

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**WORK SESSION**  
**MARCH 03, 2008**

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The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Henry H. Dunlap Building Classroom, 80 East Street, located in Pittsboro, North Carolina, at 9:00 AM on March 03, 2008.

Present: Chairman George Lucier; Vice Chair Mike Cross; Commissioners Patrick Barnes, Carl Thompson and Tom Vanderbeck; County Manager, Charlie Horne; County Attorney Jep Rose; Assistant County Manager, Renee Paschal; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

The Work Session was called to order by the Chairman at 9:01 AM.

*Work Session*

1. **Presentation: Alamance Sludge in Chatham County**
  - a. BREDL
  - b. Environmental Review Board
2. **Environmental Review Board: Shearon Harris Recommendation**
3. **Small Business Incubator Presentation**
4. **Water System Development:** West Side Intake; Regional Water Facility Possibilities
5. **Public Works Contract Award for Pump Station**
6. **Information Technology Expansion of Ethernet Services:** Consideration of a request to approve a five-year lease of enhanced Ethernet services from Embarq
7. **Library Technology Grant:** Consideration of a request to approve a Library Services Technology Act (LSTA) grant application with funds to be administered through the State Library in the amount of \$77,295.00 with a County match of \$19,324.00
8. **Joint Planning Possibilities with Orange/Chapel Hill**
9. **Transit Discussion with Chapel Hill Update**
10. **Tower Ordinance Discussion: Public Hearing Schedule**
11. **Buffer Site Visit Fee:** Consideration of a request to approve a Buffer Site Visit Fee
12. **Non-profit Panel Volunteers**
13. **Criminal Justice Partnership Program Funding:** Consideration of a request to adopt **Resolution in Support of Continuation of Criminal Justice Partnership Program Funding**
14. **Chatham Business Park:** Status of Work
15. **Closed Session:** Personnel

## **SLUDGE PRESENTATION**

Chairman Lucier indicated that Sue Dayton would be speaking today regarding the Burlington sludge and what could be done about it, as well as the upcoming public hearing to be scheduled sometime in April.

Sue Dayton, with the Blue Ridge Environmental Defense League (BREDL), provided some brief information regarding BREDL and its history and experience. She said they had received some calls from people in the area that were concerned about sewer sludge issues, adding she was referring to sludge that was a byproduct of wastewater treatment plants; that is, the solids and semi-solids that were filtered from wastewater affluent before the affluent was released into streams and rivers. Ms. Dayton provided some history on how that sewage sludge became known as biosolids.

Ms. Dayton stated that the term biosolids was a much more acceptable term to the public than sewage sludge, particularly when used by farmers for food crops; that the term was defined as “a nutrient rich organic byproduct of the nation’s wastewater treatment process;” that there were two types of sewage, Class A and Class B; the Class B was usually applied to farm lands; that Class A was used for composting and had less pathogens, but, the treatment of Class A did not remove 100% of the pathogens in many of the emerging contaminants such as that from pharmaceutical drugs; and, that both Class A and Class B sewage had been shown to damage wildlife.

Ms. Dayton said over the years there had been thousands of reported cases of harm from sewage sludge; that symptoms included asthma, weight loss, fatigue, eye irritations, flu-like systems, gastro-intestinal complications, headaches, immune deficiency problems, lesions, nausea, nose bleeds, rashes, respiratory complications, abscesses, reproductive complications, cysts and tumors. She stated currently there was no formal tracking system for complaints related to sewage sludge, either nationally or locally; that the EPA had never conducted an epidemiological study, although thousands of health-related complaints had been received from those living near land-applied sites; and, that some deaths had been reported. She referred to several news articles related to deaths of persons living near land-applied sites, as well as deaths of farm animals.

Ms. Dayton stated it was important to remember that all sludge was not created equally; that sludge was different depending on where it came from; that every batch taken out and put on a field was different from the last batch; and, that it was not tested so it was impossible to say exactly what was in it at any point in time. She stated the State had agreed to host the first ever, State-held public hearing on a permit that was up for renewal to spray sewage sludge on farm lands in five counties, and those were Alamance, Chatham, Orange, Caswell and Randolph; that the permit was held by the City of Burlington; that in 2006 Burlington had sprayed close to 30 million gallons of sewage sludge in those five counties; and, that Alamance received the most at 11 million gallons, followed by Chatham at nearly 5.5 million gallons. She then described the permitting process that Burlington would be going through, noting it was already four years out of date which they believed made the State in violation; but, the State believed that rather than the permit being out of date it was simply automatically renewed each year, making it more convenient for the State. Ms. Dayton stated that may prove to be illegal and it conveniently left out public involvement in the permitting process.

Ms. Dayton stated another issue was that during the time of Burlington’s permit, they added over 1,200 additional acres to be sprayed, and no one knew about it or had a say in it because it was simply added to the permit. She said when the State was asked why it had taken four years to draft a new permit, the response was that they just had not gotten around to doing it.

Chairman Lucier asked what State office was responsible for that. Ms. Dayton responded the Division of Water Quality (DWQ). She stated a lot of the problem was few staff and lack of time and money to work on land application programs. Ms. Dayton then provided BREDL’s recommendations to State permitting procedures for land application of sewage sludges:

- Require all new and renewed permits to abide by the new State-mandated “2T Rules” that require greater setback for Class A sludge and establish new agronomic growth rates for land application of Class B sewage sludge.
- Require treatment of all sewage sludge to Class A standards.

- Require greater enforcement of current regulations such as posting signs limiting public access to areas receiving sludge.
- Require greater setbacks to drinking water wells, surface waters, and properties next to land receiving sewage sludge based on Occupational and Environmental Epidemiology Branch (OEEB) recommendations.
- Increase testing for certain heavy metals and organic chemical contaminants.
- Reduce surface land application by incorporating sludge into the soil using a disc or tiller to minimize potential air pollutants and runoff.
- Provide written notification to residents who live or own property adjacent to fields getting sprayed with sewage sludge.
- Publish a notice in local newspapers and county libraries of applications for all new and renewed permits for land application of sewage sludge.
- Develop an updated system of permitting that allows for meaningful public involvement, such as the right of residents to comment on new and renewed permits, and permits that add additional acreage for applying sewage sludge.
- Develop a State protocol to effectively handle reports of illnesses and potential violations from citizens regarding sludge applications.
- Require the State to produce annual reports that are accessible to the public. Reports should include total volumes of sludge applied in each county as well as the origins of the sludge from both in-State and out-of-State generators.
- Require a separate fee and permit for out-of-State sludges with documentation of the facility producing the sludge and the name and address of the property owner receiving it.
- Develop and implement a program that engages counties in oversight and monitoring of sewage sludge applications.
- Due to pathogens present in Class B sludges, prohibit sewage sludge from being sprayed or land applied to high-exposure areas such as residential developments, schools, playgrounds, parks, daycare centers, nursing homes, etc.

Ms. Dayton called attention to a 2005 report provided with the packet that Ken Rudo had participated in from the OEEB entitled “Human Health Risk Evaluation of the Land Application of Sewage Sludge/Biosolids”, and the similar recommendations that it contained. She said it was interesting to note that none of the recommendations had made it into the 2T Rules.

Chairman Lucier stated that Ken Rudo was with the NC Department of Health, and asked if the report just mentioned was transmitted to DWQ in 2005 by their request or because the NC Department of Health believed it was important to do so. Ms. Dayton replied she did not know, but believed that the NC Department of Health had sent it but not at the request of DWQ.

Commissioner Thompson stated he assumed this was a common State-wide practice. Ms. Dayton replied that was correct. Commissioner Thompson stated Ms. Dayton had mentioned the arbitrary number for the setbacks, and asked if the 30-day waiting period before animals were allowed to graze on land treated with sewage sludge was arbitrary as well. Ms. Dayton responded she believed that number was set by the EPA, and would be happy to try to find out how they had arrived at that number. Commissioner Thompson asked if adjacent property owners were required to be notified when sewage sludge was used. Ms. Dayton replied no, although many states were moving towards that process.

Ms. Dayton stated she had included in the packet maps of the areas in Chatham County that were sludge sites. She said after looking at regulations in other states, she believed North Carolina was the worst, partly because of the structure of the permitting system. Ms. Dayton invited the Commissioners to attend the third annual “Tour de Sewer” scheduled for Wednesday, where they would tour Burlington’s South Plant.

Commissioner Vanderbeck stated when he ordered compost, he believed he could request a copy of the waste analysis and they were required to give him that, and it was hard to believe you could not get something similar on the sewage sludge. He said he knew that many farmers refused to grow hay or allow their animals to graze in areas with sewage sludge. Ms. Dayton stated it was a dilemma because it was literally free fertilizer, but it had a lot of bad things in it. She stated that clearly getting rid of some of the chemicals at the source and stopping the manufacturing of toxic chemicals was important. She said at the present time no labeling was required, so you would not know where the biosolids had come from or what chemicals may be present.

Commissioner Vanderbeck asked if Duke was doing some testing in Duke Forest with applications in forest land and timber production, and did she know what the results of that were. Ms. Dayton stated she had not heard anything about that, but had heard that someone from Duke was taking samples from Cary's wastewater treatment plant sludge.

Commissioner Cross stated that back in 2002 the County permitted the Wallace Woodall Family Farm for sludge application; that once the sludge was applied the field was plowed and corn was grown and sold to deer hunters; and, that to his knowledge that site had tested well. He stated he remembered from his research that once that field was used for 20 to 25 years, nothing else could be done with that property for 30 years, and wondered if farmers realized that, if it was indeed true. Ms. Dayton said she would have to check that, but did know that because of the concern of heavy metals accumulating after many applications that land could be ruined, as had happened in Georgia with dairy farmers.

Chairman Lucier stated then that may mean that such land could not be sold to developers until that 25 to 30 year period had passed.

Commissioner Cross stated that was certainly how he would interpret that, adding that if he was correct then such properties should be tagged by the Register of Deeds and the people who were applying sludge should be informed that they could not sell or use that property for a number of years, or, that the people who were purchasing such land be informed as to what it had been used for. Ms. Dayton agreed, adding she commended the Commissioners for moving forward with recommendations on such an important issue for the County, and encouraged them to expand their current recommendations.

Chairman Lucier stated the Environmental Review Board (ERB) had put together some draft comments for the public hearing, which was scheduled for the end of April, so comments would need to be forwarded by that date. He stated no action would be taken today, and what the Commissioners would likely do was revisit this issue at the March 17<sup>th</sup> meeting or the first meeting in April so that they could generate comments for submission prior to the public hearing.

Chairman Lucier asked if Ms. Dayton had any good information on the variability of sludge supplied in terms of metals and nutrients; that clearly the farmers wanted the sludge for its nitrogen and phosphorous, but not because of its mercury, chromium and the like; that depending on the wastewater treatment plant, was it predictable what that waste would contain or was it related more to the living habits of the people who contributed to that wastewater or a combination of both; that in general were the newer, more modern plants better or worse; that they could potentially be worse because a wastewater treatment plant would not want to send those things out into the streams to get into the waterways, so the sewage sludge might actually be concentrated to a greater extent in the new wastewater plants. Chairman Lucier asked for any information she had on those issues.

Commissioner Vanderbeck stated that in that mix was what was being leached from the landfills which was a combination of everything that no one was monitoring, so that was the variable that no one could assign any value to. Ms. Dayton stated it was important to remember that the cleaner the affluent the dirtier the sludge, and called attention to a survey contained in the packet that spoke to that issue, as well as a newsletter from Cornell regarding its research in that area.

David Hughes, Public Works Director, stated that usually what was in the sludge was determined by the wastewater treatment plant; that in highly industrialized areas you would have higher levels of heavy metals; that in domestic areas like Pittsboro, there was a relatively small chance of having heavy metals; and, that normally wastewater treatment plants in industrial areas had pre-treatment programs with the waste being sampled by automated machines to perform measurements before the waste went to the wastewater treatment plant.

Chairman Lucier stated that if Ms. Dayton had any information related to those issues, it would be helpful to the Commissioners to have that as quickly as possible.

Bob Knight, a citizen, stated he had dealt with sludge in 1996 and 1997 in Guilford County with a farm he had managed where sludge was applied to the pasture; that the land had a 10-acre lake; that they ran beef cattle and horses; and, they had never experienced so much as a

fish kill. He stated they did have the odor, and had always posted signs to alert people as to what the smell was. Ms. Dayton asked had they posted the signs themselves. Mr. Knight responded the trucking company had posted them. He stated it was important to remember that there were always negatives associated with anything positive; and, reminded the Board that if they continued to expand setbacks it would be hurting the farmers and that should be considered. Mr. Knight said they needed to be focusing on getting the lead and other materials out of the sludge rather than the farming aspect of it. Ms. Dayton replied those were good points, adding that the pathogens in the sludge were an issue as well.

Commissioner Vanderbeck stated those were Class A biosolids, and Ms. Dayton had been speaking for the most part about Class B biosolids. Mr. Knight stated that in his experience, once the sludge was on the ground they had allowed the farm animals back in the pasture within two weeks. Ms. Dayton responded they were lucky the animals had not become sick, and stated it depended on where the sludge had originated from and what it contained. She added that sludge coming in from out-of-State was "a wild card" because it was not known what it contained.

Chairman Lucier reiterated that this issue would soon be revisited by the Board, and that he appreciated Ms. Dayton sharing the information. He asked that she provide the Board with any additional information regarding what had been discussed today as quickly as possible.

#### **ENVIRONMENTAL REVIEW BOARD: SHEARON HARRIS RECOMMENDATION**

Chairman Lucier stated this item was related to the Shearon Harris permitting that would run from 2026 to 2046; that they had prepared a generic Environmental Impact Statement assessment 18 years early; that the ERB had looked at that assessment and noted that the timeframe was a bit early; that clearly you could not wait until 2025 to do it, but doing it in 2008 was a bit early as well; and, that the ERB comments and other comments had to be submitted by March 5<sup>th</sup>, so the Board needed to take some kind of action today or decide on whether or not to modify the document before it was submitted.

Commissioner Vanderbeck stated he had read the ERB report and found it to be comprehensive, and believed it should be submitted and would move to do so.

Commissioner Barnes stated he believed it should be modified in terms of the times, noting that 40 to 45 years was too far out. He stated that timeframe should be 15 to 20 years.

Commissioner Cross asked if the language should be softened somewhat.

Chairman Lucier responded there may be some modifications that could be made to do that but still make the overall points. He stated the point Commissioner Cross was raising was if the Board was comfortable with it as it was or did they want it to be revised in any significant way before it was submitted.

Commissioner Barnes stated he believed some small revisions might be warranted.

Chairman Lucier stated the timeframe was short, and this Board would not meet again before the report had to be submitted.

Commissioner Vanderbeck stated the written submission had to be in by Wednesday, and he was okay with the report as it was.

Commissioner Barnes stated he had no significant concerns other than the time limit, which he believed needed to be adjusted.

Chairman Lucier stated some of the comments were related to the environmental justice issues; that the trigger for environmental justice was not adequate for such issues; that if a general area did not have a 50% minority population, then such issues were not considered; that the point was made which he believed was reasonable that even without that percentage you could still have diversity that might be substantial next to a plant even if the overall area did not have 50% minorities; and, that another reasonable point was that it was the Board's job as the local authority to encourage Shearon Harris to develop a long-range plan for the spent fuel rods

and to make that information public. Chairman Lucier stated those were the three main points made by the ERB's report.

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to approve the report and submit it to the hearing.

Chairman Lucier asked for instruction by the Board to go through the report and make minor revisions, but nothing that would subtract from three major issues.

Commissioner Vanderbeck amended his motion to include Chairman Lucier's suggestion to submit the report with slight edits that would not subtract from the three points outlined in the ERB report. Chairman Thompson accepted that amendment.

Chairman Lucier called the question. The motion carried five (5) to zero (0).

Chairman Lucier asked the County Manager who he should work with to finalize the report. County Manager Horne responded that Chairman Lucier should submit the amendments to him and he would see that they were included and the report submitted by Wednesday.

### **WATER SYSTEM DEVELOPMENT**

David Hughes, Public Works Director, stated that they had met with all the allocation holders for water and discussed the withdrawal of more water out of the lake and what needed to be done to accomplish that. He stated they had met with the entities and with DWQ to bring them up to date regarding the planned expansion of the plant and the pipeline to be run across the lake, and the idea came up to take the money and team with some other entities in the area to build a western intake. Mr. Hughes stated that Durham was very favorable to the idea due to their general water problems, and their elected officials would be voting on a resolution regarding that today.

Chairman Lucier stated he had received a copy of that resolution as had Commissioner Cross, and would provide a copy to the other Commissioners. The County Manager noted that OWASA had signed off on that resolution last Thursday night.

Mr. Hughes stated that Durham was probably the lead agency and had the most interest due to the drought situation and their reservoirs, so believed they would move fairly quickly and the resolution would be adopted.

Commissioner Vanderbeck asked was it anticipated that if they did divert their current funding to this that they would not lose time in meeting their own demand schedule. Mr. Hughes replied that he believed that DWQ was in general support, and it was discussed in the meeting with the allocation holders that they needed to secure some kind of temporary water supply for the next 7 to 10 years while this was getting done.

Chairman Lucier stated that needed to be legally guaranteed. Mr. Hughes stated it needed to be legally guaranteed even during a drought, and that the County's position had been made quite clear and it was understood. Chairman Lucier stated the current plan was to expand to 7 million gallons a day, up from the current 2.5 to 3 to be completed in 2010, and that was when they would need the water. Mr. Hughes said that was correct, noting they were maxing out now.

Chairman Lucier stated the amount of money budgeted was \$12 to \$15 million to include the upgrade of the joint intake with Cary and the upgrade of the water treatment plant; and, that funds would be needed to upgrade the transmission lines for water, so the total amount may be upwards of \$21 million based on whether they could go across the lake or under the lake. Mr. Hughes responded that was correct.

Chairman Lucier asked when that decision would need to be made, noting they would reach a point in time where too much money would be spent to back out of that decision. Mr. Hughes replied likely towards the end of the summer, because the engineering design would be done and they would be ready to award or not award the contract.

Commissioner Barnes stated they had discussed a water intake on the west side of the lake three years ago, and there was not much interest in it at that time other than by Chatham County; that now that the region was experiencing a drought it had changed everyone's attitude; that now that Cary wanted a sewer plant in New Hill with a discharge line across Chatham they had become more receptive to becoming a cooperative partner; that the drought had increased OWASA's and Durham's interest in a western intake; and, if they postponed increasing their own water intake and upgrading the water treatment plant, then they would be receiving water from Cary and delaying the building of their own intake. Mr. Hughes stated he did not know exactly how that would work; that Cary believed they were running out of water because others were asking them for water; and, that Chatham needed to have the water and that was the bottom line.

Commissioner Barnes stated the question now was if they did not increase their water plant, then they were going to have to have a source of water in ten years from someone somewhere. Mr. Hughes responded that was correct, adding they would have to do some construction just to bring water in from somewhere else; that they had a good connection with Durham off of Ferrington with a 16 inch line; that they would need to move it around in the system a little better if they were to increase it; and, there would be some costs associated with that.

Chairman Lucier stated the Commissioners needed to look over the resolution, and that at least one more "Whereas" should be added for Chatham County in terms of the issue regarding the long-term water supply and what it would commit the County to, and the need to work together with those partners regarding the planning for a western intake, but not committing the County to anything beyond that plan. Mr. Hughes stated that was correct.

Commissioner Thompson suggested having Mr. Hughes give the Commissioners some options to consider regarding moving ahead with the western intake, which he believed was good for the future of Chatham County, and adding that the only way to make that decision was to look at options to supply water and to legally have the capacity to do that.

Chairman Lucier asked Mr. Hughes when he might provide such options for the Board to look at; that the Board might want to look at those options and then modify the resolution. Mr. Hughes replied he believed they would first have to start negotiating, noting they would need to know where they would be getting the water before they could figure out the cost of it. He said as soon as Durham adopted the resolution then discussions should begin immediately about how to bring in more water. He said once that was done he would be able to place a dollar figure on it and bring options back to the Board.

Chairman Lucier stated he would expect Mr. Hughes to pursue that as a top priority and get the Board that information. Mr. Hughes agreed to get that information quickly. Chairman Lucier said he believed there was enthusiasm to move forward with this, provided they could have guarantees for water supply once the western intake was completed; that there was no doubt the only way the western intake would get done was if it were a regional water supply; that at the same time, if they carried this through to fruition, they would have to go after increased allocation; and, that currently their allocation was 6 million gallons per day and he believed they should try to double that.

Commissioner Barnes stated that was part of the leverage they could use with the Western Wake intake. Mr. Hughes indicated that Durham would also be looking for increased allocation, noting they had a 10 million gallon a day allocation but could only get it through Cary. He stated he had made it clear in the meeting that if Chatham participated in the project that they would expect more water, so that was a part of the negotiations.

Chairman Lucier stated he understood that there was over 30 million gallons of unallocated water from Jordan Lake and believed it was reasonable to assume that Chatham County would be able to increase its allocation. He stated at the worst point of the drought the lowest Jordan Lake ever got was 93% of capacity, whereas Falls Lake had dropped to 30% or 40% of capacity; he believed that indicated that Jordan Lake could be a greater source of water than it now was. He asked Mr. Hughes if he believed there was a reasonable chance that Chatham County might double its allocation from Jordan Lake, which would be only about 20% of the unallocated water. Mr. Hughes responded yes, but that was all negotiable.

Commissioner Cross noted he had recently seen a map that indicated the OWASA property was in another location than the map Mr. Hughes had provided. Mr. Hughes noted his map had been supplied by OWASA so he was confident it was correct. He stated OWASA owned 125 acres just south of Bell's Landing.

Chairman Lucier stated they needed to be sure about the site for the intake as well as the plant; that it appeared to him that the western intake would make a connection with Pittsboro fairly straightforward and simple and not too expensive.

Commissioner Barnes stated that might mean they would potentially have a little more money to work with on this plant.

Chairman Lucier said the western intake would clearly enhance and simplify their connectivity with Pittsboro and enhance their ability to get water to Siler City through the line just completed.

Commissioner Cross stated when they had discussed this 3 years ago, the State had indicated that there would not be a problem with a water intake on the park property, but did not know what part that might play in the negotiations.

Chairman Lucier stated that would make geographical sense. Commissioner Cross agreed. Mr. Hughes said it would depend on whether Durham and OWASA wanted raw water or finished water, but that would be hashed out in the negotiations.

Commissioner Cross stated for the record, those at the table would be OWASA, Carrboro, Chapel Hill, UNC, the City and County of Durham and he expected that Cary and Wake County would be involved.

Chairman Lucier stated that Pittsboro should be included as well.

Ms. Dayton asked if the County had a Water Conservation Awareness Program. Mr. Hughes said they did send out information in a kit and did some advertising and promotions, but nothing as formal as a Water Conservation Awareness Program.

Chairman Lucier stated in addition, they had just passed a year-round water conservation ordinance, and they were in the process of developing a feasibility study for the use of reuse water. Mr. Hughes stated he would be getting back to the Board just as soon as Durham adopted its resolution, and he would also distribute that adopted resolution to the Commissioners.

### **PUBLIC WORKS CONTRACT AWARD FOR PUMP STATION**

Mr. Hughes explained that they had the bid opening about 10 days ago for the booster pump station on NC Highway #902 to supply water to the new Alex Cockman elevated storage tank. He stated the winning bid was Hall Contracting, who was also doing the western transmission pipeline work, at a bid of \$792,150.

Commissioner Thompson moved, seconded by Commissioner Vanderbeck, to award the bid and approve the Western Transmission Main Pump Station Contract #4 to Hall Contracting in the amount \$792,150. The motion carried five (5) to zero (0).

### **BREAK**

The Chairman called for a short break.

### **CHATHAM BUSINESS PARK**

Mr. Hughes provided an update on the status of the work at the Chatham Business Park stating that the roads were in and pavement nearly completed; that widening had been completed at the hospital; that there was still work needed at the entrance; that the two lift stations had been tested and the pumps were working, but there were a few punch list items that were outstanding; that the water lines were in and had been tested; that power was completed; that the gas line was about 2½ weeks away from being completed and tested; that telephone was on the ground and working; and, most of the original construction was done. He said the question was the rework

and whether NCDOT would take over the bridge and roads, and believed NCDOT was inclined to agree that after the extra pavement and stone had been put down on the roads that it would meet their standards. Mr. Hughes stated the engineers were in negotiations regarding the bridge and the culverts, noting the culverts appeared to be the issue and whether or not they would be able to pour concrete into those open-bottomed culverts; that Hobbs & Upchurch was putting together a detailed plan to be submitted to NCDOT, but did not know what the schedule was for that or if NCDOT would accept the design for the culverts.

Chairman Lucier stated the last missive from NCDOT indicated there was a huge chasm. Mr. Hughes stated that was a fair assessment, noting they were likely months and months away from getting a decision. He said once the detailed design was submitted, they would get a better idea of the schedule, adding that they would need to get environmental permits because of the wetlands which would add time to that schedule.

Chairman Lucier asked would that affect the construction schedule for the hospital or the community college. Mr. Hughes replied no.

Commissioner Cross asked if the current road to the hospital was installed. Mr. Hughes replied it had been paved but was not yet striped. Commissioner Cross asked had that been included in the original funding for the project. Mr. Hughes said it had been included in the funding for the hospital. Commissioner Cross said he believed the hospital would be coming before the County with a request for \$125,000.

Commissioner Vanderbeck stated he believed that request would be for funding for other things.

Chairman Lucier asked when he would expect the County to take over the roads and allow free access. Mr. Hughes responded in about a month. Chairman Lucier urged Mr. Hughes to press for a time table because at some point decisions would have to be made. Mr. Hughes stated he would share that as soon as he received it.

Commissioner Cross asked if Mr. Hughes had any update on the Rocky River transmission. Mr. Hughes stated that person was supposed to mobilize his equipment today.

### **INFORMATION TECHNOLOGY EXPANSION OF ETHERNET SERVICES**

Renee Paschal, Assistant County Manager, explained that they had maxed out the capacity of their T1 line and needed additional capacity, and it was being recommended that they contract with Embarq for use of their fiber optic internet and enhanced Ethernet services for additional capacity. She stated it was a five-year contract, and would cost an additional \$10,414.75 for this fiscal year, \$24,993 for the next fiscal year, and a total of \$124,977 over the five-year lease period, at a monthly rate of \$2,082.95. Ms. Paschal said if they did not increase their capacity, the performance would continue to degrade and they would be slowed down considerably due to the growing number of workstations and their installed applications.

Commissioner Vanderbeck moved, seconded by Commissioner Cross, to award the five-year lease for enhanced Ethernet/high speed internet for Chatham County offices to Embarq in the amount of \$2,082.95 per month. The motion carried five (5) to zero (0). The lease is attached hereto and by reference made a part hereof.

### **LIBRARY TECHNOLOGY GRANT**

The County Manager stated the recommendation was to approve the grant at a total of \$77,295 with a local match of 20% at \$19,324.

Commissioner Cross moved, seconded by Commissioner Barnes, to approve the Library Services Technology Act (LSTA) grant with funds to be administered through the State Library which requires a local match of 20% of the total project (\$77,295.00) for a total of \$19,324.00. The motion carried five (5) to zero (0). The grant application is attached hereto and by reference made a part hereof.

### **JOINT PLANNING POSSIBILITIES WITH ORANGE/CHAPEL HILL**

County Manager Horne stated they had held ongoing conversations with Chapel Hill, Carrboro and Orange County for several months about the possibilities for joint planning in areas specific to the interest of all the entities. He stated that recreation, some transportation issues, planning for growth and density, and other issues were discussed.

Chairman Lucier stated that he, Commissioner Cross and Mr. Horne had met with those entities many times about issues of mutual interest; he had suggested that rather than having some sort of massive joint planning activity that they identify specific areas needing work that were of mutual interest and focus on those through joint committees. He stated that at their next meeting the idea was to add some specificity to what kinds of things to work on, noting there were clear issues of joint interest such as the buffers along the Haw River as you moved from Orange County to Chatham County and the sharing of recreational facilities. Chairman Lucier stated that Chapel Hill was building a park about ½ mile from the Chatham County line, and Chatham County was building its northeast park, and they wanted to share those resources to the extent possible to allow as many people as possible to enjoy those resources. He stated that clearly joint transit activities would be important as well, particularly as North Carolina developed with the ensuing increased traffic expected on Highway #15-501; and, that would necessitate reliable transit service at least between Pittsboro and Chapel Hill with stops along the way.

Commissioner Vanderbeck stated it was important to connect bicycle trails and greenways, and they should begin to secure some sites for those connections.

Chairman Lucier stated that had been discussed at MPO meetings, and northeast Chatham was one of its high priority projects as far as bike trails to connect it to Chapel Hill and Carrboro as well and Durham. He said he believed that was the MPO's #2 priority, and they were working on securing funding for that.

Commissioner Thompson stated that extremely large residential and commercial developments should be included as far as joint planning was concerned.

Chairman Lucier stated the planning for the protection of Jordan Lake should be included as well. He added that another meeting would take place in the next few months, so he and Commissioner Cross would need the other Commissioners' thoughts on how to proceed with joint projects.

### **TRANSIT DISCUSSION WITH CHAPEL HILL: UPDATE**

Commissioner Vanderbeck stated there was not much to add other than they were pressing for that, and added that a petition had just started to add Moncure.

Commissioner Cross asked that before the meeting that they check with Briar Chapel to see if they were going to provide a bus stop or a park and ride stop. Keith Megginson, Planning Director, stated it was a condition of the Briar Chapel Conditional Use Permit that they provide a park and ride area, and they were willing to do that when transit service began.

Chairman Lucier stated that the Compact Communities Ordinance contained a requirement related to that as well. Mr. Megginson stated Briar Chapel would not provide the park and ride lot until bus service was available, because it would double the impervious surface on their property, and they were looking for a neutral area. He added that UNC was looking to put the other half of its park and ride facility in Briar Chapel.

Commissioner Cross stated the information would be helpful in planning what needed to be done in the not too distant future.

Chairman Lucier stated they also needed to begin thinking about getting something in place for NC Highway #64 and US Highway #15-501 as well as something in Pittsboro, adding they would need to work with the Pittsboro Board of Commissioners on that. He stated that Pittsboro Mayor Randy Voller was a member of the joint planning group.

### **PUBLIC HEARING SCHEDULE: TOWER ORDINANCE**

Planning Director Megginson stated that normally the annual tower review took place in March, but legislation last year amended what local governments could do on that; that they had prepared some amendments to the tower ordinance based on that legislation, but the various cell tower providers were comfortable with the County's ordinance the way it was now; that they would like to proceed with the public hearing on the ordinance as is and look at amendments later on when there was more time to address them; that normally they would send out notices about two months in advance of the hearing to let the various cell providers know when the hearing was scheduled; and, that the hearing could be scheduled for May or later.

Chairman Lucier asked if May would work for staff. Mr. Megginson responded yes, that it could be put on the regular meeting schedule on May 19<sup>th</sup>. Chairman Lucier said that sounded okay to him, noting he did not believe it would be a long public hearing.

The County Manager stated that date was the public hearing on the budget.

Chairman Lucier stated based on past experience he did not believe that would be a problem.

Commissioner Thompson moved, seconded by Commissioner Vanderbeck, to set May 19, 2008 as the date on which to hold a public hearing on the Tower Ordinance. The motion carried five (5) to zero (0).

### **BREAK**

The Chairman called for a five minute break in order to set up for the next presentation.

### **SMALL BUSINESS INCUBATOR PRESENTATION**

Commissioner Thompson introduced Nancy Blackman, noting she was the Small Business Director of the Small Business Center in Harnett County. He stated Ms. Blackman would share information about their very successful incubator and its benefits for small businesses.

Nancy Blackman, Director of the Triangle South Enterprise Center, provided the following PowerPoint presentation:

Triangle South was named:

- We are south of the Research Triangle
- Partnership between Central Carolina Community College & The Incubator
- Triangle South is located in the Old Magnolia Avenue School that belongs to Harnett County

Timelines:

- 1987 - TSEC funded (celebrating 20 years 10/29/07)
- 1990 - \$100,000 grant to start Loan Program
- 1992 - \$850,000.00 funding from USDA for IRP Loan Program
- 1995 - \$1,150,000.00 from USDA - RD
- 1999 - \$1 million from USDA-RD
- 2001 - \$500,000 from USDA-RD
- 2003 - \$750,000 from USDA-RD
- 2005 - \$522,750 from USDA-RD
- 2007 - \$750,000 from USDA

One-on-one counseling:

- The Small Business Center provides one-on-one counseling for over 200 clients per year assisting clients in Dunn, Lillington, Erwin, Coats, Angier, and counties including Sampson, Johnston, Cumberland, Southern Wake, Robeson, Lee and Chatham.

20 Year Statistics of Triangle South:

- 104 businesses have started at Triangle South Enterprise Center
- 51 have left as graduates of the program
- Over 2,700 jobs have been created
- 20 are currently located at Triangle South
- TSEC currently has 15 outside clients
- One non-profit graduate: the Harnett Regional Theater

Loan Activity:

- 62 loans have been made totaling \$7.1
- Loans have been made in 9 counties
- Recent award of \$750,000.00 to expand loan fund
- Service area includes Harnett, Sampson, Johnston, Hoke, Richmond, Anson, Columbus, Duplin, Lee, Robeson, Cumberland, Bladen, Brunswick, Montgomery, and Scotland

Statistics of SBC:

- Small Business Classes and Courses are provided for Harnett County
- 7,000+ people have attended educational courses
- 800 people received GED at TSEC
- 400 people per year attend classes and seminars

TSEC/CCCC-SBC Objectives:

- TSEC has achieved a certain amount of success due to diversity in programs including:
  - Educational association with CCCC, the affiliation with the Dunn Area Committee of 100, Inc.
  - Intermediary Relending Program
  - Assistance from the County of Harnett

Ms. Blackman stated that they had received the Small Business Center Excellence on the State level for all three centers, and were very pleased to have been recognized for the work they had done.

Chairman Lucier thanked Ms. Blackman for her presentation, stating they were very interested in pursuing something like that for Chatham County to the extent possible. He thanked Commissioner Thompson for initiating this presentation.

Commissioner Vanderbeck asked if Ms. Blackman would be available to work with the County's EDC Director, Dianne Reid. Ms. Blackman responded she would, noting she had already met with Ms. Reid.

Commissioner Thompson stated that he and Ms. Reid had actually visited Ms. Blackman in Harnett County and toured her facility. He asked Ms. Blackman what some of the preliminary steps would be to move this forward, noting that Ms. Reid had indicated that a group was going to prepare a feasibility study as a preliminary step. Ms. Blackman stated the feasibility study/business plan would be called for, and support from the community was important as well as what kind of funding was available.

Gerald Totten, citizen, stated that he had been the Chair of the Five County Private Industry Council headquartered in Fayetteville, and it was wonderful to see what Ms. Blackman and her group had achieved.

Commissioner Thompson asked for people coming in and requesting a loan, were there certain things they were required to do, whether it was course work or whatever, before they were actually qualified. Ms. Blackman replied no, but there were other requirements for eligibility for a loan, such as that the population in that area had to be less than 25,000.

Commissioner Vanderbeck asked if she still felt that Chatham County's higher than median income would cut them out of a lot of loans, or could they be considered for USDA loans or others to pursue this. Ms. Blackman replied it was possible.

Chairman Lucier stated their problem was that the higher than median income was driven by the northeast section of the County, but in other parts of the County it was fairly low.

Chairman Lucier said he believed there was a lot of enthusiasm to pursue the feasibility study and for Ms. Blackman to work with Ms. Reid and the EDC as they moved forward.

Chairman Lucier stated they had commissioned a strategic plan for economic development, which he believed was to be released on April 2<sup>nd</sup>. Ms. Reid stated that was correct. Chairman Lucier stated one of the strategies for implementation of that strategic plan should be something like what was just discussed. Ms. Reid said the plan would not look specifically at the incubator, but there would be a component that looked at their entrepreneurial environment, which would fit into that.

### **BUFFER SITE VISIT FEE**

Chairman Lucier stated this buffer site visit fee would apply only to minor subdivisions of less than 25 acres and less than five lots. Ms. Paschal stated that was correct. Chairman Lucier stated that larger lots were not included because they would have to do it on their own. Ms. Paschal stated that was correct, adding the fee was a \$50 administrative fee plus \$50 per lot for a minimum fee of \$100. Chairman Lucier stated that was less than their actual cost. Ms. Paschal stated that was correct, noting it was about half of the actual cost.

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to approve a buffer site visit fee with an administrative fee of \$50.00 plus \$50.00 per lot for a minimum fee of \$100.00. This fee will only apply to subdivisions that are five lots or less and are less than 25 acres of total land area. The motion carried five (5) to zero (0).

### **NON-PROFIT PANEL VOLUNTEERS**

Ms. Paschal stated they were requesting the Board to appoint those citizens who had applied, noting there were ten Certification volunteers who had applied; that Certifications would take place on March 12<sup>th</sup> so it was important to have those volunteers appointed today; and, that they did not yet have enough volunteers for the Review Panel, but appointments could be made as late as March 17<sup>th</sup>.

Chairman Lucier asked how many volunteers were still needed for the Review Panel. Ms. Paschal said at least ten. Chairman Lucier stated that meant that each Commissioner needed to find two volunteers each to serve on the Review Panel.

Commissioner Cross asked if persons on the Certification Panel could serve on the Review Panel. Ms. Paschal responded they could, but the persons who had indicated interest in both Panels had been moved to the Review Panel because they already had enough on the Certification Panel; she noted she would be glad to ask if any of the Certification Panel volunteers were willing to serve on the Review Panel as well.

Commissioner Vanderbeck stated the qualifications were different for the two panels, noting one was more financial in nature and the other was focused on the mission, so there were two different skill sets involved.

Commissioner Thompson asked what was the timeframe involved. Ms. Paschal replied it depended on the number of panelists; that if a person served on one panel they were reviewing four agencies which would take about two hours each; that they would be asked to visit the agencies if possible which would take a couple of days of work plus the actual review; and, there were several hours of training involved so the time commitment was significant.

Commissioner Barnes moved, seconded by Commissioner Thompson, to appoint all applicants to the Non-profit Certification Panel. The motion carried five (5) to zero (0). The certification volunteers are as follows: Bart Bielawski, Larry Diegel, Katherine Griffith, June

Heck, Frank Kissel, Shelia Mann, Howard Pedersen, Dianne Reid, Lisa Stevenson, and Brenda Turner.

Chairman Lucier encouraged those in the room to spread the word that more volunteers were needed to review applications for non-profit organizations; he noted they had funded about 20 groups last year, and it was important that each group was evaluated to make sure that any funding was consistent with the needs of the County.

### **CRIMINAL JUSTICE PARTNERSHIP PROGRAM**

Ms. Paschal described the resolution before the Board, noting it endorsed full reinstatement of funding for the Criminal Justice Partnership Program to the continuation budget and the allocation of additional funds to support legislative mandates to protect the community and provide a strong criminal justice continuum at the local level. She noted that most of the funding went to fund substance abuse services.

Chairman Lucier asked had there been talk about cutting those funds off. Ms. Paschal replied yes, noting the resolution was requesting that the funds remain and be a part of the continuation budget.

The County Manager suggested they might want to add that to the list of topics for discussion with the Chatham County Legislation Delegation on March 13<sup>th</sup>.

Chairman Lucier agreed, and asked the County Manager to add that to the list.

Commissioner Barnes moved to adopt **Resolution #2008-\_\_\_ in Support of Continuation of Criminal Justice Partnership Program Funding**, attached hereto and by reference made a part hereof.

Commissioner Thompson asked if there were any statistics available that they could provide to the Legislative Delegation in support of this program.

Commissioner Vanderbeck stated if this was not funded you would see many more people incarcerated which would clog the court system, so it would not go unnoticed.

Chairman Lucier called the question. The motion carried five (5) to zero (0).

### **RESIGNATION OF COUNTY ATTORNEY**

Chairman Lucier noted that County Attorney Kevin Whiteheart had offered to resign due to medical and other reasons, and called attention to the contract for legal services that had been distributed.

Jep Rose, Acting County Attorney, stated the contract simply set out the duties of the attorney and it spoke for itself.

Chairman Lucier stated that the Commissioners had all received a copy of that contract and asked if they were comfortable with it. He stated that Mr. Rose had agreed to be available for consultations and to work on other projects with time stipulations included.

Commissioner Thompson moved, seconded by Commissioner Vanderbeck, to approve the contract and accept the resignation of the County Attorney, Kevin Whiteheart.

Commissioner Thompson stated that in the short period of time Mr. Whiteheart was with them, he was very conscientious in terms of doing the bidding of the Board, and he wished him well.

Chairman Lucier stated this County was changing and tremendous burdens were placed on the County Attorney when those changes were occurring, so there was a need for consultations, advice and recommendations before actions were taken by the Board of Commissioners. He stated that a lot was happening within the County; that the job of the County Attorney was demanding and stressful; that the Board understood the medical reason why Mr. Whiteheart had offered his resignation; and, he agreed with Commissioner Thompson's

statement that Mr. Whiteheart's hard work was appreciated and they wished him well and a full recovery.

Chairman Lucier called the question. The motion carried five (5) to zero (0).

### **LEGAL SERVICES CONTRACT**

Chairman Lucier stated that they needed to reinstate the terms of the agreement that had been used when they were recruiting for a full-time County Attorney and Jep Rose was serving as the Interim County Attorney, so the contract for legal services would contain those minor adjustments. He thanked Mr. Rose for his willingness to step into this role once again. Mr. Rose stated he was glad to have been considered.

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to approve the legal services contract for the Interim County Attorney which included minor revisions to the old contract as mentioned by Chairman Lucier. The motion carried five (5) to zero (0).

Chairman Lucier noted the Board would need to begin thinking about how they wanted to recruit a full-time attorney, and whether or not they wanted to follow the previous process or to consider other options. He suggested that be discussed at the next meeting.

### **CLOSED SESSION**

Commissioner Barnes moved, seconded by Commissioner Cross, to go out of Regular Session and convene in Closed Session for the purpose of reviewing the County Manager's performance. The motion carried five (5) to zero (0).

### **REGULAR SESSION**

Commissioner Barnes moved, seconded by Commissioner Cross, to adjourn the Closed Session and reconvene in Regular Session. The motion carried five (5) to zero (0).

### **ADJOURNMENT**

Commissioner Barnes moved, seconded by Commissioner Vanderbeck, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 12:28 PM.

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George Lucier, Chairman

ATTEST:

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