



# Chatham County, NC

## Meeting Minutes

### Board of Commissioners

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Monday, May 6, 2024

2:00 PM

Historic Courthouse Courtroom

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#### Work Session - 2:00 PM - Historic Courthouse Courtroom

**Present:** 5 - Vice Chair Karen Howard, Chair Mike Dasher, Commissioner David Delaney, Commissioner Franklin Gomez Flores and Commissioner Katie Kenlan

#### **ADJUSTMENTS AND APPROVAL OF WORK SESSION AGENDA**

A motion was made by Vice Chair Howard, seconded by Commissioner Gomez Flores, that the work session agenda be approved as presented. The motion carried by the following vote:

**Aye:** 5 - Vice Chair Howard, Chair Dasher, Commissioner Delaney, Commissioner Gomez Flores and Commissioner Kenlan

#### **PUBLIC COMMENT SESSION**

*John Alderman*

*I am John Alderman, a nearly 50-year resident of Chatham County, currently living in Hickory Mountain Township. I worked for more than 40 years in the conservation field as a wildlife biologist with an emphasis on conservation of Earth's most endangered taxa - southeast freshwater mussels, fish, crayfish, and snails. My work area extends from Washington, D.C. to Florida and westward to Oklahoma. After retiring from state government, my private sector clients included Duke Energy, Exxon Mobile, Dominion Power, Appalachian Power, U.S. Army Corps of Engineers, U.S. Fish & Wildlife Service, multiple other state, federal, and local governments, and scores of other private sector corporations. Usually, my consultations included discussions on how to conserve taxa under various land, water, and air uses. Chatham County should be commended for its efforts to formulate a Unified Development Ordinance (UDO). Much harm has already been done to our environment. Roads, businesses, thousands of homes, and other land uses have significantly fragmented our native ecosystems. Provisions in the UDO will continue to allow fragmentation of these native lands and waters but possibly at a slower pace. In general, wildlife does not fight back, it just disappears (particularly its most sensitive species) as habitats are fragmented or decline in quality. Professionally, I am now transitioning to becoming a Chatham County tree farmer, so there is another type of fragmentation that concerns me personally – farmland fragmentation. As written, the UDO pays little attention to farmland conservation. Bottom line, if the UDO and BOC allow “agrihoods” and various conditional use zoned activities into the agricultural and woodland landscapes of Chatham County, farmers will find it more and more difficult to maintain business efficiencies as our farmlands and woodlands become fragmented. Just like wildlife, farmers and our rural heritage will be at significant risk.*

#### **BOARD PRIORITIES**

[24-5268](#)

Receive a presentation on the 2023 Chatham County Resident Satisfaction Survey

**Attachments:** [2023 Biennial Survey Presentation](#)

*Public Information Officer Kara Lusk presented the 2023 Chatham County Residential Satisfaction Survey results with the Board of Commissioners. Lusk shared the resident's grades of Chatham County on several measurements.*

*Lusk stated that the phone survey of 407 residents over age 18 was conducted November through December of 2023 by cell phones and landline phone numbers randomly selected (95% were cell phones), which was conducted by BKL Research. Lusk stated that the company performs many local government surveys, and they conducted the county's survey in 2015, 2017, 2019, and 2021 with basically the same questions.*

*Lusk stated that the forty-nine core questions and related subparts including they were asked to rate several County department services and their staff including Tax, Planning, Library Services, and Parks and Recreation. The respondents were asked open-ended questions to get more detail about where low marks were given and to gain insight on the most pressing or challenging issues facing Chatham County. Lusk shared the grades used and the results.*

*Lusk stated that some of the most pressing issues were controlling rapid growth/development, water issues, high taxes, Improve schools/education, and affordable housing. Lusk shared the rating of each department.*

*Lusk stated that the 2023 results were very positive overall, and we earned the highest numeric scores to date.*

*The Board of Commissioners thanked Lusk for the presentation.*

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

[24-5205](#)

Receive a presentation from the Haw River State Trail Steering Committee Funding and Grants Subcommittee

**Attachments:** [Haw River State Trail Steering Committee Presentation](#)

*Gretchen Smith gave a presentation to the Board of Commissioners concerning options for local funding for Haw River State Trail from the Grants Subcommittee of the Chatham County Haw River State Trail Steering Committee*

*Smith shared an overview of the Chatham County Haw River State Trail Steering Committee and the general themes on funding. The partners are interested in developing the Haw River Trail. Smith shared a list of the Funding & Grants Subcommittee Members and reviewed their tasks.*

*Smith stated that today's presentation is informational. We are not making suggestions or recommendations. The group just wanted to inform the Board of Commissioners of the tools in the local government funding toolbox for trail development and land and easement acquisition for trail network. Smith gave an overview of some of the funding options.*

*The Board of Commissioners asked questions about the projects and thanked Smith for the presentation.*

This Agenda Item was received and filed.

[24-5247](#)

Receive a presentation from Minnesota Housing Partnership and vote on request to adopt the Chatham County 2023 Affordable Housing Plan: Strategic Plan and Data Update

**Attachments:**     [Affordable Housing Strategic Planning Presentation](#)  
[Affordable Housing Chatham Strategic Planning Final](#)

*Erika Brown, Community Development Manager with MHP presented an overview of the county's progress and data update on the strategic planning process and participation plan goals, objectives, and partners next steps for affordable housing in Chatham County.*

*Brown gave a background of the program along with the work plan activities. Seven goals came out of the Affordable Rental Task Force and the Strategy Toolbox Report. The Affordable Housing Advisory Committee adopted these as the guiding goals. The Committee has focused on the first five goals since 2017. Brown shared the mission and responsibilities of the Affordable Housing Advisory Committee and the demographic trends from the planning process.*

*Brown shared the plan goals and priority objectives, which included:*

*Goal 1: Reduce Development Barriers and Increase Usable Incentives*

*Goal 2: Develop a Framework for Collaboration*

*Goal 3: Communicate to Increase Understanding and Generate Support*

*Goal 4: Improve Efficiencies and Effectiveness of Services and Programs*

*Goal 5: Develop and Strengthen Sustainable Funding Sources*

*Goal 6: Hire and Retain Adequate and Appropriate Staff*

*Brown shared the next steps and resources needed.*

*Vice Chair Howard shared a suggestion that the Board of Commissioners should have a conversation about the Article 46 sales tax and have a rotating schedule, where if one of the four goals gets a large investment that way every four year the program would get an increase to help with the efforts particularly around large investments like affordable housing.*

*Commissioner Delaney suggested that the final slide needs to twenty-five years out and then we can see some improvements and he is hopeful that the Board of Commissioners will have an opportunity through the Unified Development Ordinance process to have conversations and workshops so the Board of Commissioners may have a higher level conversation on the new programs and funding opportunities.*

*Commissioner Kenlan asked if they could set some goals within the AMI zones. Brown replied that they will be creating the dashboard and working with the data collectors.*

*Chair Dasher stated that the county will never have a pot of money big enough to help with affordable housing.*

*The Board of Commissioners thanked Brown for the presentation.*

**A motion was made by Commissioner Franklin Gomez Flores, seconded by Vice Chair Karen Howard, to adopt the Chatham County 2023 Affordable Housing Plan: Strategic Plan and Data Update. The motion carried by the following vote:**

**Aye:** 5 - Vice Chair Howard, Chair Dasher, Commissioner Delaney, Commissioner Gomez Flores and Commissioner Kenlan

[24-5248](#)

Receive a presentation from Chatham County Partnership for Children for the final fiscal analysis for the Early Childhood Action Plan

**Attachments:** [Partnership for Children Presentation](#)

*Heather St. Clair, Executive Director with Chatham County Partnership for Children presented the Early Childhood Action Plan, which included the fiscal analysis recommendations and prioritized action steps for initial implementation.*

*St. Clair stated that the Chatham County Partnership for Children requests \$600,000 for FY25 to establish an Early Childhood Education Fund, which in FY25 includes a funds for a Childcare Provider Compensation Pilot Program.*

*St. Clair stated that the funds would be used for provider compensation, childcare subsidies, childcare center capacity expansion, fundraise private donations that could be used for private childcare capital costs, explore revolving loan concept for public funds to be used for private expansion, provide technical and grants writing assistance to centers for expansion, and explore redirecting economic development incentives to the fund. The partnership would conduct a pilot program to compensate early childcare employees using NC's Early Childhood Compensation Collaborative Model Salary Scale.*

*St. Clair shared the components of the program, impact examples, budget request justification, and the cost breakdown.*

*The Board of Commissioners asked clarifying questions of the request and shared their frustrations with the lack of childcare funding.*

*The Board of Commissioners thanked St. Clair for the presentation.*

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

[24-5295](#)

Vote to request a Legislative repeal of Session Law 2007-43, Section 2

**Attachments:** [Repeal Section 2 SL2007-43 Presentation](#)

*Dan LaMontagne, County Manager presented a request to the Board of Commissioners to repeal section two of session law 207-43.*

*LaMontagne stated in 2007, session law 2007-43 was adopted, which states "The City of Sanford shall not annex any areas pursuant to Part 4 of Article 4A of Chapter 160A of the General Statutes that are located within Chatham County." Then in 2011, the General Assembly removed the ability of municipalities to engage in involuntary annexation. LaMontagne stated since SL 2007-43 was passed before the annexation reforms, much of the perceived impact of annexation has been mitigated.*

*LaMontagne shared the background on request. The City of Sanford currently serves the TIP Site and surrounding areas with water and wastewater under an inter-local agreement. To achieve the density of development in Plan Moncure as adopted, water and wastewater will need to be provided. SL 2007-43, as it stands, restricts the City of Sanford's ability to annex into Chatham County and provide these services. Due to annexation reform starting in 2011, if allowed to annex into Chatham County, Sanford must only engage in voluntary annexation to provide services. Chatham*

County has developed an excellent working relationship with the City of Sanford and the city has been working cooperatively with the Towns of Pittsboro and Siler City to merge utility systems to produce growth.

LaMontagne acknowledged due to 2011 annexation reforms, involuntary annexation of property is not possible for municipal jurisdictions. To voluntarily annex, the owner of the real property must sign a valid petition that meets all General Assembly required standards. Removal of language in section 2 of 2007-43 does not change this petition requirement but allows Sanford to annex if petition is received.

LaMontagne shared the Moncure Small Area Plan Map, which calls for municipal-like higher density and mixed-use centers, and preservation of rural character and lifestyle. By providing municipal services market demand for development can be concentrated into incorporated areas and diversification of tax-base and increases in in-county jobs. Additional municipal services would create job opportunities for residents and help produce additional tax base diversity, and provide infrastructure to support development and support economic objectives.

LaMontagne stated this would enable municipal annexation to enable further developing of infrastructure to accommodate this development and provide equitable access to high-quality housing for residents. The adopted Moncure small area plan increases density, and enabling municipal annexation would support more affordable housing options.

LaMontagne stated additional increasing in amount of property tax collected because of city level services being offered in the Moncure area, the provisions of wastewater services would encourage increase in commercial development.

LaMontagne indicated if Sanford were to annex into the area, there would no longer be sharing of 20% of tax revenue pursuant to the current Inter-Local Agreement.

The Board of Commissioners discussed the request and since this would be the same current procedure as Apex and Cary annexing into Chatham County and since it would be voluntary for any residents they had no objections.

**A motion was made by Commissioner Kenlan, seconded by Vice Chair Howard, to request a legislative repeal of Session Law 2007-43, Section 2. The motion carried by the following vote:**

**Aye:** 5 - Vice Chair Howard, Chair Dasher, Commissioner Delaney, Commissioner Gomez Flores and Commissioner Kenlan

## **End of Work Session**

## **RECESS**

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

**Present:** 5 - Vice Chair Karen Howard, Chair Mike Dasher, Commissioner David Delaney, Commissioner Franklin Gomez Flores and Commissioner Katie Kenlan

## **ADJUSTMENTS AND APPROVAL OF REGULAR SESSION AGENDA**

Commissioner Kenlan requested the addition of a public comment period after the

*Unified Development Ordinance presentation.*

*Commissioner Dasher requested the February 19, 2024 minutes moved to a future agenda.*

**A motion was made by Vice Chair Howard, seconded by Commissioner Kenlan, to approve the regular session agenda as amended. The motion carried by the following vote:**

**Aye:** 5 - Vice Chair Howard, Chair Dasher, Commissioner Delaney, Commissioner Gomez Flores and Commissioner Kenlan

## **INVOCATION and PLEDGE OF ALLEGIANCE**

*Chair Dasher asked for those present to have a moment of silence, which was followed by the recitation of the Pledge of Allegiance.*

## **CALL TO ORDER**

*Chair Dasher called the meeting to order at 6:03 pm.*

## **APPROVAL OF CONSENT AGENDA**

### **[24-5252](#)**

Vote to approve the September 18, 2023 Work and Regular Session Minutes

**Attachments:** [9-18-2023 Minutes Draft](#)

**A motion was made by Vice Chair Karen Howard, seconded by Commissioner Katie Kenlan, to approve the September 18, 2023 Work and Regular Session Minutes. The motion carried by the following vote:**

**Aye:** 5 - Vice Chair Howard, Chair Dasher, Commissioner Delaney, Commissioner Gomez Flores and Commissioner Kenlan

### **[24-5253](#)**

Vote to approve the October 2, 2023 Regular Session Minutes

**Attachments:** [10-2-2023 Minutes Draft](#)

**A motion was made by Vice Chair Karen Howard, seconded by Commissioner Katie Kenlan, to approve the October 2, 2023 Regular Session Minutes. The motion carried by the following vote:**

**Aye:** 5 - Vice Chair Howard, Chair Dasher, Commissioner Delaney, Commissioner Gomez Flores and Commissioner Kenlan

### **[24-5278](#)**

Vote to approve the February 13, 2024 Minutes from the Legislative Breakfast

**Attachments:** [2-13-2024 Minutes Draft](#)

**A motion was made by Vice Chair Karen Howard, seconded by Commissioner Katie Kenlan, to approve the February 13, 2024 Minutes from the Legislative Breakfast. The motion carried by the following vote:**

**Aye:** 5 - Vice Chair Howard, Chair Dasher, Commissioner Delaney, Commissioner Gomez Flores and Commissioner Kenlan

[24-5279](#)

Vote to approve the February 19, 2024 Work and Regular Session Minutes

**Attachments:** [2-19-2024 Minutes Draft](#)

*Moved to a future meeting.*

[24-5285](#)

Vote to approve the March 18, 2024 Work and Regular Session Minutes

**Attachments:** [3-18-2024 Minutes Draft](#)

**A motion was made by Vice Chair Karen Howard, seconded by Commissioner Katie Kenlan, to approve the March 18, 2024 Work and Regular Session Minutes. The motion carried by the following vote:**

**Aye:** 5 - Vice Chair Howard, Chair Dasher, Commissioner Delaney, Commissioner Gomez Flores and Commissioner Kenlan

[24-5284](#)

Vote to adopt the amended Fiber Optic Cabling Project Ordinance that will directly connect the Chatham County Backup Emergency Operations Center and Siler City Health Clinic to the core county network

**Attachments:** [Project Ordinance Fiber Optic Cabling From Pittsboro to EOC Backup Center in Siler City - Amendment May 6](#)

**A motion was made by Vice Chair Karen Howard, seconded by Commissioner Katie Kenlan, to adopt the amended Fiber Optic Cabling Project Ordinance that will directly connect the Chatham County Backup Emergency Operations Center and Siler City Health Clinic to the core county network. The motion carried by the following vote:**

**Aye:** 5 - Vice Chair Howard, Chair Dasher, Commissioner Delaney, Commissioner Gomez Flores and Commissioner Kenlan

[24-5294](#)

Vote to adopt the amended Briar Chapel Park Project Ordinance

**Attachments:** [Project Ordinance Briar Chapel Park Amended 05-06-2024](#)

**A motion was made by Vice Chair Karen Howard, seconded by Commissioner Katie Kenlan, to adopt the amended Briar Chapel Park Project Ordinance. The motion carried by the following vote:**

**Aye:** 5 - Vice Chair Howard, Chair Dasher, Commissioner Delaney, Commissioner Gomez Flores and Commissioner Kenlan

[24-5211](#)

Vote to adopt a resolution approving the Chatham County America 250 NC Committee

**Attachments:** [America 250 Chatham Committee Resolution](#)

**A motion was made by Vice Chair Karen Howard, seconded by Commissioner Katie Kenlan, to adopt a resolution 24-16 approving the Chatham County America 250 NC Committee. The motion carried by the following vote:**

**Aye:** 5 - Vice Chair Howard, Chair Dasher, Commissioner Delaney, Commissioner Gomez Flores and Commissioner Kenlan

[24-5256](#)

Vote to adopt a resolution declaring property surplus and conveying to Chatham County Schools

**Attachments:** [Resolution for Surplus Property Ford Ranger to Chatham County Schools](#)  
[Surplus Item Details 6010 Utilities Ford Ranger 6537](#)

**A motion was made by Vice Chair Karen Howard, seconded by Commissioner Katie Kenlan, to adopt a resolution 24-17 declaring property surplus and conveying to Chatham County Schools. The motion carried by the following vote:**

**Aye:** 5 - Vice Chair Howard, Chair Dasher, Commissioner Delaney, Commissioner Gomez Flores and Commissioner Kenlan

[24-5274](#)

Vote to adopt a resolution approving the consistency statement that the request by Walt Lewis to rezone Parcels 88772 (16.54 ac) and 17696 (4 ac) from R-1 Residential to CD-NB Neighborhood Business for a boat and RV storage facility located at 896 Beaver Creek Rd, New Hope Township is not consistent with Plan Chatham

**Attachments:** [Walt Lewis Resolution Denying Consist Stmt](#)

**A motion was made by Vice Chair Karen Howard, seconded by Commissioner Katie Kenlan, to adopt a resolution 24-18 approving the consistency statement that the request by Walt Lewis to rezone Parcels 88772 (16.54 ac) and 17696 (4 ac) from R-1 Residential to CD-NB Neighborhood Business for a boat and RV storage facility located at 896 Beaver Creek Rd, New Hope Township is not consistent with Plan Chatham. The motion carried by the following vote:**

**Aye:** 5 - Vice Chair Howard, Chair Dasher, Commissioner Delaney, Commissioner Gomez Flores and Commissioner Kenlan

[24-5275](#)

Vote to approve the iWorq Systems, Inc. contract for facilities work order software

**Attachments:** [Chatham County, NC - iWorQ Software Proposal](#)  
[Chatham County, NC - iWorQ Software Proposal - Sanitation dept](#)

**A motion was made by Vice Chair Karen Howard, seconded by Commissioner Katie Kenlan, to approve the iWorq Systems, Inc. contract for facilities work order software. The motion carried by the following vote:**

**Aye:** 5 - Vice Chair Howard, Chair Dasher, Commissioner Delaney, Commissioner Gomez Flores and Commissioner Kenlan

[24-5276](#)

Vote to approve the Patterson Group contract for fire alarm monitoring at the Chatham County Agriculture & Conference Center

**Attachments:** [Patterson Group - Chatham County Agricultural Center - Monitoring Agreement](#)

**A motion was made by Vice Chair Karen Howard, seconded by Commissioner Katie Kenlan, to approve the Patterson Group contract for fire alarm monitoring at the Chatham County Agriculture & Conference Center. The motion carried by the following vote:**

**Aye:** 5 - Vice Chair Howard, Chair Dasher, Commissioner Delaney, Commissioner Gomez Flores and Commissioner Kenlan



[24-5277](#)

Vote to approve policy amendments to the Chatham County Agriculture and Conference Center (CCACC) Rental Policy

**Attachments:** [CCACC Rental Policy 050624 Redline Draft](#)

**A motion was made by Vice Chair Howard, seconded by Commissioner Kenlan, that this Policies and Procedures be approved. The motion carried by the following vote:**

**Aye:** 5 - Vice Chair Howard, Chair Dasher, Commissioner Delaney, Commissioner Gomez Flores and Commissioner Kenlan

[24-5238](#)

Vote to approve a Joint Comment Letter on the Duke Energy Carbon Plan

**Attachments:** [Duke Carbon Plan Joint Comment letter 2024](#)

**A motion was made by Vice Chair Karen Howard, seconded by Commissioner Katie Kenlan, to approve a Joint Comment Letter on the Duke Energy Carbon Plan. The motion carried by the following vote:**

**Aye:** 5 - Vice Chair Howard, Chair Dasher, Commissioner Delaney, Commissioner Gomez Flores and Commissioner Kenlan

## End of Consent Agenda

## PUBLIC COMMENT SESSION

*Written Comments:*

*Barbara Driscoll*

*New Hope Bird Alliance (Formerly New Hope Audubon Society) Recommendations for Chatham County Unified Development Ordinance. Below are the combined comments of Barbara Driscoll (Conservation Chair and Bird Friendly Habitat, Co-Chair), Rachelle Roake (Landscape Architect, Chatham resident), Jennifer Majer (Conservation Committee) and Preston Montague (Landscape Architect). Chapter 4: Development & Design Standards 4.1.1 PURPOSE This Chapter establishes development and building design standards that: A. Implement the Comprehensive Plan;*

*B. Implement the purposes established for the UDO and its zoning districts; and*

*C. Ensure development is consistent with best practices for public safety, environmental protection, and community design.*

*4.2.1 Purpose C. Conserving Natural Resources*

*1. Native trees of significant size and historical value are protected. Does Chatham Co. define what a significant size is? This should provide a reference to somewhere in the UDO where significant size is defined and consider canopy trees at 12" DBH and understory trees at 6" DBH as significant.*

*2. Areas of existing forest and native vegetation are retained.*

*3. Soil erosion is prioritized to maintain existing site resources and reduce harmful impacts on County waterways.*

*4. Tree stands, vegetated areas, and open space connect within and across sites and minimize fragmentation of wildlife habitat.*

*5. Plants that pollinate and produce edible fruit and nuts are planted to increase access to healthy food within the community. This line needs a reference elsewhere in the UDO that provides recommendations for plants with high pollinator value (keystone species?).*

*4.4.1 Purpose The purpose and intent of these landscape standards are to:*

4.4.1 *PURPOSE* The purpose and intent of these landscape standards are to:

- A. Improve the health, safety, and welfare of the public in built and natural environments.
- B. Soften the impact of development.
- C. Minimize potential conflicts between incompatible abutting developments.
- D. Reduce soil erosion and compaction, and increase infiltration in permeable land areas essential to stormwater management.
- E. Encourage the use of native plants and ecological landscaping designs that are visually compatible with the County's natural lands and habitats.
- F. Screen unsightly and/or loud equipment or materials from the view of persons on public streets or adjoining properties and buffer them from uncomplimentary land uses.
- G. Enhance the appearance and reduce heat radiating off of buildings, parking lots, and loading areas by requiring site-appropriate landscaping be incorporated into development.
- H. Promote innovative and cost-conscious approaches to the design, installation, and maintenance of landscaping that encourages water and energy conservation, as well as ecosystem services like quality habitat for pollinating insects, songbirds, and phytoremediation of pollution in the environment.

4.4.3 *Landscape Plans* A landscape plan is required to be submitted for all development subject to this Section. The purpose of the landscape plan is to demonstrate how built landscapes will be retained and planted on a development site. The landscape plan shall:

- A. Identify all plant types to be used;
- B. Demonstrate compliance with all planting standards and specifications of this Section;
- C. Designate the location for each planting to be installed, and existing trees and vegetation to be preserved (see 6.4: Tree Protection);
- D. Provide information on vegetation or materials to be removed and identify appropriate staging areas for materials or storage
- E. Provide information on the protection of existing vegetation and important landscape features
- F. Provide information on erosion control
- G. Provide information on irrigation
- H. Provide information about the anticipated installation schedule
- I. Include other information requested by the Director.

4.4.4 *General Landscape Installation Standards – Comments*

4.4.4 A. 2 *Modify language: "Native Plant Requirement. Plantings should primarily consist of species that are naturally occurring within the County. All canopy trees shall be 100% native. Except where otherwise permitted in this Section, no more than 25% of the individual plantings used to meet the standards of this Section shall consist of non-native species."*

4.4.4 A. *Plant Selection* 3. *Edible Plantings. The use of edible plants included in the list of permitted species is recommended. This may need a dedicated list as an addition to the master recommended plants list*

4. *Drought-Resistant Plants. The use of xeriscaping with native, drought-tolerant plants is encouraged to reduce dependency on irrigation. This may need a dedicated list as an addition to the master recommended plants list*

4.4.4 B *Species Diversity requirement: Revise to increase diversity which is critical for maintain biodiversity in wildlife species:*

*When ten or more trees are required to be planted on a site to meet these regulations, a mix of species shall be provided as follows: 11 to 20 trees, 3 species required, maximum of 40% of a single species, 21 to 40 trees, 4 species required, maximum of 35% of a single species, 41 to 80 trees, 6 species required, maximum of 30% of a single species, 81 to 150 trees, 8 species required, maximum of 25% of a single species, over 150 trees, 10 species required, maximum of 20% of a single*

species

When ten or more shrubs are required to be planted on a site to meet regulations a mix of species shall be provided as follows: Less than 40 – 3 species required in roughly equal proportions, 40-70 – 4 species required in roughly equal proportions, 70-120 – 6 species required in roughly equal proportions, 120-200 – 8 species require in roughly equal proportions.

4.4.4. E Soil Cover: Add to item 3: If used, turfgrass should be mowed at its highest setting, particularly during periods of drought. Add: Native plant options for turfgrass should be considered.

Add to item 4. All mulch should be comprised of an organic layer of wood chips, composted leaves, shredded bark, or pine straw and installed and maintained in a fine-textured organic layer that is between three and four inches in depth. Inorganic mulches such as gravel or river rock are not preferred, and the use of plastic as a soil cover is prohibited. Add: Use of artificially colored mulch is prohibited.

4.4.4 F. Credit for Existing Vegetation. Add: "Invasive plants must be removed from Existing Vegetation to qualify."

4.4.4-1 Comment: Recommendation is to reduce the required planting areas for trees so that engineers and developers are less likely to expand both hardscape and demolition activities into the landscape. These planting area square footages reflect current language in the Durham UDO.

Plant Material Type Minimum Caliper, Height, and Planting Areas<sup>1</sup>, Tree more than 50 feet in height at maturity-2 in caliper, 12 ft height, 350 sf planting area, Tree between 30 and 50 feet in height at maturity-Single stemmed tree-2 in caliper, 10 ft height 150 sf planting area, Multiple- stemmed tree-1 in caliper each stem, 8 ft height 150 sf planting area, Tree less than 30 feet in height at maturity-Single stemmed tree-1.5 in caliper, 6 ft height 100 sf planting area, Multiple- stemmed tree-0.5 in caliper each stem, 4 ft height 100 sf planting area, Shrubs-1.5 ft height (3 ft height when planted in perimeter buffer) Note that structural soil may be used with required plantings when surface square footage is not feasible.

4.4.4.D 3. Certificate of Occupancy. All landscaping required by this Section shall be installed as set forth in the approved landscape plan before the County may issue a certificate of occupancy. If inclement weather or difficulties acquiring needed landscape materials delay the installation of landscape materials beyond the date specified in the landscape plan, the developer may make a written request to the Planning Director for an extension for completion. The request shall specifically state the reason for the delay as well as a proposed date for completion. The Planning Director may approve a revised date of completion for good cause shown. Failure to complete the installation by the specified date shall constitute a violation of this Ordinance. No Certificate of Occupancy shall be issued if required plantings include any plant species from the invasive species list.

4. Tree Staking. All required trees taller than 6' to be staked. Conditions for which staking may be helpful include exposure to wind, trees planted on slopes, trees with large crowns in proportion to their roots, damage to the root ball during installation, or trees planted in areas where people may pull on them or use them for support. All ropes, wires, straps, or other material attached to the tree shall be secured in such a manner as to avoid injury to the trunk, and avoid being tripped over, and be removed before trunk growth is restricted or damaged (not more than one year after plant installation). Any staking supports above ground shall be removed at the same time. Staking material below ground shall also be removed at the same time unless it is biodegradable, and removal would result in injury to the tree.

5. Tree Watering. It is recommended that trees be irrigated using slow- release water bags for the first summer and autumn after installation, or to contract watering services during those times with a landscape contractor providing routine maintenance.

4.4.4.G 4. Irrigation Types. Drip irrigation shall be used in mulched plant beds or on steep slopes to reduce the washing away of mulch or excessive runoff. Overhead

watering shall be limited to turfgrass, beds of flowering plants and ornamental grasses, and seeded erosion control areas, which shall be watered only until establishment. Use of drought-tolerant native flowering plants and ornamental grasses encouraged to reduce irrigation needs after establishment.

4.4.4.H Sight Triangles. Sight triangles shall be maintained free of obstructions, including trees, shrubs, other vegetation, fences, walls, and berms that obstruct sight between 2' and 8' from the ground. See Raleigh's guidelines for vegetation in sight triangles. Prohibiting vegetation completely from sight triangles will be deleterious for commercial projects and inconsistent with naturalistic planting design or required vegetation for buffers and parking lots.

4.4.4.I Include the prioritization of keystone species in naturalistic vegetation design.

4.4.6 Parking Lot Landscapes 4.4.6.D 1. A landscape strip at least eight feet in width, with evergreen shrubs planted in a staggered fashion and separated by no more than five feet on center. Each evergreen shrub shall be at least two feet in height at installation with an expected height of five feet at maturity. 25% of shrubs may be substituted for deciduous shrubs or native grasses assuming grasses grow larger than 36" and are not cut back or cut back in April.

3. An earthen berm at least four feet in height, with a maximum slope of 3:1 and a top width that measures at least one-half of the berm height. A berm shall be stabilized with a native plant seed mix appropriate for site sun, shade, and slopes to prevent erosion. Erosion control fabrics with plastic netting are discouraged. Seeded landscapes that are not lawns shall include a "nurse crop" (ex. annual ryegrass) that is broadcast with the seed mix per grower's instructions for proper seeding rates. Seeded erosion control landscapes to be mulched with natural erosion control fabric, wheat straw, or applied through hydroseeding, and irrigated until seed or nurse crop has established.

4.4.6.E.2 C. All interior landscaped areas of the parking lot not dedicated to trees or to preservation of existing vegetation, including parking islands, shall be landscaped with ornamental grasses, groundcovers, or shrubs. In no case shall turf grass be used unless minimum dimension of 3' wide and minimum area of 300 square feet,

4.4.9.E Removal of Invasive Species. All invasive species on a site to be eradicated, including invasive species found in protected areas. All removal techniques requiring herbicides to be applied by professionals with herbicide application credentials. Use of vehicles discouraged in tree protection zones or required buffers when performing maintenance.

*Recommended Street Tree Planting:*

1. Number of Trees Trees shall either be retained or planted such that there is an average of at least one street tree for every 40 feet of street frontage along the sides of all existing and proposed rights-of-way (except alleys), and private street easements. If understory trees are planted, then the average shall be at least one understory street tree for every 30 feet of street frontage along the sides of all existing and proposed rights-of-way (except alleys), and private street easements.

2. Location a. New Streets For new streets and extensions of existing streets, street trees shall be located in the right-of-way or street easement. Public works director in collaboration with urban forester, may require an alternate location due to conflicts with existing utilities. Planting and species requirements shall be pursuant to this Article and the Chatham Co. Landscape Manual.

b. All Other Locations

(1) Street trees shall be located within 10 feet of the right-of-way or street easement and in a street yard.

(2) Street trees can be planted in the right-of-way or street easement under the following conditions:

(a) The City Public Works Director in consultation with the City Urban Forestry Division, as applicable, or the NCDOT, or designees, as appropriate, authorize their location in a right-of-way;

(b) If the trees are existing trees, the tree protection zone outside of the right-of-way

is protected; and

(c) There is no conflict with public utilities.

### 3. Separation Requirements

The location of street trees can be varied, as long as the separation between each tree does not exceed 100 feet, measured between the centerline of each trunk. If existing obstructions, access points, or sight distance triangles prevent compliance with the maximum separation requirement, the separation can exceed the maximum only to the extent necessary to avoid the obstruction, access point, or sight distance triangle.

### 4. Street Tree Installation

A. Required street trees shall be clearly noted on any site plan, preliminary plat, minor, or final plat.

B. Street trees shall be at least two inch caliper for canopy trees and 1.5 inch caliper for understory trees.

C. A contiguous growing area without encroachments shall be provided for each tree as specified in the table 4.4.4.1 . Alternative systems to satisfy growing area requirements, such as critical root path systems or structural soil, can be utilized as specified within the Landscape Manual.

D. Planting location shall take into consideration any roadway widening identified on approved transportation plans but not provided by the development.

E. Required street trees shall be planted before a Certificate of Compliance is issued unless the planting has been postponed to the appropriate season. \*Preston to expand on erosion control notes to include native seed mixes and invasive species removal, plant installation details, structural soil details, add column in plant list for appropriate groundcover or "green mulch" plants, keystone species column, appropriate plant yard column, expand fruiting tree/shrub list,

4.5 Lighting 4.5.1 Purpose: Revised D – Minimize artificial outdoor light that can have a detrimental effect on human health, the environment, astronomical research, amateur astronomy, and enjoyment of the night sky.

Add G – Minimize light that can be attractive, disorienting, and hazardous to migrating and local birds and insects.

4.5.4 Prohibited Exterior Lighting; Add D – Other very intense lighting having a light source exceeding two hundred thousand (200,000) initial luminaire lumens or an intensity in any direction of more than two million (2,000,000) candelas.

### 4.5.6 General Standards for All Exterior Lighting

4.5.6 A. Fully Shielded Fixtures – Add this language which is footnoted: Lighting not designated for dusk-to-dawn operation shall be controlled by either a combination of a photosensor and a time switch or an astronomical time switch. Lighting designated for dusk-to-dawn operation shall be controlled by an astronomical time switch or photosensor. All time switches shall be capable of retaining programming and the time setting during loss of power for a period of at least 10 hours.

D.2. Lighting color – Revise to all exterior lighting must be 3,000 Kelvin or lower...

4.5.6 E. Floodlights: Add to 1. All floodlights should be on a programmable motion detection system or photosensor.

### 4.5.10 Additional Lighting Standards for Certain Land Uses –

Add to 4.5.10. B. Security Lighting for Parking Lots – All security lighting should be controlled by either a photosensor or programmable motion detection system.

Add to 4.5.10. E. Building Lighting – Outdoor lighting must be extinguished by 11pm or closing of business or when people are no longer present in exterior areas.

(Lighting used to illuminate entries and exits, parking areas, driveways and motion sensor-activated lights which go out within 5 minutes are allowed.)

4.5.14 Street Lighting: Modify B. to lighting color shall be 3,000 Kelvin or lower. Add C. Street lighting shall be on a programmable motion detection system or photosensor.

Appendix A: Plant List Invasive species planted in the landscape pose significant threats to our native habitats. Non-native species that show aggressive tendencies

early on are the most important to stop planting now before they become a problem. By removing these species from the recommended list, we are decreasing demand for these species at a local level, and thus municipalities can influence the persistence of these plants in the nursery industry as a whole. We reference the NC Invasive Plant Council and the Invasive Plant Atlas as good sources to check for invasive status. "Non-fruiting" invasive like Buddleia and Nandina produce "few seeds" and these characteristics can change over time. Also, by including these genera at all, it creates a possibility for accidental approval of the species.

We recommend the removal of the following species:

*Koeleruteria paniculata* Goldenrain tree (Invasive Plant Atlas), *Pistacia chinensis* Chinese Pistache (Watch List IPC), *Ulmus parvifolia*, Chinese Elm (Rank 2 Invasive IPC), *Ilex cornuta* 'Needlepoint' Needlepoint Holly (Rank 3 Invasive IPC), *Ilex cornuta* 'Sizzler' Sizzler Holly (Rank 3 Invasive IPC), *Ilex crenata* 'Sky Pencil' Sky Pencil Holly (Watch List IPC), *Ilex crenata* 'Soft Touch' Japanese Holly (Watch List IPC), *Buddleja Lo & Behold®* Lo & Behold Butterfly Bush, *Callicarpa dichotoma* 'Issai' Purple Beautyberry (Invasive Plant Atlas), *Ilex crenata* 'Compacta' (Watch List IPC), *Ilex cornuta* 'Carissa' Carissa Holly (Watch List IPC), *Nandina domestica* Heavenly Bamboo, *Spiraea japonica* Japanese Spirea (Rank 1 Invasive IPC), *Cenchrus alopecuroides* Fountain Grass (invasive behavior; listed in VI), *C. alopecuroides* 'Hameln' Hameln Fountain Grass (see above), *Ajuga reptans* cultivars Bugleweed, *ajuga* (Rank 3 Invasive IPC), *Liriope muscari* Liriope, Lilyturf (Rank 3 Invasive IPC). Please specify the native species (there are many non-native, invasive *Euonymus*): *Euonymus americanus* Strawberry Bush, Hearts A-bustin'

Appendix B: Invasive Plant List (Rachelle) Update the list to incorporate the attached spreadsheet of invasive plants and incorporate additional ones on the NC IPC website. Attached spreadsheet.

#### CHAPTER 6 CONSERVATION & OPEN SPACE<sup>1</sup>

This is a complex set of regulations. The purposes listed below are somewhat contradictory because important wildlife habitat and recreational activities aren't always compatible, so perhaps add the exception language to 6.1.1.B

6.1 OPEN SPACE 6.1.1 PURPOSE The purposes of these open space requirements are to:

- A. Preserve existing vegetation and important wildlife habitat;
- B. Provide recreational opportunities for residents except when recreational activities would disturb important wildlife habitat; (Term important should be defined).
- C. Enhance the aesthetic and environmental quality of development; and
- D. Connect neighborhoods, open space, and employment areas.

Table 6.1.4-1: Types of Open Space Natural Area: A natural area may contain trails to accommodate pedestrians and bicyclists if their construction does not harm the natural value of the natural area and if bicycling and walking do not disturb rare or endangered species of plants or animals. (Bicycling and walking in themselves may be disruptive, not just the construction of trails)

5. Incentive for Riparian Access. Where a trail is provided approximately parallel to a river or stream for at least 75% of its length within a development site, the total amount of open space required may be reduced by 5%. (This seems to incentivize trail-building in the most sensitive areas.!)

6.1.8 LOCATION & DESIGN OF OPEN SPACE C. Accessibility Required. 2. The decision-making body [specify who this is?] may [shall?] require access to open space to be restricted if it would degrade, destroy, or adversely affect sensitive environmental or natural areas or areas with significant historic, cultural, or archaeological resources. [As written, this seems pretty weak.]

#### 6.3 TREE PROTECTION<sup>20</sup>

<sup>20</sup> This new Section provides tree protection standards recommended by Plan Chatham, the Appearance Commission, the Tree Protection Working Group, and County staff. Key components include: Conservation open space includes tree save areas and other sensitive areas (wetlands, streams, etc.). Tree save areas are

required for major subdivisions and non-residential developments that require a stormwater plan, with exceptions for agriculture and forestry. Sites that do not have sufficient tree canopy to satisfy the tree save area percentage will be required to plant trees to satisfy the requirement. Sites that are not suitable for tree planting may provide alternative compliance. Preservation of specimen and heritage trees is not required in the proposed draft. [Why aren't specimen and heritage trees supposed to be preserved?]

#### 6.3.3 TREE SAVE AREAS

A. *Tree Save Areas.* This Section preserves existing tree canopy by requiring the identification and preservation of designated tree save areas (TSAs). A TSA is an area of existing or planned tree canopy that will not be disturbed during land development or construction. Trees survive the stress of construction best when they are left in stands or larger groupings. For that reason, sites shall be designed and developed so that TSAs, buffers, and other existing vegetated areas that are to remain undisturbed are contained in contiguous TSAs.

E. *Incentives for Preferred Locations.* Sites with preferred preservation conditions qualify for an incentive that reduces the overall percentage of the site that must be preserved as tree save area. The maximum reduction of tree save area using more than one condition is 5% of the site. [This strikes me as bizarre: to incentivize developers to preserve natural heritage areas, hardwood stands, and riparian areas, the amount of natural area is reduced?]

#### 6.3.4 REMOVAL OF TREES 25A. Generally

2. However, in an emergency situation due to storm damage or other natural disaster; or to alleviate an imminent hazard to the health, safety, and welfare of the citizens; or to repair property damage, prior approval for tree removal in a previously approved TSA is not required. ["repair property damage" is not an "emergency situation" and could be abused by developers. Omit that exception.]

D. *Administrative Approval.* For land development sites with a smaller area of existing tree canopy than this Section requires for TSAs or sites where the applicant proposes to remove trees required to meet the tree save area requirement, the Zoning Administrator may approve requests to remove trees from required TSAs on development sites under limited circumstances, based on, but not limited to, the following factors:

1. The location of the existing trees to be used in a tree save area on the property prevent the development of the site based on locations for connections to existing roads, trails, or utilities;

2. The location of the existing trees to be used in a tree save area on the property would cause detriment to public well-being in regard to sight visibility onto existing streets or hinder widening and enhancement plans for existing streets;

3. The location of the existing trees to be used in a tree save area on the property would cause detriment to public well-being in regard to the placement of proposed utilities on the site;

4. The location of the existing trees to be used in a tree save area on the property would cause detriment to public well-being in regard to drainage and stormwater measures;

5. The location of the existing trees to be used in a tree save area on the property conflict with necessary elements of the site design that unreasonably impede or diminish the objectives of the development or prevent the provision of necessary features;

6. A certified arborist or licensed landscape architect indicates in writing that the tree is diseased, or the soil and climate are not suitable for proper growth and health of the tree, or the tree is prone to cause property damage or personal injury; or [these exceptions could completely undermine the TSA requirement. And note "but not limited to" means any other excuse could be used]

#### 6.3.6 TREE PROTECTION DURING CONSTRUCTION 27

B. *Prohibited Activities Within the Root Protection Zone.* During the entire

construction period, there shall be no soil disturbance, compaction, or changes to the existing grade within the root protection zone. Prohibited activities in these areas include but are not limited to the following: 6.4.4 PERMANENT PROTECTION REQUIRED

B. The legal instrument shall include:

2. Cost estimates for all maintenance, operation, and insurance needs for the conservation and open space, as well as a plan that outlines the means by which funds will be obtained for such expenses; and [very weak. No oversight as to whether the plan is reasonable or what happens if it's not funded. Require a bond?]

C. Conservation and open space may be owned, preserved, and maintained by any of the following mechanisms or combinations thereof:

4. Private ownership, if the owner is capable of and willing to place a permanent deed restriction on the property and accept responsibility for managing and maintaining the conservation and open space for its intended purpose. ["accept responsibility for" is very vague]

#### 6.4.5 MAINTENANCE STANDARDS

2. All other open space shall be:

(b) Maintained using standard landscaping practices, including regular mowing, trimming, weeding, and cleaning to ensure neatness. The use of pesticides and herbicides is prohibited. 33 Hardscaped areas shall be maintained in good repair.

["standard landscaping practices?" "neatness"? Can't the needle be moved toward "leave the leaves" or "practices that best support native plants and insects"?]

Driscoll also shared a comparison between the North Carolina Invasive Plant Council plant list and the Chatham Draft Appendix E.

In Person Comments:

Edward Walgate

After 15 years of underfunding and privatization efforts by the NC Legislature, Chatham's public schools are facing a crisis of staff burnout, turnover, and shortages. Our students are suffering because of this! Many classrooms don't have the teachers and instructional assistants they need. We continue to face a shortage of bus drivers, custodians, and cafeteria staff. Schools are struggling to hire and retain other crucial support staff. Dedicated, experienced, and qualified educators are essential to creating opportunities for students to thrive throughout their education. Our students need a school budget that will address our staffing issues and protect their right to a quality education. Fortunately, Chatham is one of the wealthiest counties in North Carolina and tax revenue is at a record high. It ranks in the top five in terms of personal income and property value. Businesses and new residents are moving in and the tax base is growing. Yet Chatham ranks 58th in NC in terms of local funding effort\*. Our county can afford to bridge the funding gap inflicted on our schools by the state legislature. We applaud Chatham County Schools' recent efforts to invest in and retain veteran staff. We - school staff, parents, and community members - share in the spirit of those efforts and call for an investment in all of our educators from Chatham County leadership so that our students have the fully staffed schools they have a right to. We are calling on Chatham County Schools, the Chatham County School Board of Education, and the Chatham County Board of Commissioners to work together to include in the CCS budget for 2024-2025: 1. Meaningful Raises for All Staff: a. A \$2000 increase in the local supplement for all ce11ified teachers with 0-14 years of experience and a \$3000 increase for those with 15+ years of experience. It is imperative we suppo11and retain our incredible educators and attract top talent in our competitive region. b. A \$17/hour minimum wage for all classified staff with continued efforts to stretch the pay scale for veteran staff. Our bus drivers, custodians, instructional assistants, cafeteria workers, and maintenance staff are crucial to the safe, healthy operation of our schools. We must address our long-standing classified staffing shortages by paying them a living wage (most do not make the \$18.40/hour Chatham living wage), which will prevent current staff from



leaving out of necessity and attract new classified staff. 2. Phase Out Mandatory Dual Role Positions over the next two school years. Requiring new classified staff to drive the bus in addition to their work as an instructional assistant, custodian, or cafeteria worker is preventing our schools from filling many of those positions. Many potential recruits are not able or not willing to work the extended hours required to fulfill the dual role. Increasing bus driver wages would allow Chatham to phase out this requirement for new hires in the first year and make it optional for veteran staff in the following year, all while filling other critical classified positions as well. Walgate shared a petition signed by 1,346 individuals.

*Brandy Varner*

*Hello, my name is Brandy Varner and I'm a 3rd grade teacher at Chatham Grove Elementary. I came today to offer a perspective regarding the budget proposals being presented tonight. First, I want to thank you for a few things; for supporting your community members in expressing their thoughts in a public space like this, for taking on this incredibly difficult service position, and, finally, for being a governing body that works so hard to support its community. The relationship between Chatham and the Commissioners actually reminds me a lot of my classroom. See, in my classroom I know that those kids come in there at all levels with all kinds of different strengths and needs and I am there as a leader to support them on their journey. What I strive for every day is to build a space and community where my kids feel comfortable in their own abilities and where they never fear seeking help when they are in need. I know that when my students ask for help it's because they believe in me and know that I support and care for them. And I think we, the Chatham community, feel the same way about our commissioners and our school leadership. As service leaders, we know you, like us educators, are committed to your communities in good times and tough times. This body has shown time and again in the past that you believe in education and that you support your students, your families, and your teachers in Chatham. That is what gives us hope and confidence in coming to you in our time of need. We hope that you see what we see: that our students are in need of more high-quality teachers; that our educators are in need of local support as we gear up to take on the State legislature for denying our students the education they deserve. And, we hope that you will consider Dr. Jackson and school board's budget proposal for this year and support in any way you can. I want to wrap up by thanking you again for your service, for helping both bear and ease the burdens of your community, and for your consideration as we move Chatham forward another year.*

*Arilio Estevez*

*Good evening. I am a teacher at Siler City Elementary. I know we come here to talk to you at a special time of the year, for you it is budgeting time. I guess you enjoyed it. You love it. You have dreams, sweet dreams about it when you dream about it, think of our teachers and our school personnel. I know you have helped us. I know you support us and we're coming here to ask you to support us a little more. Okay, I know it is your responsibility to provide for the schools. I know that belongs to the General Assembly. Unfortunately, there is a group of individuals that are so anti public schools and want to destroy our schools. So, we're asking you, begging you to help us. We do need your support. We need our teachers, our staff, to feel valued and respected. That's why we're asking you to support the budget provided by the Board of Education to increase the amount of supplement for teachers and staff. That's key. We say we love our teachers. We say we love our staff. Please show some love. Part of the money is going to come to me, if approved, but I don't do it for me. I'm thinking of the future. Believe it or not, in a few years I will retire. I know I look a little younger but yes, I'm going to retire, and I want young people to follow my steps to follow my steps in Siler City. There are a lot of Latinos who want to be teachers and we need to motivate and to encourage them to be teachers. That is one of our dreams, so let's help them achieve those dreams and think of our staff people*

at the cafeteria. They do an amazing job and the way those children love them is amazing. They talk to them before the beginning of every school day. So, thank you. Have a good day.

*Belle Boggs*

*My name is Bell Boggs, and I'm a parent, a Chatham resident since 2,006, and an educator I've been attending school board meetings all year. This has allowed me to see the inspiring things happening in our well-led public schools, but also the challenges facing our kids, teachers, and families. We have an 8% vacancy rate that's obviously too high. And when Dr. Jackson asked us in August to reach out to people, we knew who might be interested in a career in Chatham County schools. I did what I could. I told my undergraduate and graduate students how much my career benefited from my years as A. K. 12. Teacher. How much our schools need them, how gratifying it is to teach a first grader to read, or rhetorical skill to a tenth grader! But I have failed so far to bring a single new teacher to our county. Our supplement isn't competitive with Wake Chapel Hill or Durham, and, unlike those places, we have no public transportation and few options for affordable housing. Qualified new teachers who didn't grow up in Chatham don't have many reasons to move here, and that's putting a strain on hiring. Not only that, but many of our great teachers are leaving for better paying careers, but also to teach in other counties, according to a survey from this year more than a third of the teachers, have left work to make ends meet. I know it's the responsibility of the State to fully fund our schools and to return North Carolina to a place that values public education and puts the welfare of all our kids first, not just kids whose families can send them to private schools with vouchers. I know that, and you know that. But we also all know that nothing good is going to happen with this legislature this year and next August. If you do little more than fund a cursory raise, it will be worse. That's why I'm asking you to fund Dr. Jackson's carefully considered. Well-reasoned Budget, which would make Chatham the highest paying district in the State. I understand that you have many budgetary concerns, including the impact of potential tax hikes. I live in a part of the county where every week seems to bring new forest demolishing developments, one million dollar house after 1 million dollar house. I can't help but think that these developers and buyers are drawn to our comparatively low taxes, and I know that a large part of the county isn't like that and that the schools in Western Chatham don't look like Seaforth or Chatham Grove. That isn't fair or right, but if we don't do more to protect public schools with the resources we have, we'll lose all our trees and all our teachers. Just if this happens, many kids in Chatham will not be okay, and our community won't be okay either. I want to remind you that the most vulnerable people in our community are children, particularly poor kids in under resources. Cool schools. Please give their principals a chance to hire the best. Their kids, those kids and their families deserve it. Thank you.*

*Beatrice Allen*

*I'm a fourth grader at Perry Harrison Elementary. My teacher, Miss Barman, has been at Perry Harrison since the school opened. She is national board certified and has a master's degree in education. Even though my class is the biggest class in the school. With 29 kids, she manages to be the best teacher ever. Every day. She always makes me feel better when I'm sad, and my classmates and I have learned so much from her this year. She's taught us long division, decimals, poetry, fractions, shades of meaning, perimeter, and area figurative language. Just to name a few. I remember one day I was feeling really frustrated with the area models, but then Miss Barman came to check on me, and she explained the formula for area models to me again. I felt so much better and very relieved. She always has time for me to ask a question when I need help with something, whether that's in math, reading, science, or any subject. I know that Miss Barman doesn't just help me and my friends but is a leader for other teachers in our school. No amount of money you can offer will be*

what Miss Barman and teachers like her really deserve. But Chatham County should definitely give them as much as we possibly can. Thank you.

Melissa Semenov

I'm Melissa Semenov, thirty year resident on Hadley Mill Road in Hickory Mountain Township. First, I would like to thank the Board of Commissioners for their time and dedication to serving the citizens of Chatham County. Having viewed the recent release of the UDO. My compliments on the appearance of the document. Having also read the 2022 audit on Recode Chatham. I have several concerns about the UDO. The number one core area listed is access to healthy food, a desire many have and should have available to them. With this ever-growing concern for healthy food, local food both meat and produce organic and non-gmo foods. Farmland is necessary. I believe Chatham is number 2 in the State for loss of farmland. Let's not be known for this. We can do better.

## **SPECIAL PRESENTATION**

[24-5263](#)

Vote to approve a Proclamation Supporting Local Government Clerk's Week from May 5, 2024 to May 11, 2024 in Chatham County

**Attachments:** [Proclamation Honoring Local Government Clerks Week](#)

Chair Dasher read aloud the proclamation.

**A motion was made by Vice Chair Howard, seconded by Commissioner Kenlan, to approve a Proclamation Supporting Local Government Clerk's Week from May 5, 2024 to May 11, 2024 in Chatham County. The motion carried by the following vote:**

**Aye:** 5 - Vice Chair Howard, Chair Dasher, Commissioner Delaney, Commissioner Gomez Flores and Commissioner Kenlan

## **BOARD PRIORITIES**

[24-5280](#)

Receive a presentation of the recommended Fiscal Year 2024-2025 Budget

**Attachments:** [Recommended Budget Presentation--BOC Initial Presentation FY2025 Final updated](#)

Assistant County Manager Bryan Thompson presented the fiscal year 2024-2025 recommended budget.

Thompson shared budget process and stated that before the budget is finalized the Board of Commissioners will hold two public hearings on May 20 and 21, hold work sessions on May 23, 24, and 29, if needed, make changes based on deliberations. Then finalize the budget on June 17 since the state requires adoption by June 30.

Thompson shared the net cost of county functions and gave an overview for fiscal year 2024 including the accomplishments. Thompson shared the current year revenue highlights including sales tax. Looking ahead, Thompson shared the economic indicators and budget highlights. Some economic indicators included unemployment, labor market, inflation, residential development, and commercial/industrial development. The revenue highlights included property tax budget is increased to \$113.2M which is an increase of four cents on the property tax rate from 68.5 cents per \$100 of valuation to 72.5 cents per \$100 of valuation, permitting budget is decreased to \$2.8M, excise tax budget is increased to \$1.5M,

sales tax budget is increased to \$30.5M, and transfers-In budget is decreased to \$20.6M.

Thompson shared a detailed breakdown of revenue and expenses. Expense details included Chatham County Schools, Chatham County Sheriff's Office, and transfers out and debt. Thompson reviewed the new position included in the budget and other expenses. Thompson presented the highlights of the major funds and new and increased fees including fire district tax rate changes in Silk Hope and Northview.

Thompson stated in summary including the significant financial pressures in the upcoming fiscal year primarily around education, public safety, and utilities. The organization is well-positioned to address continued growth and development and we are optimistic about continued consistent growth in the County as we prepared to adjust based on changing economic circumstances.

Thompson reminded the Board of Commissioners of the key dates in the budget process.

The Board of Commissioners thanked Thompson for the presentation.

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

#### [24-5273](#)

Receive a presentation on Module 2: Development Standards Public Review Drafts and offer feedback about the proposed drafts

**Attachments:** [Module 2 Development Standards Presentation](#)

Assistant Planning Director Chance Mullis and consultants from Green Heron Planning, White and Smith Planning and Law Group, and Clarion Tetra Tech reviewed the Recode Chatham Unified Development Ordinance Module 2 Development Standards.

The presenters shared the progress of Recode Chatham, an overview of health and equity assessment, the Unified Development Ordinance Scope of Work and Schedule. Then the presenters reviewed multiple chapters of the development standards module with the Board of Commissioners. The chapters included Chapter 4: Development & Design Standards, Chapter 5: General Subdivision Standards, Chapter 6: Conservation & Open Space, Chapter 7: Infrastructure & Public Improvements, Chapter 8: Watershed & Riparian Buffer Protection, Chapter 9: Stormwater Management, Chapter 10: Soil Erosion & Sedimentation Control, Chapter 11: Flood Damage Prevention, Chapter 18: Definitions & Acronyms (working draft), Appendix A: Plant List, and Appendix B: Invasive Plant List.

The Board of Commissioners discussed each chapter with staff and the consultants and asked questions of the module.

The presenters reviewed the next steps with the Board of Commissioners. Staff and the Unified Development Ordinance Subcommittee are currently reviewing the administration & procedures module (Chapters 12-18). The draft will be released in June 2024 for public review and public outreach session(s) will be held in July 2024. Then they will do Unified Development Ordinance testing on up to ten sites using hypothetical development scenarios to test the standards.

The Board of Commissioners thanked planning staff and the presenters for the lengthy time reviewing this important project.

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

## PUBLIC COMMENT SESSION

### *Written Comments:*

*John Graybeal, on behalf of the Chatham County Climate Change Committee*  
*The Tree Protection Section states that the standards were recommended by Plan Chatham, the Appearance Commission, the Tree Protection Working Group and County staff. In fact, the UDO draft seems to generally ignore these sources and, if anything, contains provisions contrary to what they would recommend. The UDO draft, unfortunately, does not provide for adequate protection for tree conservation in Chatham County developments. See points 3 - 6 below. One UDO section provides that if the site is not suitable for canopy trees, "alternative compliance" may be granted. Another provides the possibility of discounts from the required canopy area. One section allows for the removal of trees if necessary for the "land development" involved. And finally, a request to remove trees may be granted on the basis of any one of six vaguely stated "factors" one of which is that if the trees "conflict with necessary elements of the site design." Provisions like these certainly raise threats to tree preservation in developments in the County. We have not seen any recommendations of the Appearance Commission or County staff. Accordingly, our comments are based only on a comparison of the UDO draft with the Working Group document and Plan Chatham.*

*1. Section 6.3.2 (D) states that "[r]etention of existing tree canopy in tree save areas (TSAs) may be used to satisfy perimeter buffers . . . and riparian buffers . . . and open space requirements." But the Working Group document states that "Stream buffers . . . shall not be counted as part of the tree canopy area minimum requirements." Sec. 3. Thus, it suggests that, contrary to the UDO draft, the TSAs and buffers should be held to meet separate requirements.*

*2. The UDO draft states its recommended minimum tree TSAs in Table 6.3.3-1 and the Working Group minimums are in its Appendix B. The specified minimums in the two documents are actually similar with one major exception being the Conservation Residential District where the Working Group recommends a 60% minimum canopy and the UDO draft calls for 45%.*

*3. A section of the UDO draft (6.3.3(B)(2)(b)), which contains a major difference with the Working Group draft (and where Plan Chatham has no comparable provision), provides that "[i]f the . . . site conditions are not suitable for the canopy trees," the applicant may seek "alternative compliance with the TSA requirement." Alternative compliance may consist of "meadow or aquatic plant communities." The Working Group document contains no such provision and its inclusion in the UDO draft raises a big question --- and a big concern --- about whether liberal application of this provision could produce sites with few or even no trees.*

*4. Another section of the UDO draft which raises concern is section 6.3.3(E), which provides for a discount of the minimum TSA requirement if the TSA consists of a registered heritage area or contains existing hardwood stands or is adjacent to a riparian buffer. Neither the Working Group document nor Plan Chatham contains any such provision. The TSA reduction can be 2.5% or up to 5% if two or more of the conditions exists. These numbers sound modest but their general application could produce substantial results.*

*5. Although section 6.3.4(B) requires planting of replacement trees, it raises concern by stating that "Land development activity [may result] in the removal of existing trees necessary to fulfill the" TSA requirement. One wonders what kind of "land development activity" could justify the removal of TSA trees.*

*6. The level of concern increases with section 6.3.4(D), which allows the Zoning Administrator to "approve requests to remove trees from required TSAs" on the basis of any one of six "factors." These "factors" are stated in general and vague terms and one case (factor #5), refers to whether the trees "on the property conflict with necessary elements of the site design that . . . diminish the objectives of the*

development." With provisions like this, it seems that the requirement of a "tree save area" virtually disappears. Needless to say, there is nothing like this in the Working Group document.

7. The Working Group recommends for replacement trees a mix of large deciduous canopy trees (30 feet or greater in height and width) 2-inch caliper spaced at least 18 feet apart; evergreen trees at least 20 feet tall and at least 12 feet apart; and deciduous understory trees at least 12 feet apart'. The UDO draft does not contain such recommendations.

8. The Working Group document recommends that the County hire a "certified tree arborist." The UDO draft contains no such requirement although it refers at least in one place to an "arborist or licensed landscape architect."

9. The Working Group document describes and defines four categories of "Grand Trees" and recommends that "[a]ll 4 categories must be protected and preserved during development." The UDO draft contains no similar provision.

In person:

Elaine Chiosso, Chair, Environmental Review Advisory Committee and Co-Chair, Tree Protection Working Group

In April, 2022 the Environmental Review Advisory Committee (ERAC) made recommendations to further improve the Conservation Subdivision regulations. As Chair of that advisory committee I want to comment on that section of the draft UDO Module 2.

Conservation Subdivisions - Chapter 5.4.2

- Section 5.4.2.C Open Space: ERAC recommended that the minimum combined Open Space and Natural Area in a Conservation Subdivision is required to be 50%. The draft UDO only requires 45%.
- We also recommended that 100% of the Natural Area in a Conservation Subdivision shall be a contiguous area, "unless conservation goals as approved by the county would be best met by conserving more than one space". The draft module only requires 50% to be contiguous
- Under "Management of Open Space" (Section 6.4.5), maintenance standards for landscaping should consider more environmentally friendly practices that protect pollinators and other wildlife, such as using wildflower meadows, as well as areas where fallen leaves can protect overwintering insects such as beloved fireflies.
- ERAC questioned whether "Historical and Cultural Resources" be included as Primary Natural Areas in a Conservation Subdivision. In the current Guidelines, "Cultural and Historical Resources" are prioritized over "NC Wildlife Action Plan Lowland Systems" which include a large diversity of special ecosystems.
- Finally, ERAC suggested that all new major subdivisions that are within the designated areas for conservation lands as shown in Chatham County's Comprehensive Plan, Future Land Use and Conservation Map) must be submitted and approved as Conservation Subdivisions.

Tree Protection - Chapter 6.3

- I served as co-chair along with George Lucier, of the Tree Protection Working Group (TPWG) that made final recommendations to the Board of Commissioners on December 5, 2022. I'd like to comment on the UDO draft for the Tree Protection section in Chapter 6, which I believe falls short of our recommendations.
- Under "Purposes for Tree Protection" it states that "Preservation of specimen and heritage trees is not required in the proposed draft" The TPWG recommended that the 4 categories of specimen and heritage trees defined by Grand Trees of Chatham" be protected and preserved during development.
- TPWG recommended that the county hire a full time ISA (Int'l Society of Arboriculture) certified tree arborist to oversee the Tree Protection regulations in the UDO and to work with developers to help meet those requirements. The current draft language delegates much of this work to the Zoning Administrator or to unknown staff referred to as "the County". TPWG included in our recommendations a full page

*description of job responsibilities that we believe justified such a position. At the very least the county should consider contracting a certified arborist that has the experience to perform the duties set out in the Tree Protection regulations.*

- Section 6.3.3 concerns Tree Save Area Required. The minimum preservation of trees required closely matches what the TPWG recommended as minimum Tree Canopy preservation, except for the RS Zoning district where we recommended 60% forest saved, instead of 45%.*
- This section includes a new "Incentives for Preferred Locations". Sites with preferred preservation conditions would qualify for an incentive that reduces the overall percentage of the site that must be preserved as tree save area. with a maximum of 5% reduction of trees. This seems very counterproductive to the purpose of saving more trees in Chatham County and should not be included.*
- Appendix A Plant List. The plant list is a standard list of plants for landscaping in Chatham Co. that is used throughout Module 2. But the list includes many non-native species which should not be allowed to replace trees in forests that are cut down. The Tree Protection standards require only native trees and shrubs as replacement plantings in Tree Save Areas.*
- 6.3.4 "Removal of Trees" allows the Zoning Administrator to approve removal of trees for various purposes that are so broad, it defeats the goals of Tree Protection. Many of the reasons are basically that the trees interfere with development plans. Inconvenience should not trump the tremendous benefits that forests provide for climate, wildlife and people's health*
- 6.3.8 USE OF TREE SAVE AREAS allows bicycle use within trails in Tree Save Areas. There is a large difference in the type of trail created and the damage to a forest ecosystem that cyclists, no matter how well meaning can cause. Bicycles of all types should not be allowed in forests protected under the Tree Protection regulations.*

*Individual Did Not Provide Name*

*Nice to meet everybody. I am glad to have the opportunity to come in and speak today. What I have come to speak about today is, you know, the budget. I understand. It seems like it is a very good budget. I had wrote down a few things I wanted to speak about. The appropriated funds that I saw, most were really necessary in the community. I live in the rural community. And basically, what I have identified is there is a major thing that funds need to be appropriated to is cyber crimes that are going up. Within 2023, thirty-seven percent increase in cyber fraud and within the identification of the new emerging technologies. Chatham County would be in a good position to begin to appropriate funds for that. And one of the reasons why is many of these developers are very aggressive in gaining property. I lived out of state and was called back to North Carolina because my dad was elderly and he had his mortgage take over. His bank account was taken over, so I had to get a lawyer. We live out in a rural area and with the cyber crimes going up in North Carolina just since 2024, it went up another twenty percent. What I wanted to ask is are there any appropriated funds to attack this problem, especially for the elderly. Thank you*

## **CLERK'S REPORT**

*The Clerk had nothing to report.*

## **MANAGER'S REPORT**

*County Manager Dan LaMontage stated that he was approached about financial assistance of \$3,000 for a Juneteenth event. LaMontage asked if the Board of Commissioners agreed the funds could be funded from the contingency. The consensus of the Board of Commissioners was to support the important event.*

**COMMISSIONERS' REPORTS**

*Commissioner Kenlan stated that she attended a few School of Government trainings, but she could talk about them later. She stated that she, Commissioner Delaney, and Commissioner Howard attended the North Carolina Association of County Commissioners District 9 meeting. They were able to share some accomplishments and challenges that the county is facing. Kenlan congratulated Vice-Chair Howard for doing a great job as the county representative on the panel.*

*Commissioner Gomez-Flores stated that he attended a Regional Triangle Partnership meeting in Raleigh and attended the chicken festival in Siler City, where there was a good turn out.*

*Vice-Chair Howard stated that she attended the Shakori event and she also had the opportunity to participate in a panel for procurement with Central Carolina Community College, that was very well attended. She was very proud of the delegation from Chatham County to ensure our commitment for opportunities for local businesses.*

**ADJOURNMENT**

**A motion was made by Commissioner Gomez Flores, seconded by Commissioner Delaney, that this be adjourned. The motion carried by the following vote:**

**Aye:** 5 - Vice Chair Howard, Chair Dasher, Commissioner Delaney, Commissioner Gomez Flores and Commissioner Kenlan