



# Chatham County, NC

## Meeting Minutes

### Board of Commissioners

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Monday, May 20, 2019

6:00 PM

Historic Courthouse Courtroom

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#### Rollcall

**Present:** 5 - Chair Mike Dasher, Vice Chair Diana Hales, Commissioner Jim Crawford, Commissioner Karen Howard and Commissioner Andy Wilkie

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

#### OATH OF OFFICE

[19-3085](#)

Administer the Oath of Office to Andy Wilkie as County Commissioner of District Five.

*Chair Dasher administered the oath of office to Andy Wilkie. Commissioner Wilkie took his seat with the Board.*

#### PUBLIC INPUT SESSION

*No one signed up to speak.*

#### BOARD PRIORITIES

[19-3088](#)

Vote on a request to refund excise tax to Bagwell, Holt, Smith, PA.

**Attachments:** [Letter to CHATHAM Clerk](#)

*Brittany Jones, attorney, requested a refund of excise tax. Ms. Jones explained that her firm recorded a deed in Chatham County that should have been recorded in Wake County. She is requesting a refund of \$742.00. She stated it was an oversight on her firm's behalf.*

**A motion was made by Vice Chair Hales, seconded by Commissioner Howard, to approve a refund to Bagwell, Holt, Smith, PA for \$742.00. The motion carried by the following vote:**

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

[19-3083](#)

Vote on a request to adopt a Resolution in Support of Current ABC Control System for the Sale of Liquor.

**Attachments:** [Local Government Resolution Supporting Current ABC System May 2019](#)  
[ABC boards' Oppose Privatization position FINAL](#)  
[Brief summary of HB 971](#)

*Matt Williams, General Manager of Chatham County ABC Board, reviewed the specifics of the request. He asked the Board to support a resolution supporting the current ABC control system. HB 971 was filed in April and if approved it would privatize the retail and wholesale distribution of liquor while increasing the number of total outlets from the current 433 stores in the state to a minimum of 1,500 licensees. Operating hours would change from 9am to 9pm Monday through Saturday to 7am to 2am Monday through Sunday.*

*A recent PED study did not recommend privatization. It found among the southeastern states North Carolina collects the most revenue per gallon, has the lowest density, as well as the second lowest consumption per capita. This validates the current system if the objective is public health, safety and welfare. The study projects with privatization liquor consumption will increase by 20% and retail prices will increase 15.7%. Of the fifty states, North Carolina ranks 44th lowest in consumption and seventh highest in revenue per capita.*

*Commissioner Howard would like more time to digest the information and also get more data. She asked if the State would be competing with individual producers. Mr. Williams stated the ABC Commission would still govern the sale of spiritous liquor but they would no longer have contracts with their current distributor.*

*Chair Dasher asked how many states are still control states. Mr. Williams stated North Carolina is one of eighteen control states.*

*Chair Dasher asked if the proposed legislation will have any impact on micro distilleries. He knows it is hard for them to get distribution of their product. Mr. Williams said instead of distributing to 168 ABC Boards, they now would have to distribute to 1,500 licensees. Many of them would not have the money to hire a sales force to cover all those accounts.*

*Mr. Williams said he would be happy to come back to the Board at a later date.*

[19-3062](#)

Vote on a request to schedule a legislative public hearing on June 17, 2019 at 6pm to consider amendments to the Zoning Ordinance to require a conditional use permit for assembly occupancies in residential zoning districts and revise the list of uses that are eligible for a height exception as recommended by the Planning Board.

**Attachments:** [Places of Assembly- Attachment](#)  
[-Redlined ZO Sections Assembly Occupancies and Height Limits](#)

*Planning Director Jason Sullivan reviewed the specifics of the request.*

**A motion was made by Vice Chair Hales, seconded by Commissioner Howard, to schedule a public hearing for June 17, 2019 at 6:00 pm. The motion carried by the following vote:**

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

### **CLOSED SESSION**

[19-3087](#)

Closed Session to discuss matters relating to attorney-client privilege.

**A motion was made by Vice Chair Hales, seconded by Commissioner Howard, to approve going out of the Work Session and convening in Closed Session to discuss matters relating to attorney-client privilege and property acquisition. The motion carried by the following vote:**

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

**19-3101**

Opioid Litigation

**A motion was made by Commissioner Crawford, seconded by Vice Chair Hales, to approve that the County engage the following attorneys and law firms: Pinto, Coates, Kyre, & Bowers, PLLC; Donald R. Vaughan & Associates; Gary Whitaker Law, P.C.; Atwater Law Firm; and Daniel-Thomas to represent it in filing a class action lawsuit against manufacturers and distributors of opioid medications. The terms of the engagement will be set out in an agreement to be entered into between the County and the attorneys. The motion carried by the following vote:**

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

### **ADJOURNMENT**

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

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

### **End of Work Session**

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

**Present:** 5 - Chair Mike Dasher, Vice Chair Diana Hales, Commissioner Jim Crawford, Commissioner Karen Howard and Commissioner Andy Wilkie

### **INVOCATION and PLEDGE OF ALLEGIANCE**

*Chair Dasher asked everyone to pause for a moment of silence after which he invited everyone present to stand and recite the Pledge of Allegiance.*

### **CALL TO ORDER**

*Chairman Dasher welcomed those in attendance and called the meeting to order at*

6:01pm.

### **APPROVAL OF AGENDA and CONSENT AGENDA**

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

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

#### **19-3081**

Vote on a request to approve the April 15, 2019 Work and Regular Session Minutes.

**Attachments:** [Draft Minutes 04.15.2019](#)

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

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

#### **19-2995**

Vote on a request to approve revisions to the Chatham County Conservation Subdivision Guidelines for Conservation Space Selection to update the source for gis data layers needed to develop fragmentation maps and technical corrections.

**Attachments:** [More information from the Planning Department website](#)

**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 approved. The motion carried by the following vote:**

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

#### **19-2997**

Vote on a request to approve a general use rezoning from R-1 Residential to General Use Light Industrial by Jack Sanderford Jr. on property located at 538 Pea Ridge Rd. New Hill, Parcel No. 5295 & 66511, being approx. 3.26 acres.

**Attachments:** [More information from the Planning Department website](#)

**A motion was made by Commissioner Howard, seconded by Vice Chair Hales, that Resolution #2019-28 Adopting a Consistency Statement for the Approval of Rezoning for Jack Sanderford, Jr., attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

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

**A motion was made by Commissioner Howard, seconded by Vice Chair Hales,**

that this Ordinance Amending the Zoning Map of Chatham County for Jack Sanderford, Jr., attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

[19-3041](#)

Vote on a request to approve \$4,937 Family Planning Funds

**Attachments:** [\\$4,937 Family Planning Funds](#)

**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 - Chair Dasher, Vice Chair Hales, Commissioner Crawford, Commissioner Howard and Commissioner Wilkie

[19-3063](#)

Vote on a request to approve Tax Releases and Refunds

**Attachments:** [April 2019 Release and Refund Report](#)  
[April 2019 NCVTS Pending Refund Report](#)

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

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

[19-3064](#)

Vote on a Request to Approve the County Manager and DSS Director to sign 2019-2020 MOU with DHHS as required by NCGS 108-74.

**Attachments:** [FY19-20 DSS-DHHS MOU](#)

**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 - Chair Dasher, Vice Chair Hales, Commissioner Crawford, Commissioner Howard and Commissioner Wilkie

[19-3086](#)

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

**Attachments:** [Price Creek Subdivision DOT RES](#)  
[2019.05.06 Commiss ResolutionRequest1](#)

**A motion was made by Commissioner Howard, seconded by Vice Chair Hales, that Resolution #2019-27 Approving the Addition of Streets in the Price Creek Subdivision to the North Carolina System of Secondary Roads, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

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

[19-3093](#)

Vote on a request to set a public hearing on June 17, 2019 at 6:00 PM to receive public comment on a proposed borrowing.

**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 - Chair Dasher, Vice Chair Hales, Commissioner Crawford, Commissioner Howard and Commissioner Wilkie

### **End of Consent Agenda**

## **SPECIAL PRESENTATION**

[19-3092](#)

Recognition of Chatham County Fire Marshal Thomas Bender for his twenty-six years of service to the County.

*Chairman Dasher read a plaque from the Board of Commissioners thanking Fire Marshal Thomas Bender for his twenty-six years of service to Chatham County upon his retirement. Chair Dasher presented the plaque to Fire Marshal Bender.*

*Chairman Dasher stated when one looks up the words public servant in the Dictionary, there should be a picture of Thomas Bender. He thanked Mr. Bender again for his service to the County and wished him well on his next adventure.*

## **PUBLIC INPUT SESSION**

*Cheri DeRosia submitted the following comments:*

*I am a resident of Chatham County. This is the third meeting I have attended in support of removing the Confederate monument from the Chatham County Courthouse grounds. I believe the Confederate monument is a symbol of discrimination that has no place on public property. The first two meetings to discuss the Confederate Monument have shown how divisive the statue is among Chatham County residents. Amidst Chatham County's changing demographics and the growing judgements of history, I think the statue's eventual removal is inevitable. I worry about what will happen if the removal of the monument does not take place soon. It took many years and many protests to take down Silent Sam. There were associated law enforcement costs. The struggle and administrative inaction made national news with negative impacts to the reputation of Chapel Hill and to UNC. People were arrested. In the end, the thing was pulled down by a mob. I don't want to see any of that happen here. I trust that there are people who would prefer to keep the statue who also think the outcome is foreseeable and that a prolonged struggle is bad for Chatham County. Please, let's find those people. The people who are willing to work together on a dignified removal of the statue. While I personally don't believe it deserves any dignity, for the sake of the community, I hope people might get behind an effort to move it to private property. Give the thing a parade, whatever it takes. Thank you.*

*Mark Barrosso submitted the following comments:*

*I'd like to take a couple of minutes to address the sentiment of some people who have*

*told people like me to "get over" being offended by a a confederate monument at our courthouse. I'd like to read you the comments of someone who has banned the official use of the another symbol - the Confederate flag - at their business:*

*Quote, "I personally find it an offensive symbol, so there is no daylight on how we feel about it and our sensitivity to others who feel the same way. We're working with the industry to see how far we can go to get that flag to be disassociated entirely from our events." Unquote. Is this the CEO of Wal Mart, which no longer sells anything with a Confederate symbol on it? Is it from Amazon, Ebay or Sears that have also banned Confederate flags? Is it some snowflake from North Chatham trying to make his county politically correct?*

*No, it's from Brian Frances, NASCAR chairman and big time Trump supporter who reacted with alarm to the 2015 shooting of nine people in a Charleston, South Carolina church by man who embraced Confederate ideology.*

*NASCAR's history has been intertwined with southern culture since its inception, but it no longer allows any Rebel flags to appear on its cars, employees or during its broadcasts; and has asked racing fans to keep them at home. I worked on a NASCAR documentary two years ago and we were prohibited from shooting any Confederate flags brought in by a fan that didn't get the message.*

*NASCAR wants everyone to feel welcomed at their tracks, says Brian Frances - but it's also good for business. We should have asked him here to speak. NASCAR is NOT trying to teach history while cars speed around in circles and neither should Chatham County. If you want to learn about history, read a book, watch a documentary or go to a real museum. The people who have defended this Confederate symbol say it's not about racism, but it's undeniable that real racists think otherwise and are using it to spread their hate.*

*Adding more statues is not a compromise if it means leaving a symbol to white supremacy on our front lawn. Giving the statue to people who love it so they can put on their private property is.*

*Vickie Shea submitted the following comments:*

*Over the course of these meetings, citizens have talked a lot about the history of the statue and what the statue means to different people. I'm not going to repeat any of that - we've all had our say. But I think one point has not yet been made:*

*A busy traffic circle is not a place for teaching or learning anything except traffic safety. I think that cluttering up the traffic circle up with additional statues is not a good solution to the current disagreement. I still say you should give the statue back to the Daughters of the Confederacy so that they can place it on private property to honor it and learn from it as they wish. Thank you.*

*Monica Jarnigan submitted the following comments:*

*On behalf of a Chatham County community member who could not be here tonight:*

*Good Evening Commissioners. I've been listening intently for months to both sides of the argument about the monument that stands at the entrance to this courthouse.*

*First, I want to thank you for encouraging and modeling honest, reasonable and dignified discussion and behavior around this contentious issue and I hope your decision will reflect those same attributes.*

*Your decision, let's talk about that for a moment; I would submit that the decision is not really yours to make. If the rule of law this country boasts so much about and the oath to uphold the Constitution that you and every other public servant is mandated to take has any weight, the decision has already been made for you.*

*Chatham For All pointed out that the Supreme Court ruled, recently in fact, that privately-owned monuments and memorials on public land constitute government speech. In other words, the public perception of your governance is inextricably tied to that monument. It clearly creates an ethical conflict of interest for you that risks damaging the public trust.*

*Further, that conflict of interest takes on an even broader dimension and that is government collusion in the falsification of history. The "Lost Cause," the revisionist narrative of the Civil War with which that monument is associated, is real, it's documented and it's all a lie. Even serious historians who believed in it and wrote about it are now recanting their views.*

*So, you see, the issue has far greater ramifications than the division between people who DESIRE the monument to stay and those who DESIRE the monument to go, it's about WHO we are as a county and as a country. Chatham County has an opportunity with this situation to foster intensive dialogue in other places toward an end of resolving the enormous ambiguities surrounding the Civil War, the monuments and other confederate memorabilia.*

*I empathize with those who have been socialized to believe Confederate soldiers were fighting for something honorable. History has many examples of moral soldiers being enlisted to fight for immoral causes however, mourning is a personal thing and should be done privately, not in full view of the world.*

*I am sure that if the monument is relocated, you will have many citizens trying to influence your choice of a replacement. I would caution you to take this situation as a lesson we can ALL learn from; demonstrate good leadership, act with all due haste and then, go neutral in your choice of imaging Chatham's way of life and Chatham values. Thank you.*

## **PUBLIC HEARINGS**

[19-3082](#)

Public Hearing to receive public comments on the Fiscal Year 2019-2020 Recommended Budget

**Attachments:** [RecommendedBudgetPresentation--BOCInitialPresentation FY2020 Final](#)

*County Manager Dan LaMontagne gave a presentation to the Board. (Presentation attached) Mr. LaMontagne thanked Lisa West, Darrell Butts, Vicki McConnell and Hope Tally for their hard work on the budget.*

*The Chair opened the hearing.*



*Larry Ross submitted the following comments:*

*I appreciate the opportunity to speak to you. I am the President of the Board of Directors of the Chatham County Council on Aging. I have a resolution that I would like to read to you this evening.*

*Whereas, for many years the Chatham County Board of Commissioners and County staff have provided substantial support to the Council on Aging in many areas, including funding and partnering with the Council's efforts to serve older adults and their families; and*

*Whereas, as state and federal funding declines, Chatham County has consistently acted to offset these cuts and, by doing so, has helped ensure our older adults continue to receive the essential services upon which they rely, such as transportation to medical appointments, nutrition, and in-home aide personal care; and*

*Whereas, in FY 2020, which is also our 45th Anniversary, we are again faced with budget reductions in overall funding and deep cuts in transportation, while the demand for services continues to increase; and*

*Whereas, the County Manager and Budget Director have recommended funding to offset these reductions;*

*Therefore, be it resolved, by the Board of Directors of the Chatham County Council on Aging that we hereby express our deep appreciation to the Chatham County Board of Commissioners and Chatham County staff for its consistent and steadfast support of the Council, which ensures our County's seniors have access to transportation, safe housing, home care, family caregiver respite, nutrition, quality senior center programming and many other programs and services.*

*Terri Tyson submitted the following comments:*

*Chatham County has a good reputation as a great place to live. Part of the appeal is lower taxes than surrounding counties. I moved to Chatham County at the urging of my neighbors who proclaimed that taxes were reasonable here. That was important to me after years of tax increase fatigue in Orange County, where I previously lived. People in Chapel Hill are either rich or poor, the middle class has been run out due to high taxes.*

*After two years of living in Chatham County, I was dismayed to learn of some tax increases which really are a triple whammy. Six percent here and a little more there, and soon you're taxing like Chapel Hill. It is a hardship for the average citizen. Not only is there a proposed property tax increase, but in addition, properties will be newly appraised. Those appraisals generally result in higher house values, thus more tax revenue for the county. That's two whammies!*

*A referendum on the 2020 ballot is being proposed to increase the sales tax according to an article in the April Chatham News and Record. That's the third whammy! Our sales tax is lower than Orange and Durham Counties. Ironically, this increase will result in more sales tax revenue to be erroneously sent to nearby counties! On many occasions, when we made a purchase online or had a service done at our home, (such as a plumber) we are generally charged the higher Orange County sales tax rate. Our*

mailing address is Chapel Hill 27516. When we point this out, we are told the company's computer lists us in Orange County. After purchasing furniture online, the company would not correct this even after we contacted Chatham County and an official kindly emailed them. The county lost that revenue. This situation is repeated over and over.

Can you imagine the .tens of 1 thousands of online purchases made by Chatham County residents for which the residents are overcharged and the county receives nothing? Instead of raising the sales tax, government can and should fix this problem. The government should work to fix this, rather than individual citizens trying to catch it piecemeal. You'll obtain your tax revenue you deserve and we shouldn't have our taxes raised to send money to Orange County!

In conclusion, this is the time to make sure current spending is efficient and needed before raising taxes. The existing budget should be reviewed for possible reductions. It's also time to kick start those two economic incubators or mega sites so average citizens don't have to bear most of the tax burden. Try to find~ ways to pay for the schools such as attracting business to the megasites. We need the new schools, but they don't need to be gold plated. Thank you.

Commissioner Howard stated that the County is working on correcting the sales tax situation. It is also being worked on at the state level.

The Chairman closed the hearing.

### [19-3061](#)

A legislative public hearing request by Chris Sanders of Sanders Automotive for a rezoning of Parcel No. 77022, located off Ruth Lane and US 15-501 N, being approximately 7.07 acres, from Conditional Use District O & I and R-1 Residential to Conditional District Neighborhood Business, Baldwin Township.

**Attachments:** [More information from the Planning department website](#)

Zoning Administrator Angela Birchett reviewed the specifics of the request.

Mark Sanders, the applicant, addressed the Board. They are looking for more room and to add more employees. It will be a state of the art shop.

Vice Chair Hales asked if there would be two entrances. Mr. Sanders stated no, there will be one entrance on Ruth Lane.

Chairman Dasher opened the hearing.

Kirby Zeman stated he and his wife own the property adjacent to this parcel. He is impressed with their business. He does have a concern that in the future maybe they will sell and it will become an auto salvage yard.

Ms. Birchett stated it would not be possible for the property to become an auto salvage yard. It would be a violation of the Zoning Ordinance.

The Chair closed the hearing.

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

## **MANAGER' S REPORTS**

*Mr. LaMontagne reminded the Commissioners of a letter from the Board of Health concerning the tobacco-free campus ordinance possibility. The County has had a policy since March of 2016 and the Board of Health is requesting a follow-up. Mr LaMontagne asked the Board if they would like to direct staff to bring an ordinance back at a future meeting. The Board supported this action.*

## **COMMISSIONERS' REPORTS**

*Vice Chair Hales encouraged her fellow Commissioners to attend the annual Sharon Harris nuclear plant tour, she did it last Friday and heartily recommends it. This upcoming Wednesday at 11:30 at Agriculture and Conference Center there is going to be a presentation on mapping that has been done by NC Geologic Survey. Last Tuesday she attended the NC Oil and Gas Commission and has been appointed by the governor to a seat on that body but has not yet been sworn. Last Wednesday the Chatham News & Record as well as One Chatham Publications hosted a panel that Vice Chair Hales and Commissioner Howard attended. It was a very interesting program and both Alyssa Byrd and Stephanie Watkins Cruz participated in the panel. Stephanie did very well and provided a good face for the county. Vice Chair Hales thanked the Chatham News & Record for facilitating a worthwhile dialogue.*

*Commissioner Crawford and Chair Dasher went to Joint Orange Task Force meeting where they heard discussion on Jordan lake, stormwater practices, and an update on Chatham Park's stormwater plans.*

*Commissioner Howard also attended the panel mentioned by Vice Chair Hales and said the event was fairly well attended and both commissioners are extremely proud of Stephanie. She attended her first NCAACC Public Education Steering Committee meeting and thinks it's wonderful to live in a county where the school and County get along. Working collaboratively is a gift. The association is looking to address challenges faced everywhere like the calendar, capital funds, and teacher salary. The week before, Vice Chair Hales, Chair Dasher and Commissioner Howard attended the Chatham Foundation breakfast and incredible things are being done. The level of commitment across the county is encouraging in an hour where public education is not getting the respect it deserves. We all want an educated population. She thanked the rest of the board saying the price we pay is feeling the pinch but there are things that are critical.*

*Commissioner Wilkie thanked the Board and appreciates their patience while he gets up to speed.*

## **ADJOURNMENT**

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

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