



The devil is in the details on Chatham pipeline

by [Joe Schwartz](#)

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Shortly after Chatham County Commissioners voted 3-2 Monday night to allow the Western Wake Partners to run an 8.1-mile underground pipeline through the county, Patrick Barnes IV stood up and stormed out of the room.

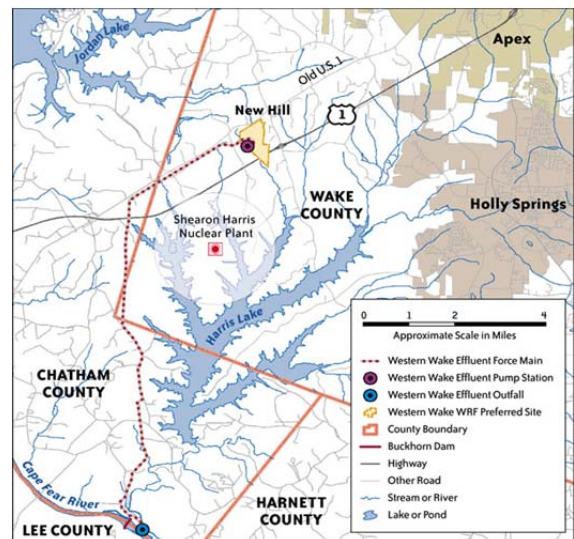
"I want to express my disapproval by excusing myself now," said Barnes, the son of a former Chatham County commissioner. "You could have done better and you all know it."

Barnes' outburst was emblematic of deep divisions on the issue, both among Chatham County residents and within the Republican-dominated commission. Democrats Sally Kost and Mike Cross opposed the pipeline; GOP members Walter Petty, Brian Bock and Pam Stewart voted for it.

Although Chatham County extracted several concessions from the WWP in exchange for permission to route the pipeline, the deal was largely brokered by select members of the board. For example, Bock and Stewart met privately with members of the WWP and the N.C. Department of Environment and Natural Resources—without notifying all of the commission members.

Chatham Board Chairman Brian Bock said the agreement was "the best deal we could get," but there are possible complications with two of the conditions.

First, the WWP will pay Chatham County a lump sum of \$500,000, which is intended to fund renovations at the Spratt Christian Youth Center in Moncure. However, Chatham County Manager Charlie Horne says it's uncertain if public money can be used on the center because a church owns it. The county is awaiting a legal opinion.



"If it's not the Sprott Center," Horne said, "then there are other opportunities to develop a youth center down there. Whether we do another site ... all of that is up in the air."

Bock said that the center's land deed allows it to host community functions, but that the language needs to be clarified. The issue did not come up before Monday's vote Bock said, because he couldn't get the information in time.

Since Moncure will be the community most directly affected by the pipeline, money should go for improvements there, Bock said.

The WWP also agreed to support legislation to be introduced by House Majority Leader Paul Stam, R-Wake—who lives in Apex—to prevent Western Wake municipalities from using involuntary annexation in Chatham. This measure would go further than the involuntary annexation ban contained in House Bill 9, in that it would prohibit "doughnut hole" annexations. In these, properties that are surrounded by annexed areas subsequently can be forced to be annexed.

Annexation has long been a concern of some Chatham residents; nearly 2,000 Chatham residents live within the Cary town limits, after agreeing to have their property annexed.

And it's these voluntary annexations—not the involuntary ones covered under the agreement—that have some residents worried." [Involuntary annexation] wasn't really the danger we were concerned about so much as the voluntary ones," said Jeffrey Starkweather, an activist and a member of the Chatham County Economic Development Corporation. "The people who sell the property could be nonresident owners who have no vested interest in this community, or they could be living there and trying to cash out."

Monday's controversial vote was one of the final steps in a decade-long process for the Western Wake Partners—composed of Apex, Cary, Morrisville and RTP South. They will now locate and construct a \$327 million wastewater treatment plant in the small Wake County community of New Hill and funnel the water through the pipeline and back to the Cape Fear River.

WWP leaders say the plant and the pipeline are necessary to accommodate growth in the area. They say that the route through Chatham to the Cape Fear was the only option because the state environmental regulators insisted that the water be returned to the same basin from which it was drawn.

"It's a major milestone to be able to come to a mutually agreeable outcome for this," said Stephen Brown, Cary's director of public works and utilities.

Bock said Chatham's negotiating position was weakened when the New Hill Community Association, as part of a legal settlement, allowed the treatment plant to be built in its community. The association had long opposed the plant; as part of its agreement with the WWP, New Hill will receive \$500,000 to build a community center, among other amenities. However, the agreement also forbids the association from publicly opposing the project or the pipeline

However, Bock said that WWP would have swayed state officials to allow the pipeline even without the county's approval. Making an agreement allows affected residents to negotiate a price for easements rather than be immediately subject to eminent domain.

"We need to work with our neighbors, and I know that if we said no to this pipeline, the state will come and force it through anyway, and we would get no concessions," said Pittsboro resident Linda Bienvenue, who supports the pipeline. "I think getting a half a million dollars for Moncure is a good thing, plus the nonannexation rules they established are really good."

The third condition of the agreement allows Chatham residents to tap in to the pipeline for free in the future, if needed.

Regarding these conditions, Democratic members of the commission have been largely excluded from negotiations and meetings about the pipeline.

Commissioner Kost said she was unaware of the negotiations with the WWP until Monday night. "This is something that Mr. Bock did on his own, or at least without the knowledge of the full board. It's the deal he got," she said. "To me, it wasn't much of a deal."

Bock said he and Stewart also met with state environmental officials in January about the Chatham route. Bock said attendees included the chairman of the Environmental Management Commission, a representative from Progress Energy, which owns some of the land on the pipeline route; members of the N.C. Department of Environmental and Natural Resources, the Division of Water Quality, the Division of Water Resources and the Apex town manager. Bock said he did not take notes. DENR Public Information Office Susan Massengale told the *Indy* she could find no record of the event.

Kost said no one notified her of the meeting. Bock justified the meeting by saying only two of the commissioners could attend; if a majority were present, it would have constituted a public meeting and laws governing open meetings would apply.

"It becomes more difficult to get anything done when there are three of us," Bock said, adding that Kost doesn't notify him of all of her meetings, either. "There's nothing wrong. We all have different things we are working on."

However Kost would presumably be interested in these negotiations because she lives in District 1, which includes areas of the county that have already been voluntarily annexed by Cary. Cross represents District 2, which includes the pipeline route.

Kost has been further excluded from decision making since being replaced on the Chatham-Cary Joint Issues Committee. She was not allowed to speak to the group at its meeting last week.

Bock, who serves on the committee along with fellow GOPers Petty and Stewart, said Kost was attending as a citizen. Citizens weren't allowed speak at committee meetings.

Now that an agreement is in place, the Western Wake Partners can begin negotiating with the 12 landowners whose property lies in the pipeline path and is needed for easements.

Brown, the Cary public works and utilities director, promises a fair process. "Historically we are almost always to reach an amicable agreement with property owners," he said. "That's our practice and we hope to do it effectively here."

The group also needs to complete final construction plans and pass the needed regulatory review. The partners want to break ground on the facility in mid-2011 and they estimate that it will take three years to build.