest is measured in decades, not by 2012. The easement takes whatever is on the wrong side of the track right out of the forestry management plan as they cannot run the heavy foresting equipment over the pipeline. She asked who absorbs the penalties for the landowner that now has his land removed from the forestry plan. Who absorbs the change in taxes that the landowner that now lost access to his timber land now gets to pay? She stated that if the Board decides to approve entering into negotiations for the easement, they are responsible for knowing the consequences of the decisions in mitigating the negative effects on the landowners. She stated that most of the people who have spoken do not live in Chatham County. She asked the Board to listen to the Chatham County people stating that so far the people who have opposed there is only one that lives in Chatham County. The rest are all for it and live in Wake County.

Louis Teleky, 5097 Old US #1, New Hill, NC, stated that he is a Veteran and learned to speak frankly. He said they had all these "suits" here and none of them should have been here tonight...except the people of Chatham County to say their peace. They have already had their chance when the meeting was held at the fire house and held their meetings in Wake County. At the meeting at the fire house, citizens asked two important questions to Wake County: 1) How many spills did you have last year? They never answered that question. Also, they have thirty-eight million gallons of water coming through the pipeline a day. 2) How are they going to shut off that amount of water if there is a spill? Who is going to be responsible for the cleanup of those spills? Who is going to be responsible to help the property owners get their property back in order before the spill? Those questions were never answered other than to say they would take care of it. 3) How much capacity of water can that plant hold if there is a spill? Those are things that need to be looked at because if they're not looked at, the Wake County people are going to pull-the-wool over the Board's eyes and they are going to be caught with their tails-hanging-down. They have already taken advantage of Chatham with the nuclear plant. Why can't the sewage plant be put on their property in their town? They are going to have to put up with the smells from the prevailing winds. And he wants to know why they are dumping their stuff on Chatham County stating that it's time to stop.

Mick Noland, PE, Chief Operations Officer, Water Resources Division, Public Works Commission of the City of Fayetteville, 955 Old Wilmington Road, P O Box 1089,

Fayetteville, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

“Supporting Points

Ensuring adequate water and wastewater treatment capacity are in place while also protecting the environment is the responsibility of and a challenge for governments who must find effective ways to work in partnership and across jurisdictional lines for the betterment of the state and the local area.

Eastern Chatham and western Wake counties will require more water and sewer capacity over the long-term even with slow to moderate growth. Jobs cannot be created unless existing and future businesses have capacity.

The Western Wake Regional Wastewater Management Facilities will provide additional water and wastewater capacity for new or expanding businesses in eastern Chatham County, RTP South, and Western Wake County, which means jobs for our citizens.

Once constructed, the Western Wake Regional Wastewater Management Facilities will provide Sanford, Fayetteville, Wilmington, and others along the Cape Fear with millions of gallons of additional water each day for drinking, manufacturing, construction, cooling, and processing.

Regional wastewater management facilities are encouraged by state agencies since they offer a more economical, environmentally-sensitive solution than if towns were to try to go it alone.

The addition of the Western Wake Regional Wastewater Management Facilities will provide clean water and working sewer to dozens who live near the plant site and have failed wells and septic tanks.

The Western Wake Regional Wastewater Management Facilities have successfully met the tests of state and federal regulators over years of exhaustive review.

If the underground pipeline is allowed to go through Chatham County, it will carry clean water to the Cape Fear River.

Since the pipeline is mostly underground, property owners who grant easements for the pipeline will often be able to continue using the land as they do now while being paid for the pipeline running underneath their land.

Progress Energy owns most of the land: about 1/3 of the three dozen parcels accounting for over 60 percent of the land mass to be crossed. The rest of the parcels are divided among a dozen or so other owners.

For nearly a decade, Chatham has been on record as wanting to see the return of water to the Cape Fear River Basin, and Chatham has been actively involved in evaluating plans to this end. These points support the granting of approval for acquiring easements through Chatham County for the Western Wake Regional Wastewater Management Facilities.”

Dean Mattiace, 50 Mountain Laurel, Chapel Hill, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

“Chairman Bock, Commissioners and County Manager Horne,

Thank you for holding this session on an infrastructure question that’s important for the future of the County and our region. My name is Dean Mattiace, and I am here speaking on behalf of my employer Biogen Idec, one of the world’s oldest biotechnology companies and the second largest biotech company in North Carolina. My wife – who also works for Biogen Idec – and I have lived in Chatham County for 7 years and we plan on keeping Chatham as our home for many years to come. In my brief remarks, I’d like to share a quick

overview of our company and local operations and why adequate wastewater treatment infrastructure is critical for our business and the region. Biogen Idec uses cutting-edge science to discover, develop, manufacture and market biological therapies for the treatment of serious diseases like multiple sclerosis, hemophilia and ALS. Our Research Triangle Park site employs nearly 850 North Carolinians, including many like my wife and I who live in Chatham. Our Triangle area operations include the company's sole customer service center and most significant manufacturing facilities where I am plant engineer. The commercial products manufactured in RTP – Avonex, Tysabri and Amevive – represented just over \$3.7 billion in revenues last year. RTP is the only location in the world licensed to produce Tysabri and Amevive, and we produce the majority of worldwide Avonex supply. Patients in more than 90 countries rely on these life-changing products. Just as importantly, our local operations are increasingly being relied on to manufacture clinical products – those that are still in testing and represent future hope for new and better treatments to debilitating illnesses. The bio-manufacturing industry is inherently water intensive, and Biogen Idec strongly believes in using this critical resource as efficiently as possible and maintaining environmentally sustainable operations. Ensuring adequate water and wastewater treatment capacity are in place while also protecting the environment is a shared responsibility. Our local and county governments must find effective ways to work in partnership and across jurisdictional lines to meet the current and future needs for our region. Regional wastewater management facilities like Western Wake offer a more economical and environmentally sensitive solution than if towns or individual companies were to try to go it alone. In the mid-1990s when Biogen evaluated locations across the globe for its second manufacturing plant, it was drawn to the Triangle for a variety of reasons. Among the top motives was adequate water and wastewater infrastructure over the long term. Since then, our region has grown tremendously, and new wastewater treatment facilities like Western Wake are needed to keep pace. Without adequate wastewater treatment infrastructure, our production is put in jeopardy; not to mention our ability to continue investing and adding jobs. Since Biogen established its presence in the state, North Carolina has become a global center of excellence for the bio-manufacturing industry. With Biogen Idec now an established company in North Carolina, our local leadership is often asked to meet with other bio-manufacturing companies who are considering building new facilities in the area to learn about our experience here. These discussions tend to follow a pattern. First, these companies ask about the local workforce. Second, they ask about water and wastewater infrastructure. Without question, wastewater treatment infrastructure must be in place if we are to continue to bring new well-paying jobs and major capital investment to the region.

In conclusion, Biogen Idec strongly urges Chatham County leadership, impacted landowners and the Western Wake Partners to work together towards a prompt resolution that will allow the required effluent pipeline through Chatham County. For the good of the County and the region, the Western Wake Regional Wastewater Management Facilities must move forward without further delay.

Thank you.”

Patrick H. Barnes, 275 McCoy Road, Apex, NC, stated that east Chatham has fought annexation by Cary for over ten years. Western Wake Partners, having the ability to build this plant and have this sewer line through Chatham County, gives Western Wake Partners the ability to annex, at will, through east Chatham all the way to Jordan Lake. The only thing he has heard tonight is how this benefits Cary, Apex, Morrisville, and Research Triangle Park. The only so-called thing that Mr. Glendinning alluded to was that it would give east Chatham another 70,000 people and 20,000 houses. He asked who needs it stating that they didn't want it. If they want that growth, let them keep that growth east of Wake County/Chatham County line, not in rural east Chatham, not to destroy our way of life. We don't need shopping centers on every corner. The answer to this and the answer to the people who elected the Board would like to hear is simply saying “no” to the pipeline.

Loyse Hurley, presented her comments to the Board and provided them in their entirety for the record as follows:

“Commissioners:

Good evening, I am Loyse Hurley, President of Chatham Citizens for Effective

Communities (CCEC). I live at 16 Matchwood in Pittsboro. Tonight, I am speaking on behalf of the Board of Directors of CCEC.

In the first FAQ sheet, Western Wake Partners readily acknowledge that there is no direct benefit to Chatham from this treatment plant. While they say it would treat sewage from both Wake and Chatham counties, they neglect to mention there are less than 2,000 residents of Chatham who might be served and the remainder of the 430,000 residents and businesses they claim it will serve, come from Wake County.

Availability of sewage and water leads to development. In itself, that may not be a bad thing, but let's look at the map of the proposed pipeline route. One can readily see that once the plant is built, Chatham properties next to Apex will become prime properties for voluntary annexation by Apex. Remember, we do not have any joint land use plan for Apex. So, if a developer purchases property and requests annexation by Apex, development of those properties would be under the control of Apex and Wake County and the property owners in Chatham would not have any say in how it might be developed.

This proposal impacts a large community, not just those who are being asked to provide an easement. Surrounding property owners, who have chosen to live in a rural area, are opposed to the concrete jungle that suddenly appears as their next door neighbor. Development plans in an annexed area of Chatham do not require Chatham County approval. As a result, Chatham County residents who may be adversely affected by such development have no opportunity to seek modifications or oppose them.

We have the most annexation experience with Cary. For example: Cary residents at least have the ability to file a protest petition under their zoning laws if they object to an issue. That petition must be signed by a RESIDENT of Cary. Chatham doesn't count.

While annexed property does pay taxes to both Wake and Chatham Counties, residents tend to utilize the Wake County town services and resent paying taxes to Chatham. However, it is Chatham who is the responsible party for the costs of building and operating the schools. This becomes a higher tax burden on all of Chatham County. As for police and fire protection, since annexation does not have to be contiguous, the result is a hodgepodge of service zones. This can lead to confusion for the residents and delayed emergency response times - a serious safety issue.

Our study of this proposal causes us to believe that both the landowners who are being asked for easements and the surrounding community will be substantially and adversely affected. We urge you to withhold Chatham County's consent. Just say "NO"

Thank you."

Glen Whisler, Durham County engineer, speaking on behalf of Durham County stated that in 2002 Durham County and the Town of Cary entered into an interlocal agreement to provide temporary wastewater treatment service to Cary at Durham County's Triangle Wastewater Treatment Plant. The agreement currently provides an allocation of six million gallons per day until June 30, 2014. This agreement has been beneficial to both Cary and Durham County. However, as anticipated, the growth in Durham County, in and around Research Triangle Park, will not allow the current allocation to be continued after that date. For this reason, it is important that the Western Wake Wastewater Project move forward.

Jeffrey Starkweather, 590 Old Graham Road, Pittsboro, NC, member of the Chatham County Economic Development Commission, stated that it is his view that, as it is listed at this point, is not in the economic interest of Chatham County. He stated that they know the residential development does not pay for itself. He thinks it is direct opposition to the Strategic Plan unless they get a local bill that would require approval of Chatham County before any voluntary annexations come into the County. He stated that he had not planned to speak until he saw the brochure. In his opinion it appeared to be a pro Cary, Apex, Morrisville propaganda sheet. He assumed it had been written by Cary or Apex until he saw the logo with Chatham County on it. Among its distortions, it implies that the State and Western Wake Partners can move forward without Chatham's permission. They can, but not by running a pipeline through Chatham County. That would require a local bill that will

never be passed without these Commissioners and our Legislators approving it. It lists the alleged benefits of the pipeline but discounts any likely consequences. This brochure states that the proposed pipeline's location is not related to annexation when we, in fact know that if this is approved it will facilitate annexation. It stated that Cary has a long-standing practice of not annexing unless requested by the property owner. That is irrelevant. All of the annexations we have had have been voluntary annexations or what he calls developer annexations. He is concerned that some the Board members have what he considers an unbalanced and distorted notion of property rights. This is the notion that "I can do whatever I want with my property no matter what." That may be true most of the time, but property rights affect adjacent property owners, affects the property owners of anybody in the community that might be affected by this, and it would affect the property rights of people who may be next or near in the communities where Cary or Apex annex into Chatham County. It would affect the property rights of all of us if we have to pay for the schools for these kids to be put in. Promises from, or even a joint land use annexation agreement signed with our neighboring Wake municipalities would essentially be toothless. They can be rescinded by subsequent Board majorities at any time. The only enforceable protection, unwanted and costly voluntary annexations, is a local bill agreed to by Chatham County with each of the Wake municipalities. The only way a local bill is through the Board's refusing to this pipeline unless and until such legislation is actually signed into law.

Bill Ross, 377 Tenney Circle, Chapel Hill, NC, stated that he was present in support of the Western Wake Regional Wastewater Facilities and in support of the proposed pipeline that will convey treated wastewater from the new regional facility through Chatham County to a discharge point just downstream of Buckhorn Dam on the Cape Fear River. He stated that he comes to the Board wearing, and having worn, a number of different hats that make him interested in the subject of tonight's hearing. It is hard for him to believe, but almost for forty years now, he has worked and served in fields of environmental law, natural resource conservation, and sustainability. His earlier focus was on air pollution control, water resources, and regional greenways. More recently, he has looked at and focused on planning and sustainability partnerships between southeastern states and the military, on environment health connections, and on sustainable development projects such as Green Square in Raleigh and Merida in Apex. Along the way, he had the privilege to serve for eight years as the State Secretary of Environment and Natural Resources. His various experiences, wearing the various hats, make him think that the proposed regional wastewater facilities, including the pipeline, will improve water quality, will increase water supply downstream in the Cape Fear River, and in general will provide economic and environmental benefits to this region to the Cape Fear Basin also. In addition, these regional facilities and pipeline will respond to the mandate of the North Carolina Environmental Management Commission that the Western Partner Municipalities in their discharge of treated wastewater to the Neuse River Basin and return treated wastewater to the same river basin they use as a source of drinking water, the Cape Fear River. In conclusion, it has been his experience that when people and communities work together to understand the ties that bind them and to find overlapping and compatible interests, solutions emerge. He stated that he hopes that happens here and that he appreciated the Board's attention.

Robert Sears, 454 Lewter Shop Road, Apex, NC, stated that he is a Chatham County resident but Cary is getting closer all the time. He stated that he looks at this as an A or B, yes or no kind of thing. You can say "no" as the Board has the ability to do that as he understands the law. It would stop Cary from trying to take over where he lives. If the Board says, "yes", that is also within their purview, but it had better cost them. This is the best leverage Chatham County will ever have. They actually are paying attention to us right now, but wait till a year or two later if something happens, they will respond, "Chatham who? Where?" Use this opportunity wisely. They say it's not tied together, but it is. Annexation...voluntary...involuntary, whatever it's called. It's annexation. When they come across that line, it's annexation. The Board should be able to control that. If the Board says "yes", he would sincerely hope that they have some type of statement or agreement that says Chatham controls annexation. He stated that he voted for the Board. He can't vote for the Cary people. He can get rid of the Chatham Board, but not the Cary Board...at least not by voting. If the Board says "no", that is fine but if the Board says, "yes", there'd better be many stipulations as this is the best chance the Board will ever get.

Sam Cherry, 226 Seastone Street, Raleigh, NC, quoted Thomas Jefferson, “In matters of style, swim with the current. In matters of principle, stand like a rock.” He stated that he was present to stand like a rock. Basically, he said, you are going to take stuff from the landowners in Chatham County. He stated that he was scared as he has already heard about how great Cary has already treated its citizens by not being fair as far as land negotiations. They had to go back and sue to get more money for their properties. He stated that if it is true that the timber equipment cannot run across the easements, he has just been financially ruined. His property was bought to be a tree farm and have other ag business on it. He stated that he and future generations will have to live with the pipeline forever. He bought the property because he wanted to live in a rural area and get away from eminent domain. He wanted to get away from the stuff that’s happening here, but stated that he has been put in the middle of it. This is government. He stated that you could ask for an extension. They are here to try to compress the timeline on what is happening. The new Board members have been thrust into a situation and have to make a decision. He stated that he had spoken to some of them before and believes they are pragmatic about it. He asked the Board to ask others to be pragmatic about it as they are facing a lot more than what Chatham is facing right now. Ask for an extension. Appoint a commission/board/blue ribbon panel. Come up with three-four options for Chatham County to show what you are going to ask for before they are allowed to run the pipeline across their property. We enjoy great freedoms in this country. One of them should be property rights. Another one is that we have all the time to make proper decisions. In his opinion, more land does not need to be taken from the property owners here. The easements can be run through existing easements. This is a chance to be “green”. Run the easement down the Department of Transportation easement that goes down US #1 and then cut down to the discharge point. All that counts is where the plant is built and where the discharge is located. He stated that many of the Board ran on property rights. They are there to hold them to their word.

Steve Powers, 157 Redwing Lane, Moncure, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

“I am writing on behalf of the Southeast Chatham Citizen’s Advisory Council (SCCAC) to express our strong concern regarding the Western Wake Partnership’s proposed wastewater pipeline through Chatham County.

As you know, the Partnership intends to locate 8.1 miles of discharge line through the County, requiring property easements from at least twelve (12) Chatham County citizens and property owners.

The membership of our organization, of whom a few are the above referenced citizens and property owners, has voted on this issue and we oppose the Western Wake Partnership pipeline project based on the following reasons:

1. Property rights and the use of eminent domain. This issue rests at the heart of the right of Chatham County property owners to remain secure in their property. While we realize that effected property owners would be offered just compensation, we view this project’s potential use of condemnation of private personal property as unacceptable. Moreover, we do not find agreeable the idea of an outside political entity intruding into Chatham County and potentially expropriating the property of our friends and neighbors. Likewise, we also have strong concerns regarding the ability of the twelve (12) property owners directly affected by this project to receive adequate compensation for their property, given that any appraisals completed in this current economic climate might be artificially low.

2. Potential for future annexation. It is our organization’s view that this proposed project lays the groundwork for the initiation of annexation by the Towns of Cary and/or Apex into Chatham County. Our group is vehemently opposed to any annexation efforts by Cary or Apex.

3. No benefit to Chatham County. The Western Wake Partnership itself admits there is no benefit to Chatham County in this project. As noted on its website, and during a previous public meeting in Moncure on September 08, 2010, “the effluent pipeline facilities as currently planned do not provide any benefits to Chatham County.” Many have contended

that Chatham County could perhaps tie into the pipeline in the distant future and then perhaps realize economic development benefits. It is unclear to us if that possibility will ever come to fruition or if those benefits would accrue.

Taking into consideration the points outlined above, our organization believes that the costs of this pipeline to our community outweigh its benefits and we respectfully request that you vote against Western Wake Partnership's proposed pipeline.

Thank you for your time and consideration."

Sheila Morrison, 3124 New Hill-Holleman Road, New Hill, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

"My name is Sheila Morrison and I am appearing tonight to ask your unconditional approval for acquiring easements through Chatham County for the effluent pipelines necessary for the construction and operation of the Western Wake Regional Wastewater Facility to be located in New Hill, NC. This project is important to the New Hill Community because of the ongoing decline and deterioration of several properties due to the lack of updated infrastructure.

This facility will help us, your neighbors to revitalize and will also add much needed employment and an infusion of income for New Hill, Wake, and Chatham. Surrounding counties and communities, Lee, Harnett, Cumberland, and Randolph, will benefit as well, since many workers will be needed who in turn will need housing, sustenance, recreation, fuel for their vehicles...

My family has lived in New Hill for generations, and we have property that is immediately adjacent to the site. This property, like much of the land in this area of Wake and Chatham County, does not perk. Improvements to our lands through the implementation of water and sewer services would insure the future use of our properties. Clean water and working sewer will help our children and their children to continue to enjoy our properties for many generations to come.

Your approval of these easements will ensure our future."

Richard Clark, on behalf of Dale Carroll, Deputy Secretary of NC Department of Commerce, who asked him to express his apologies for not attending the meeting due to a death in the family. He read a prepared statement to the Board and provided it in its entirety for the record as follows:

"We face the toughest economy of our lifetimes but relief is in sight. According to *USA Today*, North Carolina is one of a handful of states leading the comeback from the recession. In the past two years, North Carolina's economic development efforts have led to the announcement of 50,000 jobs and more than \$10 BILLION invested in the state. The last three announcements in the Triangle Region will bring jobs paying between \$80,000 and \$105,000 per year. These are the kinds of jobs we want and need in North Carolina. We continue to be ranked as a top location of business. This doesn't happen by accident. As someone who talks with businesses every day, I hear continually that one of their priorities continues to be critical access to vital infrastructure. Our vision for North Carolina is an economy built on exceptional education and on innovation and quality of life, supported by a modern infrastructure. And that is exactly what we have: a state of well-educated people – critical thinkers. As a state that is committed to wise, consistent investments in innovation and infrastructure, we have spent decades building a successful business climate...and adding tools to the tool chest that will improve our opportunities for success. That includes continually looking at the kinds of infrastructure that will help businesses not only come to North Carolina, but to stay and expand in our state. Competition for jobs is fierce and getting more intense. Company CEO's are looking for any advantage when selecting locations for starting or growing their businesses.

At the Department of Commerce, we like to describe economic development as a team sport. It takes all players on deck to bring home a win. In the state of North Carolina,

we have a history of strong partners that work together to bring business here. A regional project like this requires just that kind of cooperation so all communities benefit.

I can't stress enough that the kind of investment in infrastructure we are talking about this evening is vital to our competitiveness in national and international markets. I encourage the members of the Chatham County Board of Commissioners to grant the Western Wake Partners unconditional approval for acquiring easements for this pipeline."

John Graybeal, 3396 Alston Chapel Road, Pittsboro, NC, stated that he couldn't bear to let the last speaker speak in favor of this project. He stated that he thinks it is pretty clear that the Board's constituents are telling you how to vote. They vote "no" and they want the Board to do the same. It is hard to ignore the clarity. There are other folks in attendance talking about regional development and competitiveness of the entire area. If there were to be any further discussions, it might go along the line of what concessions might be obtained. He stated that Mr. Starkweather has made a good point regarding a legislative arrangement that would enable any further annexation into Chatham County to be the consent of the Chatham County Board of Commissioners. The point has also been extremely well-made that now is the time for any discussions about any such concessions to be made. He deferred further to Commissioner Kost who, he stated he is sure, has a very long list of those since she has been involved in the discussions of this matter from the very beginning.

James Pollard, 3120 Christian Chapel Church Road, New Hill, NC, stated that the pipeline would go directly in front of his house. He stated that he is not opposed to the pipeline in any way. Neither was he opposed to the nuclear plant, stating that they are all enjoying it now. He stated that he has lived in Chatham County for 66 years. This is not a sewage line this is being discussed; it is an effluent from the sewage plant. If you go to a wastewater treatment plant, you will see that there is no odor. There is one between this location and Research Triangle Park on the highway. He stated that he is in favor of the pipeline and that he thinks they should treat all of the landowners fairly.

Harold Gunter, 7267 Old US #1, New Hill, NC, stated that he has lived in Chatham County for about sixty years. He is 77 years old and has done his part in the US Marine Corps. This pipeline will run approximately 2,000 feet in front of his house on the opposite side of the railroad. It would be bad to get a spill there because he has already lost timber on about an acre where the water piles up and the railroad's under-part does not drain which causes a mess. He can't see any advantage to having this run through Chatham County. If you hadn't been trying to run over the people in New Hill, you wouldn't have this problem now. You could have gone someplace that would have been sensible but you didn't do that so now we have a mess. He doesn't see that Chatham County has any part of it. It is nothing but a negative action to us here in the County. He asked the Board of Commissioners to consider a long time before they openly let Cary and Apex and others run over us and put in the pipeline. It needs to go somewhere, but the sewage plant doesn't need to be in New Hill and the pipeline doesn't need to come through Chatham County.

Bob Poisella, Woodbridge Place, Cary, NC, stated that he is one of the 2,000 folks that live in both Cary and Chatham County. He stated that he supports the project as it would promote organized growth for the future and the County.

Tom Kost, 1101 New Hope Road, Apex, NC, stated that he would like to be in the Board's shoes stating that they have an easy decision. He knows it is easy, as they just say "no". He stated that he is not sure it is the right thing to do, but if they decide to say "yes", he has heard a few of the previous speakers say that the Board is in a position of strength. Take that position; negotiate this group of people; and get some concessions. He stated that he did not hear anything good for Chatham County. Maybe they want to stand up and say it again. He heard the Chamber of Commerce and the Economic Development person. He is a biotechnologist who has heard "bio" tonight. There are a lot of things that having this plant would be good for the local area. He cautioned that if it comes, to make sure the County gets something for it.

Tim Bailey, Engineering Director with the Town of Cary, responded to the questions from those in attendance.

The Chairman thanked everyone for their comments and questions. He closed the floor for public comments.

BREAK

The Chairman called for a short break.

COMMISSIONERS

January 18, 2011 Minutes:

Commissioner Kost asked that the January 18, 2011 minutes be amended to include an explanation on the "Revision to Existing Conditional Use Permit by Colvard Farms Homeowner's Association" by the Chatham County Planning Director.

Commissioner Kost moved, seconded by Commissioner Petty to approve the January 18, 2011 Regular Meeting minutes with the noted request. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

There were no Manager's Reports.

COMMISSIONERS' REPORTS

Retreat Continues:

Chairman Bock reminded everyone of the Board's third and final day of the retreat to be held at Camp Royall beginning at 9:00 AM.

There were no further Commissioners' Reports.

PUBLIC INPUT SESSION

Heather Johnson, 449 Foster Lane, Pittsboro, NC, stated that one area where Chatham County has spent a lot of money in recent years, to seem rather than to be, is LEED certification. We were told that the resulting energy efficiency would pay for the added cost. Actual energy efficiency is something we can all agree on whether our primary motivation is to save money or to save the environment. Unfortunately, LEED certification does not necessarily mean energy efficiency and certainly does not guarantee it. In these tough economic times, our focus should be on priorities, the core functions of government, not reaching for plaques that do not ensure or measure energy efficiency of a building. *The New York Times* has run a number of articles over the years, critical of LEED. There is much criticism of LEED within the green building community additionally. The Arthur Morgan Institute for Community Solutions is a non-profit organization that educates on the benefits and values of small local community living. This sounds like the type of organization that would support the LEED program. However, they ran an extensive two-part criticism of LEED in their newsletter that was incorporated into a book. The crux of their criticism is that LEED does not deliver and is a distraction from meaningful energy efficiency measures that should be the heart of any true sustainability program. The Chatham Conservative Voice recommends that the County rescind its policy of obtaining LEED certification for all buildings and pursue more cost-efficient, cost-effective methods of ensuring good quality construction and verifiable energy efficiency.

Jeffrey Starkweather, 490 Old Graham Road, Pittsboro, NC, stated that he was going to do a follow-up from the decision about the high school and elementary school on the CIP. He understands that there are pros and cons of how it could be dealt with. Although he agreed more with Commissioner Kost's position that we should not delay it and it should be included in the financial model, he understands that there are disagreements about that. However, since this will be something that you have agreed that you are going to look at every year, he thinks it is important there are a couple of considerations that he didn't hear (#1) and (#2) there are two requests he has for people from that community. One: he did not

hear any discussion of the likely inflation we are going to be experiencing in this country/area. We have historic low interest rates. We have low construction industry. Most of the buildings we have had so far have been way under bidding. Oil prices are going up. He thinks that someone needs to look at the economics of delay and cost. Second: Based on talking with his own daughter who lives in that area and Flynt O'Brien who also lives near her, there are a lot of families who would bring their children back to the public schools...from charter schools, charter schools out of the County, and private schools, if we had that school. Someone should ascertain what that number should be. Finally, the ORAD underestimated, even though they did the estimations this past year, they underestimated the number by thirty students who were going to Northwood this year. If you take that and multiply it by the underestimation of five years in a right-of-way, it would be 150 students. His two requests are: 1) Everyone needs to know how it is to be funded. Are you going to use COPS or some kind of funding model as we have in the past or will there be a bond referendum so that planning can be done and what else can be included in it. 2) There was a statement made that the Board would look at it this year, but there was nothing listed about what criteria the Board would use to make this decision. It needs to be projected out how many students are actually going to be needed to justify the school. Is it 1,200, 1,400, 1,300? In discussion with the community/School Board and within themselves, the residents should know what the target is. He stated that he hopes we could have these discussions and debate on these issues before we come back next year and have to make a decision about whether we are actually going to go forward with the school.

ADJOURNMENT

Commissioner Cross moved, seconded by Commissioner Stewart, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 8:22 PM.

Brian Bock, Chairman

ATTEST:

Sandra B. Sublett, CMC, NCCCC, Clerk to the Board
Chatham County Board of Commissioners