



Chatham County, NC

Meeting Minutes

Board of Commissioners

Monday, December 5, 2016

6:00 PM

Historic Courthouse Courtroom

Regular Session - 6:00 PM - Historic Courthouse Courtroom

Meeting went into Recess

Meeting Reconvened

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

INVOCATION and PLEDGE OF ALLEGIANCE

Vice Chair Hales delivered the invocation after which the Chairman invited everyone present to stand and recite the Pledge of Allegiance.

CALL TO ORDER

Chairman Crawford welcomed those in attendance and called the meeting to order at 6:08 pm. The Chairman stated Commissioner Petty was running late but would be here shortly.

OATH OF OFFICE

[16-1917](#)

Swearing in of commissioners.

Judge Joe Buckner administered the oath to Karen Howard and Mike Dasher.

ORGANIZATION OF THE BOARD

[16-1915](#)

Vote on the selection of the Chair and Vice Chair of the Chatham County Board of Commissioners

Commissioner Howard nominated James Crawford to serve as Chair. There were no other nominations.

The Board approved the nomination by a vote of 4-0.

Commissioner Dasher nominated Diana Hales to serve as Vice Chair. There were no other nominations.

The Board approved the nomination by a vote of 4-0.

[16-1916](#)

Vote on a request to approve the appointment of Lindsay K. Ray to a

two year term as Clerk of the Chatham County Board of Commissioners.

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

APPROVAL OF AGENDA and CONSENT AGENDA

A motion was made by Commissioner Howard, seconded by Vice Chair Hales, that the Agenda and Consent Agenda be approved. The motion carried by the following vote:

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

16-1954

Vote on a request to adopt A Resolution Approving The Addition Of Streets in the Cattail Creek Subdivision to the North Carolina System of Secondary Roads

Attachments: [Cattail Creek Signed Resolution Request](#)
 [Cattail Creek Subdivision Resolution](#)

A motion was made by Commissioner Howard, seconded by Vice Chair Hales, that Resolution #2016-53 Approving the Addition of Streets in the Cattail Creek Subdivision to the North Carolina System of Secondary Roads, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

16-1953

Vote on a request to approve the naming of a private road in Chatham County

Attachments: [HAW TREE LANE PETITION](#)
 [HAW TREE LANE](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[16-1956](#)

Vote on a request to Approve a Change Order for the Recycling Station Contract and allow the County Manager to execute the Change Order

Attachments: [Please DocuSign SG Change Order No 1 11-22](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[16-1957](#)

Vote on a request to Approve a Contract Amendment to the Compactor Contract and allow the County Manager to execute the Amendment

Attachments: [bakers waste amendment](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

End of Consent Agenda

PUBLIC INPUT SESSION

Judy Hogan submitted the following comments:

My name is Judy Hogan. I live on Moncure-Pittsboro Rd in Moncure, and the train track carrying coal ash is a mile away or less. It also runs within twenty yards of our post office parking lot. I want to speak to you as a friend. I voted for all of you. I know you are serious, conscientious people. I see your dilemma. You have sworn to protect the people of Chatham, but some of you signed an agreement with Duke Energy not to work against their coal ash dumping in a very vulnerable part of your county. Some of your poorest, and sickest citizens, live here in the Moncure area. After decades of air, water, and land pollution, we are having coal ash toxins forced on us. You have paid for air monitors, and I understand you' ll pay for more frequent monitoring, and yet what will you do now that the monitors show an increase in coal ash toxins, and this with only a million or so tons dumped. When they empty the trucks and train cars, dust gets into the air, and it moves. It can move as far as China, but surely it can reach Pittsboro and beyond. Then we learned recently when John Wagner used a Geiger counter to measure radioactivity on the coal ash dust caked to the side of a railcar when it was stopping traffic at Corinth Rd. the Geiger counter indicated radioactivity. The car had a top, but the sides were radioactive. Prof. Avner Vengosh of Duke University finds especially dangerous radioactive Lead 210 and Polonium in air around coal ash sites, and these are much more lethal than radium . Your part of the agreement with Duke implies that when you learn things are not as promised- no air pollution, no danger to the environment, nothing hazardous to health, that you may act. So what will you do? We know all these toxic minerals kill,

as does radiation. Elderly, of which we have many, if exposed to arsenic, may suffer Alzheimer's. Children can get sick even faster, and unborn babies get birth defects. You are conscientious, trying to do what's right. What will we do? Whether or not we can be on your agenda is a moot point, but Duke is hurting us. People who have children live as close as fifty feet from the site. Because of coal ash train traffic, school children are tardy, workers are late for work, and these families know they are being poisoned. They ask your help, and you are in charge of their well-being. Don't let the deal you signed with Duke be our death warrant. Remember, you received an advance of six million dollars, but if four million tons of ash is not put into the Brickhaven pit, you'll owe it back. Yes, it pays for air monitoring, but will you act on what the monitors and Geiger counters tell you? We don't die as fast as the fish, but we do die in these environmental circumstances.

Benny Oakes submitted the following comments:

I am the Pastor of Buckhorn and Ebenezer United Methodist Church. I have been able to live in Chatham County the past few years and I love these people. They have grown to love me. I think in my position I come to you out of love because we are neighbors. If you can't love your neighbor as yourself then you are in the wrong position, or at least I am. I am following up on Judy's comments about coal ash. Although I spent a former life in environmental consulting associated with air quality and water permitting, I speak to you today as one who is concerned about the traffic implications and emergency personnel not being able to get to their destination because of the coal ash train. It has been my experience, either in the mornings or the afternoons while we are going to pick up the kids from school and sometimes on Sunday afternoons which used to be a day of rest in rural America. I realize that many people have to work on these days and people trying to get to plants nearby in the Moncure area have a hard time doing so when there is a coal ash train stopped, for sometimes as few as twelve minutes and as many as twenty-five minutes. My daughter, who is a high school student, we live twenty-one miles from Northwood. When she travels to school she leaves at 6:45 and can get to school within thirty minutes. However, when she has encountered a coal ash train, which has happened twice on her commute to school, it has taken her over an hour to get to school. My uncle works as a helicopter pilot and goes around and picks up people who are in emergency need of help. If they go to a hospital and he is required to pick them up it is usually life threatening. If emergency vehicles cannot get to their destination because of the coal ash train delaying people as many as thirty minutes to an hour, people with strokes will not get the care that they need. In two hours the effects of a stroke can be reversed, however, if an emergency vehicle cannot get there, helicopter or ambulance, then what are we going to do. What is our response as concerned citizens to make sure that everyone has the right to the decency and care that they need to get to the hospital on time. Thank you for your time.

Mary Ann Perkins spoke about her concerns about Brickhaven.

Hello, I'm Mary Ann Perkins and live on Corinth Road in the Brickhaven Community, 1/2 mile from the Coal Ash Pit. As I make these comments to you, I take an excerpt from the Code of Ethics of the Chatham County Board of Commissioners which states "County Commissioners must be able to act in a manner to maintain their integrity and independence, and they must be responsive to the interests and needs of those they represent".

Reality is

1) There are residents in our community who continue to buy bottled water as a result of the NC Department of Health sending "Do Not Drink Water" notices.

- 2) *The reduced rate that you offered to connect to the county water system was appreciated, but costly to some. Hence, the majority of residents did not connect.*
- 3) *Families are fearful of air pollutants from the coal ash. We have a family that will not allow their grand kids to play outside because of this. We thank you for the air monitoring and ask that it continue.*
- 4) *Since the beginning of 2016, emails were sent to the county regarding Public Safety & Transportation Issues on Corinth Road as a result of Coal Ash Trains blocking the intersection for 20 minutes. As stated, this occurs every week, often 2 times a day. To date, it continues. A video was sent recently to a member on your Board which documents the ongoing problem and the chaos.*
- 5) *We, the residents of Southeast Chatham, expect our BOC to act on our behalf, as stated in your Code of Ethics. Who is our voice if not our elected officials? Please do not forsake us because of the agreement with Duke Energy!*

Tonight, we publicly ask that you identify solutions to these problems. Thank You.

Therese Vick submitted the following comments:

I am with Blue Ridge Environmental Defense League. We work very closely with the folks in Chatham and Lee Counties on the coal ash issue. If you heard about the two people out by the train tracks the Friday before Thanksgiving, I was one of them. We have been doing some grassroots monitoring of various kinds. I do hope that you all will continue to do air monitoring and look at ways to talk with the community that lives near the landfill and see if you can do some monitoring in their yard. There are wipes that you can send off and test for metals. I was there and I saw the traffic because we were waiting for the train. We were doing some air monitoring out there that morning, myself and another Chatham County resident. We saw what happened and it didn't take long. The train didn't even stay there that long that particular morning but one thing that was really of interest was when it stopped in front of us. We have a geiger counter that we have just gotten ahold of. We were testing for alpha radiation which is very dangerous. It can be deflected by a piece of paper but if it gets in your lungs or you ingest it in your mouth it can be extremely dangerous. We had tested several different things. We tested the gravel. When that train stopped there was a chunk of coal ash on the side. The person that was with me walked up to the train and that alpha radiation went up. One thing that really concerns me are the folks that work there as well as the community. The folks that work there are breathing that stuff, getting it on their clothes and taking it home with them every day. I don't know what this Board can do about that or whether Charah would listen to you but they need to be protected, especially from inhalation and ingestion. We are continuing our grassroots monitoring and purchasing some additional equipment. We were out there before dawn and we saw that traffic back up. Thank you.

Dean Tipton submitted the following comments:

I am involved with the environmental people of Lee County and Chatham County. I am going to talk about the process going on with Duke Energy, particularly at Brickhaven. Duke bought the land at Brickhaven. State legislators passed laws saying counties and communities cannot make or pass laws concerning coal ash dumps. It is like a concentration camp. You can't even get into the place. The State and Duke Energy knows best and you have no right to govern locally. I am talking about you county commissioners. This is ludicrous, it is diabolical, socialistic policies and unconstitutional. Now the nature of the property. It is considered as property, a title to land under the present laws has a right to destroy. If they aren't destroying at Brickhaven then I am a liar. I know they are. Communities are powerless to protect

themselves and ecosystems. Corporate America is now considered a person. The commonsense citizens challenge these liberties, they use the first, fourth, fifth and fourteenth amendments. It is ludicrous. If they were not considered a person they would not be doing that. If we challenge them, if you have enough money, we as citizens have the same privileges. We can challenge them on the the amendments. Thank you.

Johnsie Tipton submitted the following comments:

I am married to the gentleman that just spoke and I live where we see coal ash trains morning, evening and night. I go in my house with a mask on and go out to my car with a surgeon's mask on. I do not want to die of cancer with Duke Energy's toxic coal ash. There are around ten people that I know of in the Colon community that have cancer and some have already died. The health of our families and our children should not be on a bargaining table with Duke Energy, Charah and Green Meadows. Their titles should be polluters for profit. Children are our earth's future. Clean air and clean water, without these two elements nothing grows or thrives. The most vulnerable to toxic coal ash are our children, as their organs are still developing, especially their brains. Do not light the devil's fire. Coal ash is a killer. Coal ash trains and Amtrak share the same rail lines. Coal ash trains are putting heavy wear and tear each day on the rail lines. The CSX engines carrying the coal ash have stopped frequently in front of my house. Heavy coal ash box cars are sharing the same rail lines as a high speed passenger rail car like Amtrak. The name Amtrak, blended from America and track, let us pray these trains stay on the tracks and there are no derailments. The safety of everything we eat, drink, and breathe depends on our willingness to protect it. Toxic coal ash harms the respiratory system, the cardiovascular system, the nervous system. Clean air and clean water is what we are fighting for. For Lee and Chatham Counties. We are the people and we are fighting for what is right.

John Cross submitted the following comments:

I have lived at Pea Ridge Road and Moncure for seventy-two years, except for the two that I was in the military. This coal ash should have been kept where it was created. We in the community are the ones that will have to deal with the disease and destruction and death of us and future family members. This money should have been paid to this community, not the county. Coal ash should stay where it was created.

Virginia Penley submitted the following comments:

My name is Virginia Penley and I live at 465 Rosswood Road in the Mann's Chapel precinct. I have worked for the Chatham County Democratic Party in the last three election cycles on behalf of Democrats. On a local level I have worked as a volunteer to help elect Commissioners Crawford, Dasher, Hales and Howard in 2014 and 2016 and for our departing Commissioner Mike Cross in 2012 along with Commissioner Sally Kost. I have done this volunteer service because I truly believe in the values of community, opportunity, fairness, transparency and equality. So as a longtime citizen of the County and lifelong Democrat I am proud to see you as a board come together tonight in service of our county. I wish you well as you implement the platform we ran on as a Party and you ran on as candidates and I have great hope for the direction and potential of our County with you guiding the ship. Thank you for your willingness to serve and for the time that you and staff put in on behalf of our community. And

may 2017 be a blessed year.

Jeffrey Starkweather submitted the following comments:

I want to congratulate Karen and Mike on their election and congratulate Jim and Diana for their positions as the Chair and Vice Chair. I wanted to point out that we now have a new kind of diversity of age. We have someone in their thirties, their forties, fifties and a couple in their sixties. That is the kind of diversity that our commissioners need. I want to congratulate the commissioners that ran this time and their opponents. We had one of the ugliest and negative presidential campaigns, maybe ever, that I personally was disgusted by. But in Chatham County, our candidates and opponents ran on issues and ran positive campaigns. Nobody attacked anybody personally. I want to congratulate all our candidates for showing the way that the United States should run elections. Elections matter. I want to talk about mandate. That is often a term used loosely and improperly. It takes three things to be a mandate. First, that the candidates actually ran on a platform, that the citizens actually knew what that was, and they won overwhelmingly. We have those in spades in this election. Our candidates ran, we sent out postcards to 20,000 people. In 2010 the republicans thought they had a mandate. Walter won by 236 votes. Mike Dasher won by 4, 417 votes. Karen Howard won by 2,580 votes. Six of the last county-wide elections, essentially the things that Karen Howard and Diana Hales ran on are the same issues that George Lucier ran on in 2006. We won six of those seven elections. I think the people of Chatham County have spoken and they want you to carry out your mandate.

Commissioner Petty entered the meeting.

Randy Voller submitted the following comments:

My name is Randy Voller and I reside at 21 Randolph Court in Pittsboro. Like many others I have worked as an activist on campaigns in Chatham County for well over a decade. Like some of you I have also worked on behalf of my own campaigns as I spent four terms serving as the Mayor of Pittsboro as well.

It is a pleasure to see the board this evening and I, like many others, have great hopes and expectations for what we can all accomplish in Chatham County by working together and focusing on a strong vision to ensure that Chatham County is an inclusive place for all citizens and residents that cares about the myriad of factors that makes our county a special place in North Carolina.

To that end we have been running campaigns since 2004 based on a set of values and vision statements that are consistent and stood the test of time. When debates break out about the will of the people I want you to remember that since 2012 Chatham County has had six contested commissioner races and one for each party in 2014 that had no opponent. When we total up the votes for the six contested elections it is evident that your platform is winning. In fact you have 54.2% of the contested vote since 2012 with this year being no exception. You have the support to implement your platform.

Good luck as you move forward and may Chatham County continue to be one of the best places to live in North Carolina.

BOARD PRIORITIES

[16-1925](#)

Set dates for the 2017 Board of Commissioners' Retreat.

The Board agreed to hold one day of the retreat on January 23rd immediately following the legislative breakfast. The Board agreed to hold the first two days of the retreat on January 10, 2017 and January 11, 2017 starting at 9:30 am on the 10th and at 9:00 am on the 11th. The location is to be determined.

MANAGER' S REPORTS

The County Manager stated she met last week with some people from Orange County. They have been trying to revive the Orange-Chatham Taskforce. They agreed to include one member from the Pittsboro Town Board, two members from the Chatham County Board of Commissioners, two members from the Orange County Board, and one member from Carboro and Chapel Hill. She stated the Board needs to appoint two members at its regular meeting on December 19, 2016 when the Board discusses committee liaisons.

COMMISSIONERS' REPORTS

Commissioner Petty stated the issue of litter will come back to the board soon.

Vice Chair Hales showed a video of the traffic at Brickhaven. She stated she would like to direct staff to write a letter to Charah, Duke and CSX to express concerns about the traffic and safety issues. The Board agreed.

Vice Chair Hales stated in the agreement Duke Energy worked out with the County one of the sampling protocols is for the coal ash itself. In that case, the County tests and Charah tests and they test the exact same chemicals. Therefore the County cannot add to the protocol. She would like to direct staff to provide a list of chemicals to Charah and ask them to include it in the split sample protocol. The Board agreed.

Commissioner Dasher thanked the Board and County staff for being so helpful over the last month and making his transition as easy as possible.

ADJOURNMENT

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

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

A reception for the newly elected commissioners will be held on the first floor of the Historic Courthouse immediately following the meeting.