



# Chatham County, NC

## Meeting Minutes

### Board of Commissioners

---

Monday, August 21, 2017

6:00 PM

Historic Courthouse Courtroom

---

#### Work Session - 3:00 PM - Historic Courthouse Courtroom

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

#### PUBLIC INPUT SESSION

*No one signed up to speak.*

#### BOARD PRIORITIES

##### [17-2273](#)

Recreation Advisory Committee FY 2017 Annual Report

**Attachments:** [Recreation Advisory Committee 2017 Annual Report Final 2](#)  
[Advisory Committee summary annual report 2016-2017 fill in sheet](#)

*Josh Lindgren, Chair of the Recreation Advisory Committee, gave a presentation to the Board. (Presentation Attached).*

*Vice Chair Hales asked how the joint use of facilities is working with the schools. The County Manager stated staff has talked with the schools about including a joint recreation center in the elementary school.*

*Chairman Crawford asked what other jurisdictions were doing. Tracy Burnett, Recreation Director, stated Cumberland and Wake Counties have very good models of joint facilities.*

*Vice Chair Hales asked if there is any partnership between the County and Siler City. Ms. Burnett stated the County collaborates a lot with the Town of Siler City. The basketball and softball programs are joint leagues with Siler City.*

**This Agenda Item was received and filed.**

##### [17-2290](#)

Questions and answers with Duke Energy regarding coal ash recycling at Cape Fear Plant

**Attachments:** [0002\\_1\\_Cape Fear recycling update for Chatham Co Commissioners revised 8.11](#)

*Indira Everett, Duke Energy District Manager Government & Community Relations,*

introduced her team: Jennifer Pittman, Community Relations Manager, Brian Weisker, Vice President Coal Combustion Products Operations & Maintenance, and Tony Mathis, Manager Beneficial Reuse.

Mr. Weisker gave a presentation to the Board. (Presentation attached)

Chairman Crawford asked what the timeline is for processing and selling the coal ash. Mr. Weisker stated ten to fifteen years. Chairman Crawford stated there is a professor at NC A&T who has a team that has been able to create a synthetic wood product. He asked if Duke was working with them at all. Mr. Weisker stated they have been working with them the past two years.

Commissioner Dasher asked what would happen to the facility after they were finished processing the coal ash. Mr. Weisker stated they would decommission the facility.

Vice Chair Hales asked what is going up the smokestack and also if there are scrubbers in the stack. Mr. Weisker stated water vapor goes up the stack. They will use a dry scrubbing technology with a limestone product. The advantage of dry scrubbing is there is no wastewater.

Vice Chair Hales asked if the legislation gives them a timeline. Mr. Weisker stated August 1, 2021 for the Cape Fear Plant.

Commissioner Howard asked how long it would take to construct the facility. Mr. Weisker stated twelve to eighteen months.

**This Agenda Item was received and filed.**

[17-2289](#)

Receive Presentation from Chatham County Affordable Rental Housing Task Force and vote on a request to approve to amend the Chatham County Advisory Committees Policy and Addendum A to include the formation of the Affordable Housing Advisory Committee.

**Attachments:** [2017-0821 Chatham County Presentation](#)  
[Building the Affordable Housing Advisory Committee 2](#)  
[Chatham County Advisory Committees Policy - Addendum A](#)  
[Chatham County Advisory Committees Policy](#)

Policy Analyst Tansy Long introduced the item.

Aspen Romeyn with Triangle J Council of Governments gave a presentation to the Board. (Presentation attached)

Commissioner Petty stated he would like the committee to be involved in economic development.

**A motion was made by Vice Chair Hales, seconded by Commissioner Howard, to approve reconstituting the Affordable Housing Advisory Committee and amend the Advisory Policy and Addendums. The motion carried by the following vote:**

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

[17-2267](#)

Vote on a request to award the Nature Trail Mobile Home Park Waterline Replacement Project to Carolina Civilworks, Inc. and approve Renee Paschal, County Manager, to sign the contract on behalf of the County and vote on a request to adopt the Project Ordinance.

**Attachments:** [Attachment - Nature Trail Bid Evaluation 6-29-17](#)  
[Project Ordinance Nature Trail Amended](#)

*Utilities Director Larry Bridges reviewed the history of the Nature Trail Mobile Home Park Waterline.*

*Mr. Bridges stated the 2014 cost estimate did not include the eight inch line replacement or the pump station. Those items added \$550,000 to the cost of the project. There was not a lot of interest in the project. The County had to re-bid the project after only getting two bids. The same two companies submitted bids the second time and raised their prices, realizing there was not a lot of interest in this project.*

**A motion was made by Vice Chair Hales, seconded by Commissioner Howard, that this Ordinance, attached hereto and by reference made a part hereof, be adopted and to approve awarding the bid and authorizing the County Manager to execute the contract. The motion carried by the following vote:**

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

[17-2292](#)

Vote on a request to approve petitioning Nutrient Scientific Advisory Board (NSAB) to allow Chatham County a voting seat.

**Attachments:** [2017.06.02 NSAB Meeting Summary DRAFT](#)  
[2017.08.04 NSAB Agenda draft](#)  
[DRAFT Storm Drain Cleanout Practice Aug 2](#)  
[NSAB Charter DRAFT Aug 2](#)

*Vice Chair Hales stated the Nutrient Scientific Advisory Board does not have a voting seat for Chatham County. She asked the Board to approve sending a letter to the NSAB asking Chatham County to be a voting member.*

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

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

**CLOSED SESSION**[17-2294](#)

Closed Session to discuss matters relating to economic development, attorney-client privilege and personnel.

**A motion was made by Commissioner Howard, seconded by Commissioner Dasher, to approve going out of the Work Session and convening in Closed Session to discuss matters relating to economic development, attorney-client privilege and personnel.. The motion carried by the following vote:**

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

**ADJOURNMENT**

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

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

**End of Work Session**

**Regular Session - 6:00 PM - Historic Courthouse Courtroom**

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

**INVOCATION and PLEDGE OF ALLEGIANCE**

*Commissioner Hales invited all in attendance to observe a moment of silence 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.*

**APPROVAL OF AGENDA and CONSENT AGENDA**

*Chairman Crawford stated the Board needed to add approval of the amended Ag Center Project Ordinance to the Consent Agenda.*

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

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

[17-2296](#)

Vote on a request to approve the July 17, 2017 Work and Regular Session Minutes.

**Attachments:** [Draft Minutes 07.17.2017](#)

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

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

[17-2209](#)

Vote on a request to approve a conditional use permit revision request by CE Groups on behalf of the F-L Legacy Owner LLC for a conditional use permit revision on Parcels 17378, 83655, 89437 to revise the current site/sketch plan to relocate some residential lots, increase open space, reconfigure some road r-o-w, reduce total roadway length, and to eliminate one subdivision road connection to Big Woods Road.

**Attachments:** [More Information from Planning Department Website](#)

**A motion was made by Commissioner Howard, seconded by Vice Chair Hales, that Resolution #2017-24 Approving a Revision to a Conditional Use Permit Request by F-L Legacy Owner, LLC, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

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

[17-2285](#)

Vote on a request to approve Lee Bowman, Project Manager, for subdivision Recombination and Final Plat review and approval of SD West - Parcels A and D, consisting of 2 lots on 10.10 acres, located off SR-1529, Taylor Road, Baldwin Township, parcel #'s 18911 and 86288.

**Attachments:** [More Information from Planning Department Website](#)

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

[17-2268](#)

Vote on a request to approve the purchase of one RAMVAC 2000 Trailer Mounted Vacuum Machine from the NJPA Cooperative Purchasing contract awarded to Rodders & Jets Supply Company, in the amount of \$150,346.88 and authorize the County Manager to execute the contract.

**Attachments:** [Attachment - CHATHAM RAMVAC 2000 2017 NJPA 5 QUOTE updated](#)

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

[17-2269](#)

Vote on a request to approve Sheriff Vehicle Purchase 2017-18.

**Attachments:**    [17-03-0912 Award Spec 92 explorer](#)  
[17-03-0912 Award Spec 157 charger](#)  
[17-03-0912 Award Spec 162 durango](#)  
[17-03-0912 Award Spec 270 tahoe](#)

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

[17-2274](#)

Vote on a request to approve the Tax Releases and Refunds.

**Attachments:**    [July 2017 Release and Refund Report](#)  
[July 2017 NCVTS Pending Refund Report](#)  
[June 2017 Manual NCVTS Pending Refund Report](#)

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

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

[17-2277](#)

Vote on a request to adopt A Resolution Approving the Addition of Lindsay Burke Place in the Manns Crossing Subdivision to the North Carolina System of Secondary Roads

**Attachments:**    [Signed Comm Resolution Request](#)  
[Manns Crossing Subdivision Resolution](#)

**A motion was made by Commissioner Howard, seconded by Vice Chair Hales, that Resolution 32017-25 for the Addition of Streets or Roads to the North Carolina System of Secondary Roads in the Manns Crossing Subdivision, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

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

[17-2295](#)

Vote on a request to adopt A Resolution Approving the Addition of Bingham Ridge Drive, Mystic Lane, and Suncatcher Court in the Bingham Ridge Subdivision to the North Carolina System of Secondary Roads

**Attachments:**    [Bingham Ridge Subdivision Resolution](#)  
[Bingham Ridge Subdivision Request](#)

**A motion was made by Commissioner Howard, seconded by Vice Chair Hales, that Resolution #2017-26 for the Addition of Streets or Roads to the North Carolina System of Secondary Roads in Bingham Ridge Subdivision, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

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

[17-2298](#)

Request to consider adoption of Resolution of the Chatham County Board of Commissioners Authorizing the Sale of Tax Foreclosed County Owned Property by the Upset Bid Procedure

**Attachments:** [Resolution Upset Bid Franklin property Parcel #17443](#)

**A motion was made by Commissioner Howard, seconded by Vice Chair Hales, that Resolution #2017-27 Authorizing the Sale of County Owned Property by the Upset Bid Procedure, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

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

[17-2278](#)

Vote on a request to approve Recreation Advisory Committee recommendations to award grants to recreation.

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

[17-2291](#)

Vote on a request to approve sending a letter to the Department of Environmental Quality requesting to direct Environmental Mitigation Trust funds the State will soon receive towards light-duty electric vehicle (EV) charging and mass transit electrification.

**Attachments:** [CC VWFundsLtr](#)

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

[17-2297](#)

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

**Attachments:** [Kingbird Lane Petition](#)  
[Kingbird Lane](#)

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

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

[17-2287](#)

Vote on a request to approve a License between the County and Army Corps of Engineers for the operation and maintenance of communications equipment on the B. Everett Jordan Corps Communication Tower and utility and equipment storage buildings on the lands of B. Everett Jordan Dam and Lake Project.

**Attachments:** [License 5 Year Jordan Lake EOC Tower ARMY CORPS](#)

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

[17-2300](#)

Vote on a request to approve a 50 year Lease between the County and Chatham Transit Network and authorize the county manager to sign the Lease.

**Attachments:** [FINAL LEASE CHATHAM TRANSIT NETWORK 2017-2067](#)

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

[17-2288](#)

Vote on a request to approve the revised Siler City CAM Megasite Option Agreement and authorize the county manager to sign the Agreement and authorize the county manager and county attorney to make minor changes to the option before it is finalized.

**Attachments:** [CAM Option Agreement 2017 \(Chatham County Mega Site\) \[8.15.17 - for County Approval\]](#)

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

[17-2284](#)

Vote on a request to approve the mutual use agreement with the Town of Siler City and authorize the County Manager to execute the agreement.

**Attachments:** [Mutual use agreement with Town of Siler City](#)

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



[17-2265](#)

Vote on a request to approve the FY 2018 - 2019 Budget Calendar

**Attachments:** [Draft FY 19 BudgetCalendar](#)

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

[17-2301](#)

Vote on a request to approve re-appointment of Emily Foushee to the 2017-2019 Jury Commission.

**Attachments:** [Appointment Request Letter](#)

[Appointment Form](#)

[General Statutes](#)

[Jury Commission's Statement of Sources and Procedures](#)

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

[17-2305](#)

Vote on a request to adopt Project Ordinance Concerning the Chatham County Agriculture Center.

**Attachments:** [Project Ordinance Ag Center Amended](#)

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

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

### End of Consent Agenda

### SPECIAL PRESENTATION

*The County Manager introduced Mike Reitz, the new Communications Director.*

[17-2302](#)

Vote on a request to adopt a Resolution Proclaiming September 2017 as Hispanic Heritage Month in Chatham County.

**Attachments:** [Chatham Hispanic Heritage Month proclamation](#)

*Chairman Crawford read the resolution in both English and in Spanish. Chairman Crawford presented the resolution to Ilana Dubester, Director of the Hispanic Liaison.*

**A motion was made by Commissioner Howard, seconded by Vice Chair Hales, that Resolution #2017-28 Proclaiming September 2017 as Hispanic Heritage Month, attached hereto and by reference made a part hereof, be adopted. The**

**motion carried by the following vote:**

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

[17-2280](#)**Recognize Sam Groce upon His Retirement from Cooperative Extension**

*Chairman Crawford presented Sam Groce, Cooperative Extension Director, with a plaque recognizing his twenty-four years of service to the County.*

*Mr. Groce thanked the commissioners, County staff and the citizens for all their support over the years.*

**PUBLIC INPUT SESSION**

*Maja Kricker submitted the following comments:*

*In front of the Chatham County Courthouse stands a statue of a Confederate soldier, rifle at the ready. Some say it is a historical monument, living history. I would agree. Let's look at that history. The monument was erected in 1907 by the United Daughters of the Confederacy, more than four decades after the war ended. The United Daughters of the Confederacy was founded in the 1890s at a time when there was a concerted and violent effort to prevent black people from voting and lynching of black people was rampant throughout the South. The UDC honored and glorified the Ku Klux Klan as heroes.*

*The UDC erected many similar monuments throughout the South, primarily in the early 1900s, as part of a campaign by white supremacist organizations to whitewash the Civil War as a war for states rights and to justify Jim Crow laws and the violent oppression of African Americans. That the majority of these monuments were built in front of court houses was no accident. The intent was to send a message to African Americans that justice is a guarded privilege of whites and that white supremacy is the rule of law in our courts.*

*That is the living history and the message today of the monument in front of our courthouse and it is a message that is wrong for Chatham County. I am asking you to remove the statue as a message and a commitment that we are all equal in the eyes of the law. Currently there are North Carolina statutes that require permission of the NC Historical Society to remove the monument. However, local governments are responsible for the safety and security of the public. We are only safe and secure when we are assured of equal justice for all of our community. Remove the Confederate soldier with the gun and the terrible legacy he guards from the front of our courthouse.*

*Joshua Kricker submitted the following comments:*

*I appear before the Commissioners today to ask that you take two actions. 1. draft a resolution asking the North Carolina General Assembly repeal North Carolina General Statutes § 100-2.1 (b). The second action I ask you to take is to instruct the County Attorney to file a legal action for declaratory relief requesting the Court decide whether § 100-2.1 (b) constitutes an illegal and unwarranted intrusion into local government affairs. I am familiar with the general laws regarding state preemption of local government authority. I am aware that in North Carolina town, municipal and county governments are political subdivisions of the state and derive their powers from the*

state. When a state makes a law intending to apply to local authority that this one of the criteria the courts look at to see if preemption has occurred.

In the case of § 100-2.1 (b), however, at least as it applies to Chatham County (and I suspect many other localities), the state has done this where there is no legitimate state interest. The state did not erect the statue. They did not pay for its creation, nor is it located on state land. At least as far as Chatham County is concerned, the state has presumed to legislate in an area that should be left solely to local decision making, otherwise what little autonomy local government is supposed to have means nothing.

Larry Ballas submitted the following comments:

I have a handout for you all. I wanted to start out with fixed law. Fixed law in chemistry and physics is the rate of which a substance diffuses through another is directly proportional to the concentration gradient of the diffusing substance. In biological systems it is diffusion through a membrane. This, to me, means if there is pollution going over in Beijing, China that it will end up here in Chatham County. We are so worried about CO<sub>2</sub> in Chatham County. Everybody around us and around the world, all the CO<sub>2</sub> is diffusing through the air. No matter how hard we try to clean up our atmosphere, it will be no cleaner than what diffuses from other places around the world. Based on CO<sub>2</sub>, we need to know how much is in the county and we need a way to measure it. I am not sure there is a good way to measure it. You can take air samples and do it but you can also do it by measuring water samples. Rain is in equilibrium with the atmosphere where there is CO<sub>2</sub>. This is the pH expected for natural rain. It is pH of 5.65. It is also a pH expected of a body of water as an equilibrium with the atmosphere, which Jordan Lake is. It does not contact limestone or other pollutants. Unfortunately Jordan Lake is polluted. We can measure the pH of Jordan Lake. The lake is essentially basic. It has a high pH which means it doesn't have acid in it, which means the CO<sub>2</sub> in Chatham County is not changing the lake. You would expect CO<sub>2</sub> to form with O<sub>2</sub> to form carbonic acid and that essentially lowers the pH of the lake. Although you can measure the effect of CO<sub>2</sub> on the lake if you know what the starting pH is. The state does that every year. We don't need to have anybody else look at it. We can look at this data from year to year to see the pH decreasing, you can say it is probably due to CO<sub>2</sub> or some other pollutant. Finally, there are examples of diffusion that occurs in the world. One is when we started our atomic bomb program and started to explode in outer space. It is a well known fact that the radiation ended up completely circling the globe. Then they decided to do underground tests and that radiation diffused through soils also. The recent nuclear plant that exploded in Japan, that radiation ended up in California. Diffusion is occurring in that practice. There is an effect of dust on the coral reefs in the Caribbean where people thought it was CO<sub>2</sub> originally. The wind is picking up the dust from Africa, sending it over the Atlantic to the Caribbean and it is falling down on the coral reefs and destroying them. It is not the CO<sub>2</sub> destroying them. It is the dust that is landing on the coral reefs that is blocking the sun. Thank you.

Mark Derewiz submitted the following comments:

I represent the Baha'is of Chatham County. There are fifty Baha'is in our community and nine of us are here tonight. We would like to talk to you about a proposed resolution and we would be honored for you to consider it. I would like to read the resolution now:

*WHEREAS: October 21-22, 2017 marks the 200th Anniversary of the Birth of Baha'u'llah, the founder of the Baha'i Faith; and*

*WHEREAS: Baha'u'llah called for fellowship and peaceful collaboration among the followers of all religions, while today religious hatred and fanaticism continue to fuel violence, tyranny, and terrorism; and*

*WHEREAS: Baha'u'llah affirmed the equality of women and men as early as the 1840s, while today the oppression of women still holds back the progress of so many societies; and*

*WHEREAS: Baha'u'llah taught that humanity is one family and called for the elimination of racism, prejudice, and discrimination, while today racism remains a persistent evil; and*

*WHEREAS: Baha'u'llah declared that universal education is required for societies to succeed, while today universal access to education is still unattained; and*

*WHEREAS: Baha'u'llah called for spiritual solutions to the economic problems of extreme wealth and poverty, while today so few people hold most of the world's wealth even as billions of people live in destitution; and*

*WHEREAS: Baha'u'llah urged the leaders of the world to look beyond nationalistic rivalries to create a system of collaborative security, while their failure to do this led to two world wars, multiple other conflicts, many disparate terrorist organizations, and a massive global arms trade; and*

*WHEREAS: The wide gap between these ideals and the state of the world calls for people of all faiths and no faith tradition to rise above narrow partisanship and work together to foster a deeper unity, which must be established before true peace in our day is attainable;*

*Now therefore be it RESOLVED: That the County of Chatham, NC, in recognition of the significance of this bicentenary, urges all citizens to work for the realization of the principles of equality, justice, and human solidarity promoted by Baha'u'llah.*

*Phillip Gilfus submitted the following comments:*

*I am from Snow Camp. I would also humbly submit to this Board that you would consider the passage of a resolution asking for the overturning of the 2015 historic statue law that the General Assembly passed. In a former lifetime in many counties to the east, I actually sat in the same Chair you are sitting in in Cumberland County. I know it can be very frustrating when you are trying to help your county tell a story to help your citizens and the state says you cannot. We all know that the county is a creature of the state as well as the cities, however, there are things that are clearly part of the local power. There are things that are clearly the state's power. The 2015 law says counties can't tell their story, only the state can. I don't believe that. I ask that this Board ask the state that Chatham County tells its own story. We decide what stays and what doesn't stay. That is an argument and debate that we can have here in Chatham County, not some unelected panel in Raleigh. I ask that you consider that. This is not the only law that this is true with. When I look outside, whether or not whatever feelings that brings to you, my question as someone who joined the US Army*

*after September 11th and was deployed to Iraq, I find it interesting that we tend to only focus on one war sometimes. I went to too many memorial ceremonies in 2005, more than I'll ever go to in my lifetime. I have particular feelings on focusing on one war and those who died when there are many wars. Chatham County has a proud history from the Revolutionary War up to the present day of people who have given their life. I don't believe we should focus on one war and those who gave their life. Chatham County gave too much for this country and we should be honoring all who passed. I just ask that this Board say Chatham County tells its own story, not the State of North Carolina.*

## **PUBLIC HEARINGS**

### **17-2293**

A Legislative Public Hearing to consider revisions to the Chatham County Flood Damage Prevention Ordinance.

**Attachments:** [Chatham County Flood Damage Prevention Ordinance \(REDLINE\)-BB \(00000003\)](#)  
[More Information from the Planning Department Website](#)  
[FEMA Letter regarding adoption deadline](#)

*Planner Dylan Paul reviewed the specifics of the request.*

*The Chairman opened the hearing.*

*No one signed up to speak.*

*The Chairman closed the hearing.*

**This Agenda Item was referred to the Planning Board.**

### **17-2281**

A Legislative Public Hearing request by Stephen Gangemi to rezone property located at 10295 US 15-501 N, Parcel No. 66505, from R1, Residential to CD-NB, Conditional District Neighborhood Business and convert a single-family residence into general and professional offices for a chiropractic business.

**Attachments:** [More Information from Planning Department Website](#)

*Zoning Administrator Angela Birchett reviewed the specifics of the request.*

*The Chairman opened the hearing.*

*No one signed up to speak.*

*The Chairman closed the hearing.*

**This Agenda Item was referred to the Planning Board.**

### **17-2282**

A Legislative Public Hearing request by Nathan Glines, owner Harmony Gardens, to rezone a portion of property located at 5661 Beaver Creek Rd, Parcel No. 5727, from R1, Residential to CD-NB, Conditional District Neighborhood Business to develop an events center to hold weddings and

other such gatherings.

**Attachments:** [More Information from Planning Department Website](#)

*Zoning Administrator Angela Birchett reviewed the specifics of the request.*

*The Chairman opened the hearing.*

*No one signed up to speak.*

*The Chairman closed the hearing.*

**This Agenda Item was referred to the Planning Board.**

[17-2286](#)

Request by the Chatham County Board of Commissioners for a Public Hearing on the proposed Chatham County Comprehensive Plan.

**Attachments:** [More Information from Planning Department website](#)  
[Comprehensive Plan Presentation](#)

*Planning Director Jason Sullivan introduced the item and also introduced Meg Nealon with LandDesign, the consultant for the Comprehensive Plan.*

*Ms. Nealon gave a presentation to the Board. (Presentation attached)*

*Commissioner Howard stated the plan is exceptional.*

*Vice Chair Hales agreed and stated she was impressed with how active the citizenry was with the process.*

*The Chairman opened the hearing.*

*Phillip Johnson submitted the following comments:*

*I am here to express concern about the twenty-five year plan and the process. The far west townships of Albright, Matthews and Bear Creek represent 29% of Chatham County's population and coincidentally land use but had almost no direct representation in deciding the plan. By direct I mean residents living within those townships. Of the thirty-five persons, steering and planning committees and BOC, show only two to appear to personally live in the far west. One is Commissioner Petty and one is Linda Harris in Siler City. There are a couple more with 27344 addresses but they live in Hickory Mountain. That is two of thirty-five. 6% representation for almost a third of the county's population. We were represented one for ten thousand while the rest of the county got a representation of one for 1,500. Equal representation would have dictated we get ten. Even if I am in error by 200% it still is weighted more than two to one in favor of this part of the county. Last year's zoning effort resulted in almost 40% of combined planning and BOC members siding with far west and southern opposition. It is what I call a majority minority. Remembering that close vote I maintain you have denied equal geographic representation and what could have been equity and possibly more harmony to the plan's effort. Your process is reprehensible and has only served to perpetuate the historic rift between the east and west. Let's recognize what it is. It's a game. It is a game with loaded dice, loaded with special interest, some with little or no understanding of geographic issues or personal value at stake. With LandDesign delivering what you want because you are their bosses, you*

are writing their checks, enhanced by your palpable effort to limit participation from those most egregiously affected. A Supreme Court Justice, a democrat, wrote almost a century ago "experience teaches us to be most on our guard to protect liberty when the government's purposes are inefficient. Men born to freedom are naturally alert to propel invasion of liberty by evil minded rulers." I discount the evil minded term as hyperbole but we should all get the message. Another Justice, Clarence Thomas, wrote "America was founded on a philosophy of individual rights and not group rights." We wonder why Chatham County government, communities and citizens are so disfunctional. Thank you for this opportunity for me to express my concerns on the plan and last year's zoning by highlighting the apparent detachment of a third of the county's residents.

Josh L. submitted the following comments:

My family has lived on the same piece of land for forty years here in Chatham County. We have 115 acres of wooded pasture land as well as beaver wetland area. Our forests are old growth woodlands with around 2,000 feet of creek frontage along Terrell's Creek. Our land is now part of the Triangle Land Conservancy to help protect it for our family and help protect our community. We have looked over the proposed future land use and conservation map for Chatham County think it is a very good step in the right direction. We all know that Chatham will soon look like Cary or Apex if we do not put in place guidelines for development. We will be just another place with sprawling development. We have a chance now to create a community that will stand apart from others with agricultural areas ensuring locally grown and sold produce. Conservation areas ensure the survival of local wildlife, both plant and animal. All this will give Chatham a chance to continue being a beautiful and wonderful place to live and visit for generations to come. The only suggestions to the map would be to expand the conservation zone that our land is included in to encompass the other land conservancy properties along that edge of Chatham or at least to encompass the rest of Terrell's Creek to protect the watershed for the Haw River. Our family would also like to see some rules to enforce the map once it is finished. I thank you for your time and consideration. Please help to keep this special place special.

Heidi Zehnal submitted the following comments:

I live in Polk's Landing and it looks like it is going to be in a community center area in the plan. My concerns are that the traffic situation, the character of the area, and the health and well being and home values of the residents be taken into consideration when putting in new development. I understand there is already a lot of commercial development in the area and the Planning Board is trying to center it in certain areas. As long as it doesn't get so dense that there is a struggle for movement in and out of neighborhoods or doesn't cause a bottleneck on 15-501, your plan for putting retail hubs in an area makes sense. When it becomes a problems is when a residential area is turned into commercial area where there are a lot of houses that are expected to be there when people bought their houses and they have to knock down a lot of houses to create new development. Also when the development encroaches too much on a residential area it becomes a problem. There needs to be a buffer with residential areas from noise, crime, lights, odors, and water issues. Looking also at competition when you put in retail establishments in a community center, for example if there are four major grocery stores within a mile or two it could cause one of them to go out of business. I think there should be caveats in the plan where the competitive situation be taken into account when approving retail establishments. Also take into

account the owner's wishes. Traffic concerns are a major concern with 15-501. If there are few access points onto 15-501 you have to be sure there is not too much traffic on those access roads. There have been a lot of accidents over the years at the intersection of Polk's Landing and the Harris Teeter. You may have to consider widening 15-501. If 60% of the area is residential or green space then maybe the traffic will be okay but if a large retail establishment that could add 10,000 cars a day like a grocery store that could be a problem and create a bottleneck for people driving up and down 15-501. This could create a fire hazard of people trying to get in and out of the neighborhood. It is not fair to put very large retail establishments in areas where it would make it difficult to get in and out of a neighborhood. For example, Williams Corner would not make it difficult to get in and out of a large residential neighborhood as building a large retail establishment off of Polk's Landing would. The other issue is drive-thru fast food restaurants. I believe that all precautions should be taken to keep them as far away as possible from residential neighborhoods and center them in commercial areas that are not right next to residential areas.

Mike Petruska submitted the following comments:

I am a member of the Climate Change Advisory Committee and I was also on the Steering Committee for the Comprehensive Plan. I wanted to start off by giving my compliments to Jason Sullivan and his team and Jim Elza for the way they ran the process. From my perspective it was very inclusive and they reached out to people and got a lot of good input. The comments from the Climate Change Committee have really been to strengthen the connection between the Plan and how Chatham County interacts with the climate. It is a climate friendly plan and our comments have really been on how to make that a stronger kind of point. There are three things to remember; one is the traffic. The County has to get a handle on and manage the traffic. The study that our committee did with the help of the students at UNC Chapel Hill was that traffic is the biggest source of pollution and climate greenhouse gases emanating from the county. The second thing is the forestlands. What is amazing is three out of four tons, our forestlands are sequestering or capturing three out of four tons but if we lose that forestland we are going to start seeing more and more of that, that we are contributing more carbon than we are sequestering. We are sort of holding our own, capturing most of the carbon we produce. The final thing is to watch closely the development that occurs at the megasites. The right kind of industry can be great. It can be job producing and help the economy of Chatham County. The wrong kind of industry could set us back on the road to pollution. Overall, the ideas that are in the plan are great. Laying the ground work for charging stations, electric vehicles. You have seen on the news, ten years from now it is likely most cars are going to be solar and electric. Chatham County needs to get in front of that and really accommodate that. Let people have more flexibility. Let more people work from home. Let them use the internet with better broadband access. The conservation design team put together is very climate friendly. Overall it is a very good Plan. I am proud that I had an opportunity to be part of it. Thank you.

Angela Bond submitted the following comments:

Thank you for the opportunity to address you this evening. This is a really exciting time to be living in Chatham County, one of the fastest growing counties in the state and also one of the fastest growing states in the country. I would like to thank you for the consultative approach that you have taken in putting together this Plan. Recently our neighborhood, Polks Landing, has been very engaged and vocal in response to a



rezoning application that was submitted for property adjacent to our neighborhood. We very much appreciate the time and the care and attention that the commissioners and Planning Board have given to this matter. We have reviewed the definition of a community center noted in the plan and we have two questions related to that. One is how creative can we be in the definition of what a community center is. Secondly, how can we bring our communities together in an environment that is something other than a retail environment. We want to express our desire to continue to be involved and proactive. Finally we would just like to thank you for your time and attention and your request for input on the Plan. Thank you.

The Chairman closed the hearing.

**This Agenda Item was referred to the Planning Board.**

## **BOARD PRIORITIES**

### **17-2167**

Vote on a request to approve Glenda Toppe on behalf of Highcroft Commons, LLC for an amendment to the Chatham-Cary Joint Land Use Plan to change the density allocation for an area designated as Office/Institutional to the classification of MDR Medium Density to allow for 3.4 dwelling units per acre and change a portion of the LDR Low Density to Office/Institutional on a portion of Parcel 19865.

**Attachments:** [More Information from Planning Department Website](#)

*Planning Director Jason Sullivan reviewed the specifics of the request. The Chatham County Planning Board recommended approval with 3.31 dwelling units per acre. The Town of Cary Planning Board recommended approval with 3.3 dwelling units per acre. The Chatham County Board of Commissioners must approve the plan amendment before the Town of Cary Board can approve the amendment. The final votes of both boards must be consistent in order for the plan to be amended.*

*Vice Chair Hales asked if this would apply to the entire Chatham-Cary Joint Land Use Plan or just this parcel. Mr. Sullivan stated it would only apply to this parcel.*

**A motion was made by Commissioner Petty, seconded by Commissioner Howard, that this Agenda Item be approved and that Medium Residential Density not exceed 3.3 dwelling units per acre. The motion carried by the following vote:**

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

### **17-2187**

Vote on a request to Approve the Public Option Agreement for the Moncure Megasite and authorize the county manager and county attorney to make minor changes to the option before it is finalized.

**Attachments:** [Option Agreement 2017 \(Chatham County-Moncure Holdings\)](#)  
[\[Proposed Execution Version\]](#)

*The County Manager reviewed the specifics of the request. A public hearing was held on April 17, 2017. The terms are roughly the same as what was presented at the public hearing. The option covers 987 acres of land. It does not require the County to purchase a minimum amount of land. The land price is \$25,000 an acre. The cost of the option is \$1.*

**A motion was made by Commissioner Howard, seconded by Commissioner Petty, that this Contract, attached hereto and by reference made a part hereof, be approved and authorize the county manager and county attorney to make minor changes and authorize the county manager to execute the contract. The motion carried by the following vote:**

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

[17-2299](#)

Vote on a request to approve a property purchase agreement between Briar Chapel and the County for the intended use of locating a Health Sciences building for Central Carolina Community College and to authorize the county manager and county attorney to make minor changes to the agreement, and authorize the county manager to sign the agreement.

**Attachments:** [CLEAN 2017 08 12 CCCC PSA](#)

*The County Manager reviewed the specifics of the request. There are a few minor changes to the contract that is attached to the agenda. The cost of the property is \$1,060,000. That buys the County the Health Sciences Building land. Part of that includes Briar Chapel's willingness to honor its conditional use requirement of a Park and Ride lot. The Park and Ride lot will be incorporated into the Health Sciences project. The County will bid that piece of the project as a bid alternate and Briar Chapel has agreed to pay the cost of the Park and Ride and the bus shelter. The cost of the property did not reflect the addition of the land going toward the Park and Ride.*

**A motion was made by Commissioner Howard, seconded by Commissioner Petty, that this Contract, attached hereto and by referene made a part hereof, be approved and authorize the county manager and county attorney to make minor changes to the contract and authorize the county manager to execute the contract. The motion carried by the following vote:**

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

[17-2279](#)

Vote on a request to award a two year generator service contract to Atlantic Power Solutions by way of resolution and authorize the County Manager to execute the contract.

**Attachments:** [Atlantic Power Generator Bid 2017](#)  
[Atlantic Power Solution Agreement August 22 2017-June 30 2019](#)  
[Resolution Atlantic Power Solutions August 2017 final](#)

**A motion was made by Vice Chair Hales, seconded by Commissioner Howard, that Resolution #2017-29 Approving the Amendment to the Contract Between Atlantic Power Solutions, Inc. and Chatham County, attached hereto and by reference made a part hereof, be adopted and that the 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

Recuse: 1 - Commissioner Petty

### **MANAGER' S REPORTS**

*The County Manager stated the County has received four inquiries about the Brunch Bill. Four venues in the county have expressed interest in being able to serve alcohol after 10am on Sundays. The Town of Pittsboro will discuss the bill on August 28, 2017. She recommended that staff reach out to the Convention and Visitors Bureau and the Economic Development Corporation and ask for a recommendation on this issue. The Board gave unanimous consent.*

*The County Manager reminded the Board that the accepting of facts period for the Briar Chapel Conditional Use Permit has closed and they will have to disregard those emails when making their decision.*

### **COMMISSIONERS' REPORTS**

*Commissioner Dasher stated he had lunch with Community Relations Director Debra Henzey, EDC President Kyle Touchstone, Representative Mark Walker, Representative Reives, Siler City Mayor John Grimes and Pittsboro Mayor Cindy Perry. They had a good meeting and discussed local economic development issues in particular.*

*Vice Chair Hales asked staff if there was any new information on Charah's permit for aerosolization of leachate. Assistant County Manager Dan LaMontagne stated staff is still gathering information from the state but last he heard on August 10th was that Charah is on hold with that project. Vice Chair Hales asked if the County has anything to say about hydroflouro carbons in terms of permitting or ordinances. Mr. LaMontagne stated the County does not specifically prohibit HFC's. She stated she would like staff to look into it.*

*Vice Chair Hales stated she and Commissioner Howard both attended the NC Association of County Commissioners Annual Conference and the session that had the most action was on solar. Many solar farms are very large. A 20 mega watt farm has been approved in Bear Creek. They discussed that you need to have a plan for decommissioning and also decide if you want to charge a bond. She thinks the County may need to look into it.*

*Chairman Crawford stated he went to Columbus, OH with members of the Health Department including Sarah Weller Pegna. The Chatham County Health Department is a finalist in a national contest by Etna. It is due to the success of the Chatham Health Alliance and implementing "Health in all Planning". He is also now the Second Vice Chair of the Triangle J Council of Governments.*

*Commissioner Howard stated she is now the Director of District 9 for the NC Association of County Commissioners. She felt the most interesting sessions she went to at the conference were around mental health. She was shocked to learn that the highest rate of depression and suicide is in white males age seventy-five and older. The mental health of children is being significantly impacted by the opioid crisis.*

*Commissioner Howard stated the DCHC-MPO meeting was very interesting specifically relating to Hwy 15-501 becoming a super street. The side streets of Hwy 15-501 heading into Durham are experiencing a significant build up of traffic because for a*

*super street to really function at peak, the entire street needs to be a super street. Until the entire road from Pittsboro to Durham becomes a super street there will be build up of traffic on the side streets.*

*Vice Chair Hales stated the Council on Aging received an award at the NC Association of County Commissioners Conference for the work that was done on the Rehab Housing Collaborative Database. The Association will come to a commissioners meeting in the Fall to present the award and a \$1,000 check.*

*The Clerk reminded the Board of the Special Meeting to review the Comprehensive Plan on September 6, 2017 at 9:00 AM at the Chatham County Agriculture & Conference Center.*

## **ADJOURNMENT**

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

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