



# Chatham County, NC

## Meeting Minutes

### Board of Commissioners

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Monday, December 18, 2023

2:00 PM

Agriculture and Conference Center

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#### Work Session - 2:00 PM - Agriculture and Conference Center

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

#### **RECOGNITION OF RETIREES**

*Chair Dasher recognized retirees Bill Bussey with Parks and Recreation, Linda Clarke with Libraries, and Cynthia Lambert with Public Health. The Board of Commissioners thanked each of the retirees for their service to Chatham County.*

#### **SPECIAL PRESENTATION**

[23-5050](#)

Award 2023 Employee of the Year to Karen VonCannon, Food & Nutrition Supervisor, Department of Social Services

**Attachments:** [2023 EOY - Karen VonCannon](#)

*Human Resources Director Courtney Jones presented a plaque to the 2023 Employee of the Year to Karen VonCannon, Food & Nutrition Supervisor, Department of Social Services. The Board of Commissioners congratulated VonCannon and thanked her for her service to Chatham County. VonCannon thanked the Board of Commissioners and her wonderful co-workers with Social Services for the honor.*

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

#### **PUBLIC INPUT SESSION**

*No one signed up to speak.*

#### **BOARD PRIORITIES**

[23-5052](#)

Receive the Fiscal Year 2023 Financial Audit

**Attachments:** [Chatham County - 2023 Audit Presentation](#)

*Finance Director Roy Lynch introduced Kari Dunlap with Martin Starnes and Associates to present the FY 2023 Financial Audit.*

*Dunlap shared a presentation with the Board of Commissioners.*

*Dunlap stated that there's an unmodified opinion on the financial statements, which means there's no reason to think there are any material misstatements. So it's a clean opinion and that is the goal of the audit and also very cooperative staff.*

*Dunlap stated that the firm comes on site once or twice a year, but throughout the whole year we're in contact with various requests, various questions and they really appreciate Roy Lynch and the Finance Department Staff for getting responses in as quickly as possible.*

*Dunlap's presentation focused on the general fund, enterprise funds, summaries of revenues and expenditures compared to last year, and fund balance.*

*Dunlap stated that she was happy to report that there was very stable property, tax valuation and timely audit submission, and if there were any red flags, they would be required to present those as well.*

*Dunlap shared that there were no red flags and stated that the Local Government Commission now requires the presentations to take place within forth five days of Local Government Commission submission, so the audit has been submitted.*

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

#### [23-5049](#)

#### Receive Affordable Housing Advisory Committee Annual Report

**Attachments:**     [2023 AHAC Annual Report Summary](#)  
                              [2023 AHAC Annual Report](#)

*Susan Levy, Chair of the Affordable Housing Advisory Committee present the annual report to the Board of Commissioners. Levy's presentation included the present data on housing needs and progress of the activities, and the goals for the coming year.*

*The Board of Commissioners asked some clarifying questions of Levy and Staff and thanked the Affordable Housing Advisory Committee for their work.*

*The Board of Commissioner discussed increasing the amount of the trust fund, the waiting list, communication with agencies, Article 46 Sales Tax, working with the towns, and mobile homes.*

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

#### [23-5054](#)

#### Receive Climate Change Advisory Committee Annual Report

**Attachments:**     [CCAC Annual Report. 2022-2023](#)  
                              [FINAL CCAC ANNUAL REPORT PRESENTATION 2022-2023](#)

*Robbie Cox, Co-Chair of the Climate Change Advisory Committee presented the annual report.*

*The Board of Commissioners asked questions of Cox concerning EV's, carbon off sets, algae, ash on farmland, electric buses, and solar panels.*

*The Board of Commissioners thanked the Climate Change Advisory Committee for all their hard work on the report.*

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

[23-5053](#)

Receive a Presentation on the Chatham County Cooperative Extension Horticulture Program

**Attachments:** [BoC Extension Horticulture 2023](#)

*Matt Jones with Chatham County Cooperative Extension presented an update on the Horticulture Program.*

*The Board of Commissioners asked questions of Jones concerning management of lawns, native plants, county buildings, demonstration gardens, promotion activities, and working with developers on covenants.*

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

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

[23-5045](#)

Receive a presentation on the Chatham County Conservation Working Group

**Attachments:** [Conservation Working Group BOC](#)  
[CWG Members Attachment](#)

*Brandon Dawson, Conservation & Resiliency Coordinator with the Planning Department presented a update on the Chatham County Conservation Working Group.*

*The Board of Commissioners asked questions concerning doing a newsletter, timeline for the contract, project tracking and metrics, and how to achieve the goals of Plan Chatham.*

*County Manager LaMontagne confirmed that the county would work with a consultant to identify the steps and the collaborative process.*

*The Board of Commissioners asked that the group come back after the consultants are selected and thanked them for the update.*

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

[23-5042](#)

Vote to approve an appropriation of \$282,000 for the FY25 Human Services Nonprofit Allocation funding process and to approve the continuation of the FY24 Board of Commissioner's Goal and Outcomes for the FY25 Human Services Nonprofit Allocation funding process.

**Attachments:** [FY25 BOC Presentation Nonprofit Appropriation Request](#)

*Budget and Management Analyst Erik Lindley presented the requests for FY25 Human Services Nonprofit Allocation.*

*Lindley shared the FY24 goals and outcomes and the process for the funding.*

*Lindley stated that with the new nonprofit funding mechanism the proposed allocation amount for FY25 would be \$282,000.*

*Commissioner Dasher asked Lindley to clarify the four and half percent and stated that the nonprofit funding seems like something that the county should be spending more on.*

*Commissioner Howard asked if the Board approves this number, can they discuss*

adding more during budget process. Budget Director Darrell Butts replied that we could discuss during the budget process, but we would need to decide the amount now because of the timing of the process.

Commissioner Howard stated with the population growth, this number continues to be a small number.

Commissioner Kenlan shared the same concern.

Butts explained the ARPA funding and the current programs.

Commissioner Delaney asked how much of the funds will be spent on those goals. Lindley replied that this funding would not be the only funding to reach the goal, the county also has core services that are working on the goals.

Commissioner Delaney stated that he would like to know those numbers and how are we measuring those goals. Butts replied that would be in the budget document and there is a breakdown of those items.

**A motion was made by Vice-Chair Karen Howard, seconded by Commissioner Katie Kenlan, to approve an appropriation of \$350,000 for the FY25 Human Services Nonprofit Allocation funding process and to approve the continuation of the FY24 Board of Commissioners' Goals and Outcomes for the FY25 Human Services Nonprofit Allocation funding process. The motion carried by the following vote:**

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

## **RECESS**

### **End of Work Session**

#### **Regular Session - 6:00 PM - Agriculture and Conference Center**

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

## **INVOCATION and PLEDGE OF ALLEGIANCE**

Commissioner Dasher asked for a moment of silence then invited everyone present to stand and recite the Pledge of Allegiance.

## **CALL TO ORDER**

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

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

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

[23-4926](#)

Vote to approve a legislative request by the Chatham County Board of Commissioners to consider amendments to the Chatham County Zoning Ordinance; specifically, Sections 7.2 Definitions and 10.13 Table of Permitted Uses to make changes to in-home childcare regulations.

**Attachments:** [More information from the Planning department website](#)  
[Redline Zoning 2.1.1](#)

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

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

[23-5048](#)

Vote to approve Tax Releases and Refunds

**Attachments:** [November 2023 NCVTS Pending Refund Report](#)

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

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

[23-5043](#)

Vote to approve an amendment to extend the termination date of the Early Childhood Community Assessment and Action Plan contract between Chatham County Partnership for Children and Chatham County.

**Attachments:** [Chatham County Partnership for Children First Amendment](#)

**A motion was made by Vice-Chair Karen Howard, seconded by Commissioner Katie Kenlan, that the amended to extend the termination date of the Early Childhood Assessment and Action Plan contract between Chatham County Partnership for Children and Chatham County was approved. The motion carried by the following vote:**

**Aye:** 4 - Commissioner Delaney, Vice Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

**Recuse:** 1 - Chair Dasher

**(Note: On February 19, 2024, Commissioner Mike Dasher stated that on December 18, 2023 he unknowing voted for a contract that was on the consent agenda and would like his vote changed to "Recuse" for this agenda item. The Board of Commissioners approved the change since those minutes have not been prepared. The Board of Commissioners instructed the Clerk to the Board to make the change.)**

[23-5051](#)

Vote to approve an amendment to a contract with Oak View at Siler City, LLC, awarding \$100,000 from the Housing Trust Fund for the creation of 72 income restricted units.

**Attachments:**     [Oak View at Siler City, LLC First Amendment To Agreement 12.6.23](#)

**A motion was made by Vice-Chair Karen Howard, seconded by Commissioner Katie Kenlan, that this Contract with Oak View at Siler City, LLC, awarding \$100,000 from the Housing Trust Fund for the creation of 72 income restricted units was approved. The motion carried by the following vote:**

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

[23-5060](#)

Vote on a Request to Approve competitive bid exemption for sole source purchase with Superior Handling Equipment for a Mobile Dock Lift.

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

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

[23-5044](#)

Vote on a Request to Approve the new Internal Purchasing Guidelines: Food Purchases.

**Attachments:**     [Food Policy Draft\\_v2](#)  
                              [Food Policy FAQ Examples\\_v2](#)

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

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

[23-5033](#)

Vote on a request to 1.) Accept the offer to purchase in the amount of \$2,700.00 for real property in ownership of Chatham County located on US 64 E, Parcel #73184; 2.) require the offeror to deposit five percent (5%) of the bid with the Clerk to the County Board of Commissioners; 3.) publish a notice of the offer, which notice shall contain a general description of the property, the amount and terms of the offer, and a notice that within 10 days any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder; and 4.) otherwise initiate and follow the “negotiated offer, advertisement, and upset bids” process in NC General Statute 160A-269.

**Attachments:**     [Parcel Details for 0073184](#)  
                              [Parcel 73184-Details, Resolution and OTP Contract](#)  
                              [Parcel 73184-Offer to Purchase and Contract](#)

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

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

[23-5063](#)

Vote To Approve an Amendment To The Current Nutrition Services Contract With Golden Corral An Amount Not To Exceed \$175,000

**Attachments:** [Golden Corral First Amendment](#)

**A motion was made by Vice-Chair Karen Howard, seconded by Commissioner Katie Kenlan, that this Contract was approved. The motion carried by the following vote:**

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

### End of Consent Agenda

### OATHS OF OFFICE

[23-5056](#)

Administer oath of office and vote to appoint Jenifer K. Johnson as Clerk to the Chatham County Board of Commissioners

**Attachments:** [Clerk to Board Jenifer Johnson 12-18-2023](#)

**A motion was made by Commissioner Katie Kenlan, seconded by Vice-Chair Karen Howard, that the appointment of Jenifer K. Johnson as Clerk to the Board was approved. The motion carried by the following vote:**

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

[23-5057](#)

Administer oath of office and vote to appoint Lindsay K. Ray as Deputy Clerk to the Chatham County Board of Commissioners

**Attachments:** [Deputy Clerk to Board Lindsay Ray 12-18-2023](#)

**A motion was made by Vice-Chair Karen Howard, seconded by Commissioner Franklin Gomez Flores, that the appointment of Lindsay K. Ray as Deputy Clerk to the Board was approved. The motion carried by the following vote:**

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

[24-5246](#)

Vote to adopt a resolution honoring Lindsay Ray for her 10 years of dedicated service as Clerk to the Chatham County Board of Commissioners

**Attachments:** [Resolution honoring Lindsay Ray December 18, 2023](#)

**A motion was made by Vice-Chair Karen Howard, seconded by Commissioner Katie Kenlan, that this Resolution #23-63 honoring Lindsay Ray for her 10 years of dedicated service as Clerk to the Chatham County Board of Commissioners was adopted. The motion carried by the following vote:**

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

## **APPROVAL OF CAPITAL IMPROVEMENTS PLAN**

[23-5059](#)

Vote to approve Recommended FY25-31 Capital Improvements Plan (CIP)

*Budget Director Darrell Butts presented the Recommended FY25-31 Capital Improvements Plan (CIP)*

*Commissioner Delaney asked about the operational cost in the CIP. Butts stated that would be part of the operating budget.*

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

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

## **SPECIAL PRESENTATION**

[23-5062](#)

Receive the Community Needs Assessment Phase I presentation from Chatham County Partnership for Children

**Attachments:** [12.18.23 BOC Presentation](#)

*Executive Director Genevieve Megginson with Chatham County Partnership for Children presented the Community Needs Assessment Phase I. The presentation included the process, community conversations, recommendations, focus areas, and a action plan.*

*Megginson stated that she would be retiring at the end of the month and introduced the new Executive Director Heather St.Clair. The Board of Commissioners welcomed St.Clair to Chatham County.*

*The Board of Commissioners thanked Megginson for the update and wished her well in retirement.*

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

[24-5145](#)

Vote to adopt a Resolution Honoring Genevieve Megginson for her 29 years of Dedicated Service to Chatham County

**Attachments:** [Resolution honoring Genevieve Megginson December 18, 2023](#)

*Chair Dasher read aloud a resolution honoring Genevieve Megginson for her years of service to Chatham County.*

*Megginson thanked the Board of Commissioners for the honor.*

**A motion was made by Chair Karen Howard, seconded by Commissioner Katie Kenlan, to adopt Resolution #23-64 Honoring Genevieve Megginson for her 29 years of Dedicated Service to Chatham County. The motion carried by the following vote:**

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



## PUBLIC INPUT SESSION

*Susan Crate, 235 Bynum Church Road, Bynum*

*Thank you for this opportunity to speak. Bynum is a retired cotton mill village along the banks of the Haw River. The first mill was built in 1872. The town grew and became a vibrant community. There were five stores in town, a movie theater, and a school. The mill closed in 1983, but Bynum continues to be a vibrant community as in years past.*

*To honor Bynum's deep history and to officially substantiate that history, in January 2023, several Bynum residents initiated the process of getting Bynum on the National Historic Register. In March, the Survey and National Register Branch Supervisor of the State Historic Preservation Office in Raleigh, Sarah Woodard, came to designate the historical district boundary and to participate in a community meeting at the Bynum General Store. She explained the process to residents and answered their questions. The community supported the proposition. Following that, we proceeded to complete the Study List application, the first process in getting on the register. Sarah presented the Bynum case at the June meeting of the Historic Register Advisory Committee. Bynum was unanimously put on the study list. The next step was to hire professional consultants to complete Bynum's nomination to the National Historic Register. Sarah Woodard had shared several sample Calls For Proposals from other county efforts so we could understand how to solicit bids from professional consultants. Because all these example CFPs listed state and/or federal funding to complete the nomination, we asked Sarah how we could apply for the funding.*

*Sarah explained that because Chatham County is not a certified local government, we do not qualify to apply for state or federal grants for the funds. However, in these cases wherein counties do not have certified local government status, counties often contribute to the funding for National Historic Register status for nominations within their county.*

*We then set about organizing ourselves to fundraise. We sent out cost estimate requests to a dozen consultants to understand the level of fund raising needed. For Bynum's nomination, we needed to raise 30,000 dollars. An important initial tip was to affiliate with a 501-c3. Bynum Front Porch agreed to be our fiscal sponsor. We also then adopted the official title of the Bynum Historic Designation committee. We began meeting every two weeks to create and conduct a fundraising campaign. We focused on local fund raising and applying for grants. We set up a GoFundMe page, which all of you can see with the QR code on the additional print out I gave you. We also rented a PO Box in Bynum for those who preferred sending a check. Over the course of the last five months since the BHD committee was formed, we have now raised approximately \$5,000. In the spring we also applied for two grants and in late fall, we received \$15,000 from the Marion Stedman Covington Foundation. This in addition to our local fundraising totals approximately \$20,000. Considering the significant amount of fundraising we have done, we now appeal to the county to help us reach our goal of \$30,000 by funding \$10,000 of this very important project of protecting Bynum, one of our county's most unique historical resources.*

*Gustavo Ocoro, OCORO Enterprises, 1506 Mays Chapel Road, Bear Creek*

*I want to talk today about deconstruction. Our environment is being challenged from different angles. The construction and demolition industry are taking more than half the capacity of our landfills, and materials like old growth lumber, that are not readily available now a days, are being discarded without any consideration, and submitted to decomposition that produces methane, and earth warming gas that's more than two*

*dozen times more potent than carbon dioxide.*

*Many things can be done to alleviate the pressure on our planet in order to reduce the impact our society is having on its Deconstruction is one activity that can diminish the use of landfills, reduce the demand for transportation, and save materials that can be reused.*

*Deconstruction, for those who are not familiar with this term, means the partial or complete removal of a building by taking apart its components with the objective of reclaiming materials to be refurbished, reused, or recycled. This method of removing structures is an alternative to demolition, which is done in a fast manner, crushing everything with heavy equipment in order to be land filled.*

*Through deconstruction my company has reclaimed tons of materials, like lumber, plants, metals, masonry, gypsum from drywall, plastics, windows, doors, cabinets, glass, fixtures, among many others. The placement of these materials has not been completely developed.*

*In a county like Chatham, where there is huge growth, no landfill, and environmental consciousness, deconstruction can have a very positive impact that can generate economic diversity, employment, and low price resources. Yet, while my company has been trying hard to minimize the human footprint through the service of deconstruction, the planning department is requesting a judge "that the business conducted on the property be closed; all buildings and structures on the property be demolished, and all tangible property on the property be removed and disposed of" These buildings are in good shape. They choose not to take into consideration what should have been grandfathered in and recommend to you not to rezone this parcel that was, previous to my purchase, slated by them to be zoned light industrial.*

*David Gaddis*

*A few months ago, I was able to speak to you. It's good to see you again about the text amendment pertaining to campgrounds and recreational areas that currently exist that actually dictate a minimum of 20 acres and the applicant has asked me that it be reduced to 10 acres based on a couple of issues that have actually been expounded upon in the application and supplemental request. So, I won't waste time on that. What I would like to say is that between the time that I spoke to you all and now, I was able to meet with the planning board, as you well know, a very beautiful group, hard working group. I was amazed to see how you know that part of local government works, and they did a great job at listening, considering many issues and they approved it forward to you all with the idea that the special use permitting.*

*There's peace, tranquility and Environmental Protection throughout the county and I happen to agree with him 100%. So, I'm just asking if you would consider my request based on one the idea of using the special use permit to closely examine each and every case, with the idea that we are opening up temporary yet affordable housing for these contractors that are coming into our county to do some great work. And I'm sure you have as well that there's a need for it, as was just briefed about the need for quality childcare. There's a need for this too, so that we go ahead and push forward with this text amendment and the spirit of allowing it to be done and safekeeping the peace and tranquility of this county and the landowner. I want to keep that peace and tranquility and the personal endeavor is something along the lines of three to six campsites on 10 acres. Now I know you may have other permits and requests that come in and say no, we want to put 500 in there. Well, that's where the special use permit comes in.*

## SUBDIVISION FIRST PLATS

[23-5046](#)

Vote to approve a request by Jeff Foster, P.E. on behalf of Zadell Development, LLC for subdivision **First Plat** review and approval of **Anfield Estates**, consisting of 11 lots on 24.7 acres, located off Beaver Creek Road (SR-1008), parcel 5491 in Cape Fear Township.

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

*Planning Department Subdivision Administrator Kim Tyson recommended granting approval of the road names Anfield Road and granting approval of the First Plat for Anfield Estates with the following conditions:*

- 1. Approval of the First Plat shall be valid for a period of two (2) years following the date of approval by the Board of Commissioners and the Construction Plan approval shall be valid for a period of twenty-four (24) months from the date of approval by the Technical Review Committee or Board of Commissioners.*
- 2. The county attorney shall review and approve the contract and performance guarantee prior to final plat recordation.*

*Mark Ashness with CE Group stated he was here on behalf of the developer. The ultimate goals and techniques are to utilize the individual lots. We do believe that many of these systems will be state systems, but we also believe that some of these systems may be local systems. Since the last planning board meeting, we had the soil scientists look back at everything and he has confirmed that we have adequate setbacks. There are perimeter setbacks associated with the outside of the property and then there are internal setbacks that you can have setback waivers and that's fairly typical on projects. We're following the same approach concerning a lot of 11, which is if you're looking at the map, it would be as if you're entering the site, it would be the lot on the left up there at Beaver Creek Rd, there is a small culvert that comes across Beaver Creek. It's interesting and it's like a lot of these roads here in the county, older roads, the ridgeline for the for the watershed is pretty much on Beaver Creek Rd. There's just a little bit of incidental drainage that would come across on to lot 11 and there was an assertion made that there's an old railroad bed that's running parallel to Beaver Creek, and a little bit inset in the property that's been abandoned. And there were some assertions that the water would be moving away on to this adjoining properties land. What we've said is that we haven't done anything our client hasn't done anything with that land since they've purchased it. So, whatever the condition is today is what it has been. There hasn't been any activity on the site and when lot 11 is developed we told them that we would ensure that water would sweep within our site and move down to the stream. So, in other words, we see that as a resolvable issue from the standpoint of this drainage that's now coming under Beaver Creek. Regarding the assertion that there's a potential wetland in that location, this particular project has no impact to any streams or wetlands on the site. Our consultant has been on the site twice and looked at this and everyone agrees that in that particular area there is no hydric soils, so there is not a wetland. The county report indicates there's not a wetland in location and so there is no issue with that. The last item has to deal with the proximity of the private driveway.*

*We appreciate Mr. Burch's passion on this and concern, but the road could have been extended as a public road further south to those three lots which would have provided a much more damaging condition to build a public road with a sixty foot right away further into the site. We stopped the cul-de-sac there because your regulations allow us to have three homes on a private driveway. That private driveway is less impactful than*

*having a public road in that location.*

*This is the regulations that we work with, typically projects like this where the average lot size is greater than two acres and that's what it is in this case, the impervious coverage on a site like this is going to be closer to 12% in pervious, it's this would be considered a low density project by anyone's perspective and we're having to put a wet pond on the site because the regulations in Chatham County stipulate that if you have a certain amount of disturbed acreage. If we didn't have to put that wet pond in there, then we could have pulled that road further away from Mr. Burch's property. The road is more than thirty feet away from the property boundary that would serve three lots in that location and your ordinances specifically allow for that.*

*Commissioner Howard asked about the impact from the development on lot 11 and who gets to determine the work. Ashness stated when the lot is improved, they will correct the railroad.*

*Commissioner Howard asked about the driveway. Ashness stated that it is in the confines of the county ordinance.*

*Patrick Bradshaw, Attorney, 128 Hillsboro Street, Pittsboro  
I just had a few brief procedural comments. As you're aware, this is a proposal for a conventional subdivision, which means that if it satisfies the requirements of the subdivision regulations, the applicant is entitled to have it approved. While we understand the adjacent property owner has some questions and concerns, neither he nor anyone else has identified any way in which the request fails to satisfy the requirements of your regulations.*

*Section 6.2 F of the Subdivision Regulations, which was mentioned specifically, requires core of engineers and division of water quality permits or certifications to be submitted with construction plan submittals not with the first plat. Objections based on section 7.1 AD&E of the Subdivision regulations are based on the mistaken interpretation of the septic field set back requirements internal to the project. As Mr. Ashness addressed and the shared driveway shown on the plat is fully compliant with section 7.4 C of the Subdivision regulations, the fact that some might think the layout of the subdivision is not ideal from their perspective does not mean that it fails to comply with the requirements of the subdivision regulations, as the request does meet all of the requirements of your regulations as we've demonstrated and as your staff has found, we respectfully request that you approve the first plat.*

*Commissioner Kenlan asked about the comments that we were from planning board members that stated it did not meet the standard. Tyson explained that the standard development and standard easement.*

*Commissioner Howard stated that this is one of those applications where there may be some displeasure with some of the aspects of it, but the Board does not have a legal reason to not approve.*

*Commissioner Kenlan agreed and stated it was disappointing.*

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

**Aye:** 4 - Chair Dasher, Commissioner Delaney, Vice Chair Howard and Commissioner Gomez Flores

**No:** 1 - Commissioner Kenlan

[23-5047](#)

Vote to approve a request by Mark Ashness, P.E. on behalf of Conservancy Real Estate Group, LLC for subdivision **First Plat Amendment** (extension), **Road Name, and Right-of-Way Extension** approval and review and approval of **Conservancy at Jordan Lake**, consisting of 1524 lots on 1,262.9 acres, located off Old US Hwy 1 parcels #62390, 5774, 5775, 5780, 5233, 60441, 65275, 85343, 65274, 85344, 5558, 5238, 68379, 5570, 85342, 5504, 5211, 5569, 85341, 5519, 85340, 85346, 85347, 5551, 69379, 85339, 5545, 5559, 5502, 5568 in Cape Fear Township.

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

*Subdivision Administrator Kim Tyson with the Planning Department presented the Subdivision First Plat for a request by Mark Ashness, P.E. on behalf of Conservancy Real Estate Group, LLC for subdivision First Plat Amendment (extension), Road Name, and Right-of-Way Extension approval and review and approval of Conservancy at Jordan Lake, consisting of 1524 lots on 1,262.9 acres, located off Old US Hwy 1 parcels #62390, 5774, 5775, 5780, 5233, 60441, 65275, 85343, 65274, 85344, 5558, 5238, 68379, 5570, 85342, 5504, 5211, 5569, 85341, 5519, 85340, 85346, 85347, 5551, 69379, 85339, 5545, 5559, 5502, 5568 in Cape Fear Township.*

*stated that the extension request was to be removed based on the amendments to the Subdivision Regulations adopted by the Commissioners on November 20, 2023.*

*Tyson stated that the Planning Board did not recommend approval of the road names or the conversion of the public roads to private (the vote to approve failed 4-5).*

*The Planning Department recommends granting approval of the road names Adelaide Circle, Ellerston Place, Crystal Downs Lane, Oakland Hills Avenue, Starmount Forest Drive, Lahinch Lane, Somerset Hills Court, Bakers Bay Lane, Ballyneal Drive, Ganton Circle, Carnoustie Court, Saint Andrews Loop, Rock Barn Circle, Sand Hill Court, Muirfield Circle, Kingsbarns Court, Kingston Heath, Pine Needles Lane, Melbourne Trail, Hope Valley Circle, Winged Foot Drive, Sunningdale Circle, Myers Park Trail, Kiawah Circle, Prairie Dunes, Riviera Place, Bandon Dunes Trail, Valderrama Drive, W. Sussex Place, Sawgrass Pond Lane, Royal Birkdale Lane, Mid Pines Place, Swinley Forest Drive, Bethpage Circle, Old Town Court, Wintergreen Court, Victoria Pines Drive, Pine Valley Lane, Woodhall Lane, Cabot Links, Friars Head Place, Shoreacres Drive, Winding Bay Drive, and Whistling Straits Way and granting approval to convert the public road to private road and increasing the right-of-way with the following conditions: 1. A copy of the road maintenance policy shall be provided to planning staff prior to recordation of the final plat.*

*Mark Ashness with the CE Group shared a map and update with board concerning the roads and sewer in streets due to the new NC Department of Transportation rules.*

*Commissioner Delaney asked what are the advantages and what would be the additional cost to residents in the development. Ashness stated that this would be one developer.*

*Commissioner Delaney asked will the developer notice the cost to those moving into the development. Ashness replied yes, they would.*

*Commissioner Delaney stated there is a North Carolina legal requirement, if this is*

*more appropriate for your attorney, that's fine, he questioned is there is a legal requirement for the true cost to be known by the community members up front.*

*Patrick Bradshaw, Attorney for the developer came forward.*

*I did want to just come up briefly to address the board's authority on this public versus private road question in case there's any question about that section 7.2 D of your subdivision regulations specifically mentions conservation subdivisions as a type of development where private roads are appropriate.*

*I would even argue that the regulations express a preference for private roads in conservation subdivisions based on section 7.7 M which says quote.*

*The planning department may accept public rights of way and conservation subdivisions of 15 or fewer lots.*

*Close quote so it seems to me that the clear implication of that is that in conservation, subdivisions with more than 15 lots, the expectation would be that there would be private rights.*

*There's no question in my mind that you have the authority to approve the private roads under the Subdivision regulations and for the reasons that mark addressed, we think it's a sensible thing to do in this particular context, to your concern, Commissioner, you know, especially approving this now, there's no way that anybody's going to buy a home or a lot in the subdivision and be surprised by it.*

*It's that the private roads will be identified as such on the recorded plats.*

*There will be declarations recorded that will be encumbrances on the title that will show that the property owners at some point in time will become responsible for the cost of that and our state statutes, especially for communities of this size, have elaborate requirements about HOA budgeting and disclosure procedures.*

*I'm highly confident that anyone who buys a home in the subdivision will have ample opportunity to learn what those costs are going to be and to be aware of that.*

*But to the point of as a requirement in North Carolina law, there isn't one.*

*No one signed up to speak.*

**A motion was made by Commissioner David Delaney, seconded by Commissioner Franklin Gomez Flores, that this Agenda Item was approved. The motion carried by the following vote:**

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

## **BOARD PRIORITIES**

### **[23-4927](#)**

Vote to approve a legislative request for a text amendment to the Zoning Ordinance by Dave Gaddis to reduce the minimum acreage requirements for all public or private campgrounds from 20 acres to 10 acres in all districts.

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

*Planning Director Jason Sullivan presented a legislative request for a text amendment to the Zoning Ordinance by Dave Gaddis to reduce the minimum acreage requirements*

for all public or private campgrounds from 20 acres to 10 acres in all districts.

Sullivan stated that a public hearing was held several months ago, in which we received some public comments. The request is revising the standards for private recreation camps and grounds in residentially zoned districts. The zoning ordinance has a provision that in residentially zoned districts, R5R2 and R1, if you want to open an RV campground, you must have at least 20 acres except within the Hall River Township where you can have 10 acres and you have to apply for a special use permit.

Commissioner Delaney asked if this request is to allow for someone to submit a special use permit request, which is 10 acres anywhere in the county outside of the municipalities. Sullivan replied instead of just Hall River Township, it would also apply to any of the townships in our business zone districts. RV parks are allowed by right as long as you have 10 acres minimum. I'm not sure why the that language with the 20 acres is predates my time with the county. It was just a standard that was put in several decades ago. I don't know the rationale behind it and some other things that come into play.

Commissioner Delaney asked when someone submits a request for a special use permit for an RV park or any type of non residential use, it is also subject to all the other county standards that apply, so development regulations, including the watershed regulations will always apply. Sullivan replied, depending on where the project is located, it could be as low as 12% built upon area up to 36%, which is our standard. Some of our watershed districts do allow for a special nonresidential intensity allocation up to 70%. That is rarely ever used, except in the Moncure area for Vinfast. Other than that, we rarely ever receive requests for that nonresidential intensity allocation. So those standards will also apply.

Commissioner Delaney asked if the changes are approved, these requests still have to go through a public hearing process reviewed by the Planning Board and ultimately this decision by this board of whether or not you want to approve them.

Sullivan stated that he does I don't know the rationale and I did fail to provide the recommendation from the Planning Board, so the planning Board voted. They voted six to three to recommend adoption of the consistency statement, which was included in the notes, and they voted five to four to recommend adoption of the ordinance amending the Zoning Ordinance. And so that second part means they recommend adopting the Uniform Ordinance of 10 acre minimum. They recommended yes, the 10 acres and the consistency statement is just the vote wasn't the same for both of them.

Commissioner Delaney asked a follow up question, it seems to be a pretty low history from what you summarized in email for us about this kind of request in the approved area so far. So, I guess part of me is wondering, is there a real need for this and how do we balance that with the multiple public comments which came in and said as this is being used now, we have some resident concerns that it's being abused as permanent residents as opposed to short term no more than two years residents. Sullivan stated that a couple of the reports that predated the kind of our current standards that we use, there is no limitation or residency.

Commissioner Delaney asked, somebody has a RV and one of the a couple of the parks in the county and we don't have a standard under the special use permitting process we've had. Sullivan replied that we have actually three that have been approved through the special use permitting process. Angie and our office actually has included a recommendation, which is for condition which has been carried forward, and

*all three of them that won, limiting the use of a RV site for up to for two years and then more than two years and that the RV park owner keep a log book. Now, that being said, we haven't, as far as I know, received a complaint that we've had to go out to the RV park to even go and look at the logbook.*

*Commissioner Delaney asked with those citizens, comments during this process be considered complaints. Sullivan replied they struck me as we don't like this and it's not being used the right way and we're so firm against it that we don't want see it elsewhere. We would need to know which RV park.*

*Commissioner Delaney stated we've got a couple that we wouldn't even go to because you'll have a standard that would say that there is a violation. Sullivan replied that any complaint we received were bound to follow up. It's the rules that are adopted by this board and there's only administrator will go out on any complaint to follow up as long as we have enough information to know where to go. Now we will follow up on any complaint.*

*Commissioner Dasher asked if the ordinance has distinguished between yeah recreational short term campgrounds. Do we have something separate for that? There's just a broad category for private recreation camps and grounds. Just curious what this applies to tent campgrounds as well. Sullivan replied Typically I think I was looking at some of the conditions Angie included in there that it tent camping is actually not allowed in the RV parks and campgrounds like the ones that come in that are supposed to be used solely for RV park. We nail it down that it will be used for an RV working.*

*Commissioner Dasher asked if somebody wants to set it up for tent camping, they need to include that in their application for consideration by the board, and then that will be part of the actual approval. If it were part, if it were RV and tent, is there a mechanism for? If someone has 30 acres and has tent camping, there because you have a really pretty spot. Sullivan replied he thought someone could have a kind of primitive campground, but they would still be required to have parking. You're going to have to have paths to get to it for minimum compliance, and I guess in theory somebody could set up a bunch of little pads, but again, they would have to show those areas on the site plan which becomes part of the application, which then has to be reviewed and by the planning board and then ultimately a decision by this board.*

*Commissioner Delaney noted that his preference was for this change to go through the Planning Board process.*

**A motion was made by Commissioner Katie Kenlan, seconded by Vice-Chair Karen Howard, that the resolution #23-65 approving a Consistency Statement and Statement of Reasonableness of the amendment to the Zoning Ordinance by Dave Gaddis to reduce the minimum acreage requirements for all public or private campgrounds from 20 acres to 10 acres in all districts. be adopted. The motion carried by the following vote:**

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

**A motion was made by Vice-Chair Karen Howard, seconded by Commissioner Katie Kenlan, that this amendment to the Zoning Ordinance by Dave Gaddis to reduce the minimum acreage requirements for all public or private campgrounds from 20 acres to 10 acres in all districts was adopted. The motion carried by the following vote:**



**Aye:** 4 - Chair Dasher, Vice Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

**No:** 1 - Commissioner Delaney

[23-5058](#)

Receive presentation on Chatham County Leadership Academy case study on the diversity of Chatham County advisory boards and committees and direct staff to revise the Chatham County Advisory Committee Policy and volunteer application to be more in line with the Board of Commissioners' values surrounding equity, diversity, inclusion, and belonging.

**Attachments:** [Leadership Case Study Presentation to BOC - Diversifying Boards - 12.18.23](#)

*Intergovernmental Relations Manager Lindsay Ray presented the Chatham County Leadership Academy class case study recommendations on diversity of our boards and committees. The goal of the project was to identify successful strategies for recruiting a diverse volunteer population.*

*Ray stated that the county continues to struggle with how we reach a broader population and she hopes in her new role to be able to do more of the accessibility of the application, diversity of appointments, barriers to commitment.*

*Ray stated that the project survey eleven of the advisory boards and received forty-three responses. They were asked nine demographic questions, and the results were not much of a surprise. Chatham County as a whole, 25% of our population is over 65 and for the board members that responded, 51% of the advisory committee members are over 65 and that leaves 49% that are 64 and under which so they're kind of flip flopped. Gender we're compared to other jurisdictions, we are really kind of out of the norm to be so consistent with male and female members. There are a lot of other counties that do not have that, and the reason they ask gender this is really important. The Secretary of State requires us to report to every year the gender is only on male and female, and we have consistently asked the Secretary of State why we can't provide besides male and female other genders that people identify with, and they say you stick to male and female.*

*Ray shared the race and ethnicity, and the board members are 79% white compared to 72% of Chatham's population, 9% Hispanic, 12% for Chatham County, 0% for black and 12% for the county as a whole, 2% for Asian.*

*Ray stated that we know typically we have much higher application rates from people in District 1 and tend to have less of an application rate, a lower rate for District 5, but this from the people that responded it showed that it was balanced for District 4 and District 5, District 3 and then District 2 and District one.*

*Ray continued that 20 of the members that responded were retired, 19 full-time, 3 part time and one unemployed, and the education level. Many members of this board have talked throughout the years about how lucky we are to have such an educated citizenry, and we're lucky to have them on our boards and committees and the group, and I felt like this shows how we are lacking diversity.*

*Ray stated that there are two inadvertent results, placing high importance of higher education or advanced degrees of our volunteers. One is people don't apply who don't*

have the education or experience because they think they're not qualified. Another inadvertent result is that it can send a message to staff that you value the education and experience and expertise of volunteers over staff.

Ray shared the recommendations which included:

1. Have on the application site itself to make sure that GIS portal is included, and that people can look for their Township, their Commissioner, district and look at the demographic information that's already there.
2. Not put education on application.
3. One page application.
4. Remove the employer.

Commissioner Howard stated that she does not want to diminish the value of experience and practice, but she does not want us to diminish the value and importance of an education either. There are, in my view, advisory boards and committees where some level of expertise should be expected and then there are others that the greater value is that the person is a resident of Chatham and cares about Chatham and wants to be able to be a voice.

The Board of Commissioners agreed that hitting the pavement, getting out to the churches and the community groups and going to them directly would be one of the most beneficial things to help recruit a more diverse applicant pool.

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

### [23-5061](#)

Discuss Chatham County Commissioner boards and committees liaison assignments

**Attachments:** [Board of Commissioner liaison table December 2022](#)

Intergovernmental Relations Manager Lindsay Ray shared the current Boards and Committees liaison assignments and asked if the Board of Commissioners has any changes.

No changes were identified.

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

## **CLERK'S REPORT**

Clerk to the Board Jenifer Johnson reminded the Board members about needing confirmation of dates for the legislative breakfast.

## **MANAGER'S REPORT**

County Manager Dan LaMontagne reminded the Board of the Budget Retreat in January and thanked new clerk Jenifer Johnson and stated that Lindsay Ray is already making strides in her new position.

## **COMMISSIONERS' REPORTS**

Commissioner Delaney stated that he currently has a vacancy on the Planning Board, and he would like to appoint Nelson Smith.

Commissioner Howard stated that she got to meet our new transportation planning

staffer and talk with Central Pines Regional Council staff about some of Chatham County's goals for transit and transportation planning. She attended the Governor's Crime Commission, and she would like to see more Chatham County organizations apply for the grants. She is also a part of the North Carolina County Commissioners Working Group looking at inappropriate placement of children in DHS custody, particularly children with difficult behavioral diagnosis. Parents find themselves in extremely difficult circumstances.

Commissioner Kenlan stated that she attended the site visit for Savannah Ridge with the Planning Department and the Arauco Manufacturing tour. Kenlan congratulated Commissioner Howard and Amanda Robertson for being uncontended on the ballot and she looks forward to working with them both.

#### [24-5245](#)

Vote to appoint Nelson Smith to the Planning Board

**A motion was made by Commissioner David Delaney, seconded by Commissioner Franklin Gomez Flores, to appoint Nelson Smith to the Chatham County Planning Board was approved. The motion carried by the following vote:**

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

### **ADJOURNMENT**

**A motion was made by Vice Chair Karen Howard, seconded by Commissioner Katie Kenlan, to adjourn. The motion carried by the following vote:**

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