



Chatham County, NC

Meeting Minutes

Board of Commissioners

Monday, May 17, 2021

6:00 PM

Agriculture and Conference Center

Work Session - 3:00 PM - Agriculture and Conference Center

Present: 4 - Commissioner Mike Dasher, Commissioner Diana Hales, Commissioner Jim Crawford and Chair Karen Howard

PUBLIC INPUT SESSION

Chair Dasher reminded the speakers that they have three minutes to speak. Chair Dasher called on the Clerk to the Board to read the name of those who signed up to speak. The following public comment was received by the Board of Commissioners.

Stephen Warshofsky

Good afternoon, my name is Stephen Warshofsky and I have lived at The Legacy at Jordan Lake with my wife since November 2014. We looked long and hard for a municipality that is managed well and looks to protect residents' interests. We feel we found it in Chatham County. However, we have concerns about Freehold Capital Management, LLC that is the Developer (declarant) and who controls the HOA for the Legacy. Freehold has caused many issues in the Legacy and has charged to the HOA many repair costs that should have been charged to the Developer – Freehold. These inappropriate charges have caused the HOA to go into unnecessary debt to Freehold. Freehold has loaned over a half million dollars to the HOA to cover expenses that Freehold should have paid. Now, Freehold expects repayment and is achieving such repayment, in part, by increasing our HOA fees to \$200.00 a month. We want Freehold to obtain approval to complete phase III in the Legacy, but only if there are some assurances that Freehold will not charge the HOA for developer costs that should be covered by Freehold as the Developer. We also want Freehold to reimburse the HOA for prior charges paid by the HOA that should have been paid by Freehold and to meet with key Legacy members to discuss our issues. To give a few examples of past issues that will get worse as phase III progresses if Freehold is allowed to continue its inappropriate development activities and charges to the HOA as follow. Two independent road construction companies (Raleigh Paving and Sanford Construction) who have worked at the Legacy, when asked said that the slippage of roads is due to heavy equipment traveling on the streets to get to building sites. These heavy vehicles brake at stop signs and cause slippage and other street damages. Asphalt repairs thus far have been charged to the HOA by Freehold and are of poor quality. These development repairs show on financial statements as declarant (developer) loan, to be paid back to Freehold. We know that the completion of phase III will add to our road issues. A site visit of all roads used by heavy construction equipment would reveal much more. Freehold has systematically charged the HOA for the cost of capital improvements and repairs that should be appropriately borne by a developer for e.g., costs to transfer and clean retention ponds were billed to the HOA and cleaning out sewer silt and builder's debris. There is a creek that goes under Covered Bridge Trail. According to Google Maps, this creek flows into the tributaries of Jordan Lake. During M/I Home building I witnessed no erosion control fences in the back of many homes

located on Two Creeks Loop, to stop silt escaping into the downward hill into the creek, which has occurred during many rainstorms. If the silt issues are not addressed in the Legacy, the completion of phase III will add to the silt run-off impacting Jordan Lake. Compressed debris is wedged in the sewer at Legacy Falls Dr South coming from Lennar building. The Legacy's golf course had to switch to county water because Freehold did not obtain proper permits. Freehold stated at a November 19, 2020 meeting, that the golf course permit issue 'Fell Through the Cracks'. This was 6 years, 8 months and 24 days after the permit expired on February 26, 2014. Since then, several more renewal attempts were made, confirming that Freehold was aware of the expired permit. The permit was finally approved on May 6, 2019. However, Freehold assumed no responsibility for the issue "falling through the cracks" and charged the HOA to pay costs associated with the interim switch to county water and even the costs to repair the turf that had died because of the oversight due to their negligence. A certified letter signed by several residents was sent to Freehold March 30, 2021 outlining concerns regarding the way Freehold is running the HOA. On May 3rd, Freehold responded it will take some time to complete their investigation to provide a response to the letter. Our concern is Freehold may be rewarded for their insidious and inappropriate development activities with an approval on Phase 3 and the return of their posted bond before resolving residents' issue. respectfully request the BOC to please not release performance bonds until a thorough inspection of the entire property is done, and the developer corrects deficiencies identified by the Board of Commissioners. I ask the Board of Commissioners to delay final approval of Phase 3 permits until Freehold meets with homeowners and address our concerns raised in a letter recently sent to them

Atul Peres-da-Silva

Spoke about the concerns in the Legacy of Jordan Lake development.

BOARD PRIORITIES

21-3873

Discuss applications and make an appointment to the Appearance Commission.

Vice Chair Hales recommended Shelby Warner based on her application and qualifications.

A motion was made by Vice Chair Hales, seconded by Commissioner Howard, that Shelby Warner be appointed to the Appearance Commission. The motion carried by the following vote:

Aye: 5 - Commissioner Dasher, Commissioner Hales, Gomez Flores, Commissioner Crawford, and Chair Howard

21-3874

Discuss applications and make appointment to the Affordable Housing Advisory Committee.

Vice Chair Hales said there were excellent candidates. She put forward Alirio Estevez, especially as a representative of the Hispanic Community. Commissioner Gomez Flores agreed with Vice Chair Hales.

Commissioner Howard felt the Board should discuss Anita Badrock. Chair Dasher said the County was fortunate to have so many qualified applications. Vice Chair Hales was impressed with Elizabeth Thomas.

A motion was made by Vice Chair Hales, seconded by Commissioner Gomez

Flores, that Alirio Estevez be appointed to the Affordable Housing Advisory Committee. The motion carried by the following vote:

Aye: 5 - Commissioner Dasher, Commissioner Hales, Gomez Flores, Commissioner Crawford, and Chair Howard

CLOSED SESSION

[21-3877](#)

Vote on a request to go into closed session pursuant to G.S. 143-318.11(a)(3) and (4): A. to consult with an attorney in order to preserve the attorney-client privilege and to consider and give instructions concerning City of Canton and Chatham County v. Purdue Pharma L.P. et al.; and B. to discuss matters relating to the location or expansion of industries or other businesses, including agreement on a tentative list of economic development incentives that may be offered by the public body.

A motion was made by Commissioner Crawford, seconded by Commissioner Gomez Flores, that this request to go into closed session pursuant to G.S. 143-318.11(a)(3) and (4): A. to consult with an attorney in order to preserve the attorney-client privilege and to consider and give instructions concerning City of Canton and Chatham County v. Purdue Pharma L.P. et al.; and B. to discuss matters relating to the location or expansion of industries or other businesses, including agreement on a tentative list of economic development incentives that may be offered by the public body be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Dasher, Commissioner Hales, Gomez Flores, Commissioner Crawford, and Chair Howard

End of Work Session

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

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

Chair Dasher welcomed those in attendance and called the meeting to order at 6:01 PM.

APPROVAL OF AGENDA and CONSENT AGENDA

Chair Dasher called for a motion to approve the consent agenda.

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

Aye: 5 - Commissioner Dasher, Commissioner Hales, Gomez Flores, Commissioner Crawford, and Chair Howard

[21-3844](#)

Vote on a request to hold a public hearing to receive comments on the naming of one (1) state maintained road in Chatham County.

Attachments: [Lodge Lane Petition](#)
 [Lodge Lane Map](#)
 [Lodge Lane Area Map](#)

A motion was made by Vice Chair Hales, seconded by Commissioner Howard, that this vote on a request to hold a public hearing to receive comments on the naming of one (1) state maintained road Lodge Lane in Chatham County be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Dasher, Commissioner Hales, Gomez Flores, Commissioner Crawford, and Chair Howard

[21-3852](#)

Vote on a request to approve to award a service weapon to retiring Deputy David Scott.

A motion was made by Vice Chair Hales, seconded by Commissioner Howard, that this vote on a request to approve to award a service weapon to retiring Deputy David Scott be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Dasher, Commissioner Hales, Gomez Flores, Commissioner Crawford, and Chair Howard

[21-3854](#)

Vote on a request to approve reappointment of Carol Reitz-Barlow, RN to fill a third term on the Board of Health Nurse Seat, effective 7-1-21.

A motion was made by Vice Chair Hales, seconded by Commissioner Howard, that this vote on a request to approve reappointment of Carol Reitz-Barlow, RN to fill a third term on the Board of Health Nurse Seat, effective 7-1-21 be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Dasher, Commissioner Hales, Gomez Flores, Commissioner Crawford, and Chair Howard

[21-3855](#)

Vote on a request to approve reappointment of William Roscoe, OD to fill a third term on the Board of Health Optometrist Seat, effective 7-1-21.

A motion was made by Vice Chair Hales, seconded by Commissioner Howard, that this vote on a request to approve reappointment of William Roscoe, OD to fill a third term on the Board of Health Optometrist Seat, effective 7-1-2 be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Dasher, Commissioner Hales, Gomez Flores, Commissioner Crawford, and Chair Howard

[21-3856](#)

Vote on a request to approve reappointment of Tammy Lynn Morris Lloyd, MD to fill a third term on the Board of Health Physician Seat, effective 7-1-21.

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

that this vote on a request to approve reappointment of Tammy Lynn Morris Lloyd, MD to fill a third term on the Board of Health Physician Seat, effective 7-1-21 be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Dasher, Commissioner Hales, Gomez Flores, Commissioner Crawford, and Chair Howard

[21-3859](#)

Vote on a request to approve the re-appointment of a member of Chatham County Board of Social Services.

Attachments: [Valerie 1](#)

[Valerie 2](#)

A motion was made by Vice Chair Hales, seconded by Commissioner Howard, that this vote on a request to approve the re-appointment of Valerie Broadway as a member of Chatham County Board of Social Services be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Dasher, Commissioner Hales, Gomez Flores, Commissioner Crawford, and Chair Howard

[21-3875](#)

Vote on a request to reappoint George Lucier to the CCCC Board of Trustees for a four-year term ending June 30, 2025.

A motion was made by Vice Chair Hales, seconded by Commissioner Howard, that this vote on a request to reappoint George Lucier to the CCCC Board of Trustees for a four-year term ending June 30, 2025 be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Dasher, Commissioner Hales, Gomez Flores, Commissioner Crawford, and Chair Howard

[21-3880](#)

Vote on a request to appoint Brittany Harrison to the Planning Board.

A motion was made by Vice Chair Hales, seconded by Commissioner Howard, that this Appointment of Brittany Harrison to the Planning Board be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Dasher, Commissioner Hales, Gomez Flores, Commissioner Crawford, and Chair Howard

[21-3861](#)

Vote on a request to approve Fiscal Year 2020-2021 Budget Amendments

Attachments: [Budget Amendment 2020-2021 May21](#)

A motion was made by Vice Chair Hales, seconded by Commissioner Howard, that this vote on a request to approve Fiscal Year 2020-2021 Budget Amendments, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Dasher, Commissioner Hales, Gomez Flores, Commissioner Crawford, and Chair Howard

[21-3865](#)

Vote on a request to approve the adoption of the Fiscal Year 2020-2021 Budgets for the Representative Payee Special Revenue Fund (formerly

the Social Services Agency Fund), the Fines & Forfeitures Special Revenue Fund (formerly the Fines & Forfeitures Agency Fund), and the Cooperative Extension Program Division in the General Fund (formerly the Chatham County Cooperative Extension Agency Fund)

A motion was made by Vice Chair Hales, seconded by Commissioner Howard, that this vote on a request to approve the adoption of the Fiscal Year 2020-2021 Budgets for the Representative Payee Special Revenue Fund (formerly the Social Services Agency Fund), the Fines & Forfeitures Special Revenue Fund (formerly the Fines & Forfeitures Agency Fund), and the Cooperative Extension Program Division in the General Fund (formerly the Chatham County Cooperative Extension Agency Fund) be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Dasher, Commissioner Hales, Gomez Flores, Commissioner Crawford, and Chair Howard

[21-3863](#)

Vote on a request to approve the naming of one (1) private road in Chatham County

Attachments: [SELLARS GARDEN DRIVE PETITION](#)
 [SELLARS GARDEN DRIVE MAP](#)
 [SELLARS GARDEN DRIVE AREA MAP](#)

A motion was made by Vice Chair Hales, seconded by Commissioner Howard, that this vote on a request to approve the naming of one (1) private road Sellars Garden Drive in Chatham County be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Dasher, Commissioner Hales, Gomez Flores, Commissioner Crawford, and Chair Howard

[21-3866](#)

Vote on a request to approve Tax Releases and Refunds

Attachments: [April 2021 Release and Refund Report](#)
 [April 2021 NCVTS Pending Refund Report](#)
 [April 2021 Manual NCVTS Pending Refund Report](#)

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

Aye: 5 - Commissioner Dasher, Commissioner Hales, Gomez Flores, Commissioner Crawford, and Chair Howard

[21-3867](#)

Vote on a request to approve competitive bid exemption for standardization and sole source for the Chatham County Facilities Department for Lime Energy Services Co.

Attachments: [Duke Energy SBES Welcome letter](#)

A motion was made by Vice Chair Hales, seconded by Commissioner Howard, that this vote on a request to approve competitive bid exemption for

standardization and sole source for the Chatham County Facilities Department for Lime Energy Services Co. be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Dasher, Commissioner Hales, Gomez Flores, Commissioner Crawford, and Chair Howard

[21-3868](#)

Vote on a Request to Adopt a Resolution Declaring Property Surplus and Conveying Property to Chatham Trades, Inc.

Attachments: [Solid Waste Resolution](#)

A motion was made by Vice Chair Hales, seconded by Commissioner Howard, that this Resolution#2021-18 Declaring Property Surplus and Conveying Property of Chatham Trades, Inc., attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 5 - Commissioner Dasher, Commissioner Hales, Gomez Flores, Commissioner Crawford, and Chair Howard

[21-3869](#)

Vote on a request to adopt a resolution authorizing the negotiation of an installment financing contract to construct and equip the Schools Central Services Building and Emergency Operations Center and refinancing of prior installment financing obligations and set a public hearing on June 21, 2021 to receive public comment on the proposed borrowing

Attachments: [Initial Resolution - Chatham 2021 LOBs](#)

A motion was made by Vice Chair Hales, seconded by Commissioner Howard, that this Resolution #2021-19 Authorizing the Negotiation of an Amendment to an Installment Financing Contract, Directing the Publication of Notice with Respect thereto and Providing for Certain Other Related Matters thereto, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 5 - Commissioner Dasher, Commissioner Hales, Gomez Flores, Commissioner Crawford, and Chair Howard

[21-3872](#)

Vote on a request by the ABC Board to approve the ABC General Manager's annual compensation of \$102,217.50.

Attachments: [ABC General Manager](#)
[General Statute 18B-Compensation](#)

A motion was made by Vice Chair Hales, seconded by Commissioner Howard, that this vote on a request by the ABC Board to approve the ABC General Manager's annual compensation of \$102, 217.50 be approved. The motion carried by the following:

Aye: 5 - Commissioner Dasher, Commissioner Hales, Gomez Flores, Commissioner Crawford, and Chair Howard

[21-3878](#)

Request to approve policy changes for the Housing Trust Fund

Attachments: [ProposedUpdate_HousingTrustFundPolicyMay2021](#)

A motion was made by Vice Chair Hales, seconded by Commissioner Howard, that this request to approve policy changes for the Housing Trust Fund be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Dasher, Commissioner Hales, Gomez Flores, Commissioner Crawford, and Chair Howard

[21-3879](#)

Approve request to re-allocate an additional \$52,800 to Rebuilding Together of the Triangle

A motion was made by Vice Chair Hales, seconded by Commissioner Howard, that this request to re-allocate an additional \$52,800 to Rebuilding Together of the Triangle be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Dasher, Commissioner Hales, Gomez Flores, Commissioner Crawford, and Chair Howard

End of Consent Agenda

SPECIAL PRESENTATION

[21-3871](#)

Special Presentation for the Department of Social Services

The Chatham County Department of Social Services Board Chair Richard Edwards presented a plaque to Director Jennie Kristiansen and the Social Services staff for outstanding service in the midst of the pandemic and the cyber security incident, which created tremendous challenges to service administration.

The Board of Commissioners thanked both Kristiansen and the Social Service staff.

This Agenda Item was received and filed.

PUBLIC HEARINGS

[21-3870](#)

Public hearing to receive comments on the FY2021-2022 Recommended Budget

Attachments: [REVISED CCL RecommendedBudgetPresentation-BOCInitialPresentation FY2022 Draft](#)

Chair Howard opened the public hearing to receive public comments on the FY2021-2022 Recommended Budget.

Assistant County Manager Bryan Thompson gave a presentation to the Board of Commissioners.

Thompson thanked the Budget Team, the Finance Department, County Manager, and the Board of Commissioners.

Gretchen Smith

Chatham County Board of Commissioners: As a Chatham County resident and also president of the nonprofit local group Friends of Lower Haw River State Natural Area, I

am submitting these comments for the Public Hearing on May 17th about the proposed Fiscal Year 2021-2022 Budget. Thank you for this opportunity to comment. I appreciate what our county commissioners and staff do for the benefit of our county. The Board of Commissioners adopted Plan Chatham in 2017. Page forty of Plan Chatham lists the top ten goals (see attached). Page forty states, the vision is supported by a set of interrelated goals that served as guideposts in the development of the plan. Going forward, the goals provide direction for County leaders as they make decisions about future development, conservation, and related investments over the next two decades. The matrix below shows the relationship of the goals to the 10 plan elements, indicating that achievement of a goal ensures progress on two or more plan elements. Goals #4, 6, 7, and 10 in the Plan Chatham document check the boxes for both "Economic Development" and "Land Use" plan elements. These goals are: Goal 4. Diversify the tax base and generate more quality, in-county jobs to reduce dependence on residential property taxes, create economic opportunity and reduce out-commuting. Goal 6. Provide recreational opportunities and access to open space. Goal 7. Provide infrastructure to support desired development and support economic and environmental objectives. Goal 10. Foster a healthy community. Implementing a "conservation through recreation" strategy used by Alamance County could help with achievement of Goals 4, 6, 7, and 10 and progress on the plan elements for Economic Development and Land Use. Local government in Alamance County made a commitment back in 2006 to "conservation through recreation", and that commitment has paid off with economic development, nature-based outdoor recreation opportunities for its residents and visitors, outdoor recreation jobs, and significant tourism revenue, while also conserving important natural resources along its section of the Haw River. According to the latest data from Visit North Carolina on the economic impact of tourism Economic Impact Studies (visitnc.com), tourism in Alamance County for 2019 resulted in \$211.73 million in tourism spending, tourism employment with 1,520 jobs, local tax receipts of \$3.68 million, and tax savings per resident of \$93.57 million. According to an article in Burlington's The Times-News, the top two tourism draws in Alamance County are its Haw River Trail and Cedarrock Park. Read the article at this link [Alamance County sees bump in tourism spending - News - The Times-News - Burlington, NC \(thetimesnews.com\)](https://www.thetimesnews.com/news/alamance-county-sees-bump-in-tourism-spending). While creating this significant tourism draw with its Haw River Trail consisting of 40 miles of paddle trail and 20 miles of land trails, Alamance has also conserved 32,000 linear feet of the Haw River and 15,000 linear feet of perennial streams along the Haw. Developing the Haw River Trail in Chatham County, which would include sustainable development of the currently undeveloped and unmanaged Lower Haw River State Natural Area owned by State Parks, could help Chatham County achieve similar results in both conservation and nature-based recreation opportunities. A key to Alamance's success is employing a full-time trails coordinator who focuses on trail development and acquiring the land and easements needed for trail development. Chatham County needs to do the same and hire a trails coordinator. Although I'm sure the new Parks Manager position included in the proposed budget is needed, it is not a trails coordinator position and will not devote full time attention to nature-based trail development and acquiring the land and easements needed. I do not see in the proposed budget any commitment of funding for land conservation and development of land and paddle trails along the Haw River to create Chatham County's section of the Haw River Trail. Chatham County has revenue sources under its discretion that can be allocated for these purposes, including the following: Article 46 Sales Tax, Rollback Taxes from Deferred Present-Use Value Taxes, Occupancy Tax (which can use 1/3 of tax for tourism-related expenditures), Property tax paid by Chatham Park, Recreation Exaction Fee, Cash assets transferred to county from dissolution of the nonprofit Chatham Parks Foundation, Canoe Access Special Revenue Fund, Parks Capital Reserve. In addition to the revenue sources listed above, Chatham County could use park bonds, a tool used by other counties to

fund land conservation and development of nature-based recreation. Chatham County could also use a tool proposed by Jordan Lake One Water that is similar to the Upper Neuse Clean Water Initiative used by the city of Raleigh. Chatham County could use some of the millions it is getting from the American Rescue Plan (ARP) stimulus package for land conservation along the Haw River corridor and development of a Haw River Trail. I'd like to see our county commissioners embrace a budget agenda that drives these temporary ARP dollars towards creation of a nature-based outdoor recreation economy and conservation of what is left of our county's natural resources that can provide those outdoor recreational opportunities. I didn't see ARP funds in the proposed budget, but Chatham County could use some of its ARP funds on expanding nature-based recreation and land conservation for economic development and quality of life benefits for physical and mental health of its residents. The Haw River Trail would be a great place to start, since it could connect to an already established robust trail network in Alamance County to create a showcase regional trail network. When is Chatham County going to make transformative, forward-thinking investments in nature-based outdoor recreation and land conservation needed for a "conservation through recreation" strategy? What is Chatham County willing to do to help the Lower Haw River State Natural Area and the Haw River corridor? What commitment of resources - money and manpower - is Chatham County willing to make? If not now in this proposed budget, when? I believe it is long overdue for Chatham County to demonstrate its commitment to the above goals and plan elements in Plan Chatham by including funding and positions in the budget to implement a "conservation through recreation" strategy along the Haw River corridor.

Clerk to the Board Lindsay Ray said Robert Carol signed up to speak in person for the public hearing, but he did not attend. Ray said two more people had signed up to speak remotely but were unable to due to technical difficulties. The Deputy Clerk informed the speakers to submit their comments, and they had already done so.

Chair Dasher closed the public hearing.

This Agenda Item was received and filed.

[21-3862](#)

A legislative public hearing for a rezoning request by Scott Pearce dba For Garden Sake to add Parcel 62824 being two acres to the existing Parcel 19644 being approximately 19.25 acres to expand existing services and utilize the decommissioned O'Kelly Chapel Church as part of the expansion. Both parcels to be recombined and rezoned from Conditional Use Business 1 and R-1 Residential to Conditional District Regional Business (CD-RB) for lawn and garden shop, landscape business, and event center limited. Williams Township.

Attachments: [More information on the Planning website](#)

Chair Howard opened the public hearing to receive public comments on a rezoning request by Scott Pearce dba For Garden Sake to add Parcel 62824 being two acres to the existing Parcel 19644 being approximately 19.25 acres to expand existing services and utilize the decommissioned O'Kelly Chapel Church as part of the expansion. Both parcels to be recombined and rezoned from Conditional Use Business 1 and R-1 Residential to Conditional District Regional Business (CD-RB) for lawn and garden shop; landscape business, and event center limited. Williams Township.

Zoning Administrator Angela Plummer reviewed the specifics of the request.

Chair Dasher asked if Pierce had anything he wanted to add. Pierce stated that he did not but would answer any of the Board of Commissioner's questions.

No one signed up to speak.

Chair Dasher closed the hearing and referred the item to the Planning Board.

This item was referred to the Planning Board.

PUBLIC INPUT SESSION

Chair Dasher reminded the speakers that they have three minutes to speak. Chair Dasher called on the Clerk to the Board to read the name of those who signed up to speak. The following public comment was received by the Board of Commissioners.

Eileen Gavin McKenna

McKenna of The Legacy at Jordan Lake said her and many other landowners had serious concerns about the developer and sent their grievances in a letter to the developer and sent a terse reply. The residents are now seeking the commissioners' help with the developer. The developer is charging the HOA for capital improvements including conversion of stormwater retention ponds, repairs from roads damaged from construction vehicles, and silt clean up from flooding from failed erosion control. The developer failed to renew state requirements that resulted in irrigation damage. Two hundred thousand dollars were charged to the homeowners for damages. These were not routine expenses. She asked on behalf of the Legacy homeowners that the County not issue bonds until the entire property is inspected. Secondly, conditional upon approval of the developer's current application the developer put a good faith effort into resolving disputes. Third, deny any developer attempt to develop the vacant land parcel number 89437. She thanked the Board of Commissioners.

Claudia Perry

Ask Mr. Metty if he was building these homes himself. Are the homeowners responsible for the septic systems after homes were built? She was worried about oak tree removal. Who would be responsible for keeping those roads maintained and would they be paved? Is there any recourse if fourteen new wells affect a well on your property? The well water was one of her top concerns. She thanked the Board of Commissioners.

Clerk to the Board Lindsay Ray said there was one remote speaker. The Deputy Clerk had emailed them to ask for their comments in writing.

BOARD PRIORITIES

[21-3876](#)

COVID Update

County Manager Dan LaMontagne introduced Health Director Mike Zelek. Mr. Zelek gave an update on COVID in Chatham County.

Zelek encouraged everyone to get vaccinated. The vaccine was now available for those twelve years of age and older. Sixty percent of Chatham County adults have received at least their first dose. The Health Department has worked over the last few months to get vaccines to different communities to ensure that the vaccine process was equitable. Goldston's Town Hall will have vaccines available on Wednesday. Pittsboro would have the Pfizer vaccines available on Fridays and Saturdays. Siler City also had

vaccines available on Fridays.

Commissioner Crawford asked if the schools were going to be doing vaccines at the schools. Zelek said there were some conversations.

Commissioner Howard asked if there was a surge in vaccines after it opened up to teenagers. Zelek said it was not a surge but a couple hundred uptick. Vice Chair Hales asked if there would be more clinics at the schools. Zelek said they were having some conversations about it.

The Board of Commissioners thanked Zelek for the update.

This Agenda Item was received and filed.

21-3681

Vote on a request to approve a legislative general use rezoning request by Brendie Vega, on behalf of Moncure Holdings, LLC & Moncure Holdings West, LLC, to rezone in full or a portion of Parcel No's. 92884, 92883, 5604, 5620, 5321, 5814, and 92449, being approximately 249.036 acres total, from R-1 Residential, to IH Heavy Industrial, located off Old US 1, Pea Ridge Rd, Christian Chapel Church Rd, and Moncure Flatwood Rd., Cape Fear Township.

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

Planner Janie Phelps reviewed the specifics of the request.

The Planning Board recommended denial of two parcels. The attorney for the applicant Nick Robinson said the applicant was trying to make these parcels not split zoned. Split zoning made it difficult to attract potential users. The streams running through those parcels would have one hundred foot buffers and would be protected.

The County had spent a significant amount of money to bring sewer up from Sanford and it would benefit the county to put this project in the best marketable way. Staff believed this request was in line with the comprehensive plan.

Chair Dasher asked if this would be the end of the rezonings. Robinson said yes. The owner did not intend to acquire more parcels. Robinson said there had been no opposition from anyone local that lived out there.

Vice Chair Hales asked if the two parcels on Old US 1 were the only two parcels with railroad access. Mark Ashness with CE Group said there were some other parcels that had railroad access and were needed.

The Board of Commissioners reviewed the consistency statement options.

Commissioner Crawford made motion to adopt a consistency statement approving all parcels.

A motion was made by Commissioner Crawford, seconded by Commissioner Howard, that this consistency statement approving all parcels be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Dasher, Commissioner Hales, Gomez Flores, Commissioner Crawford, and Chair Howard

A motion was made by Commissioner Crawford, seconded by Commissioner Howard, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Dasher, Commissioner Hales, Gomez Flores, Commissioner Crawford, and Chair Howard

[21-3682](#)

Vote on a request to approve a legislative request by Moncure Holdings LLC and Moncure Holdings West LLC to amend Section 302 (E)(2)(b) of the Watershed Protection Ordinance to establish an overlay district where the 10/70 option applies in the Cape Fear WS-IV Protected Area watershed district and to amend the Watershed Protection Map to establish the boundaries of the overlay district.

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

Planning Director Jason Sullivan stated there were two parts to the request: an amendment of Section 302(E)(2)(b) of the Watershed Protection Ordinance to establish an overlay district where the ten seventy (10/70) option applies in the Cape Fear WS-IV Protected Area watershed district and to amend the Watershed Protection Map to establish the boundaries of the overlay district.

Vice Chair Hales asked if this footprint reduced the available acreage that the ten seventy (10/70) rule would apply.

The Watershed Review Board started these discussions in March and April.

Vice Chair Hales asked if the vote would be on an overlay district as one thing and that would become the Moncure Megasite Overlay District. Mr. Sullivan said eighteen thousand acres was the entire district.

Commissioner Crawford said what if twenty years from now Duke wanted to submit an application. Mr. Sullivan said it would have to be denied, because the application was not in the boundary.

Clerk to the Board Lindsay Ray read the recommendation from the Watershed Protection Review Board aloud: The Watershed Review Board recommendation is to approve the corrected overlay map R.C.S.A. remove provided by the applicant with the condition that riparian buffers per Section 304 except for Section (C). Exceptions to the riparian buffer requirements of the Watershed Protection Ordinance are also required throughout the Moncure Megasite watershed overlay district. The map and amendments provided reflect those changes.

Chair Dasher asked to hear what the staff recommended.

Sullivan said it would be to approve the corrected overlay map of the R.C.S.A. removed provided by the applicant and adopt Section 302 (E)(2)(B) to incorporate the overlay district replace the conception land use plan and designation with the watershed overlay district. The Board of Commissioners would not reference the riparian buffer in the motion.

County Attorney Bob Hagemann said the motion could be simplified to approve the recommendations from staff.

Commissioner Howard said the language of the abstract should say the approval of the map as provided by the applicant and RCSA removed because it had been removed from the overlay district.

Chair Dasher asked if all commissioners were clear on what the staff recommended.

A motion was made by Commissioner Crawford, seconded by Commissioner Howard, that this text amendment recommended by staff be approved. The motion carried by the following vote:

Aye: 5 - Commissioner Dasher, Commissioner Hales, Gomez Flores, Commissioner Crawford, and Chair Howard

[21-3858](#)

Vote on a request to approve a request by F-L Legacy Owner, LLC for subdivision Final Plat review and approval of **The Legacy at Jordan Lake - Phase 3**, consisting of 69 lots on 29.59 acres, located off SR-1716, Big Woods Road, parcels #89438 and #92463.

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

Subdivision Administrator Kimberly Tyson reviewed the specifics of the request.

Commissioner Howard asked what the Planning Board members were concerned about. Mark Ashness with CE Group stated this project was approved with pre 2008 regulations. If any part of the project was in purple area on the map would do an inch, all the rest a half inch. This was consistent with the Preserve at Jordan Lake next door.

Vice Chair Hales said residents were concerned about the stormwater maintenance systems. Ashness said we did the original phases. There was a five to six year period that it was taken over by the bank and things were poorly maintained. The dry basin was easier to maintain than a wet pond. Maintenance would be easy. The earlier facility should be maintained, and they were turned over to the Homeowner's Association (HOA).

Chair Dasher said some of the pictures looked like the issues were related to construction activity.

Commissioner Crawford asked if there was control of the HOA and HOA fees being paid by the residents why the maintenance not kept up. Patrick Bradshaw stated that the Board of Directors and the association was currently under control of the Declarant. The watershed was there today and there were no violations on the property.

Hagemann said these were purely private matters. If the Board of Commissioners wanted to deny there had to be a basis in the subdivision regulations. Staff had not been able to identify anything that would be a reason for denial based on the regulations. Hagemann stated that the Board of Commissioners was not required to vote today but a decision should be made within sixty days.

Bradshaw stated that he did not disagree with the County Attorney. The Declarant took these issues very seriously. Nothing would be gained by denial of the plat approval.

This Agenda Item was tabled.

[21-3829](#)

Vote on a request to approve by Kirk Metty for subdivision **First Plat** review and approval of **Chestnut Creek**, consisting of 14 lots on 49.15

acres, located corner of Jones Ferry Road, SR-1540, parcel #1439.

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

Subdivision Administrator Kimberly Tyson stated that the Board of Commissioners did not vote on this item last month.

Vice Chair Hales said there were too many lots and too much off-site septic. Tyson stated that state law did not allow the County to limit off-site septic, and it could be reconsidered in the subdivision regulations with the Unified Development Ordinance.

Tyson said Walnut Branch would be adding eight feet more to the ten feet already there.

This Agenda Item was tabled.

CLERK'S REPORT

Clerk to the Board Lindsay Ray reminded the Board of Commissioners of the work session on Thursday at 9:00AM at the Chatham County Agriculture and Conference Center and if the Board needed more time, they would be at the Chatham County Agriculture and Conference Center on Friday.

Ray wanted input from the Board of Commissioners about how to have meetings going forward. She asked when they wanted to move back to the Historic Courthouse. Ray said it would be good to get back to livestreaming the meetings with the Granicus system. Residents would not have the ability to speak from home, but the residents could still watch from home. The Board of Commissioners could continue to meet at Chatham County Agriculture and Conference Center and fix issues they have been experiencing.

Chair Dasher said his preference was to move the meetings back to the Historic Courthouse.

Commissioner Crawford said the advantages outweighed the disadvantages. The communication problems were significant at Chatham County Agriculture and Conference Center, and the Granicus system was built for this job.

Commissioner Howard said Ray had anticipated issues with the Chatham County Agriculture and Conference Center space and she thanked staff for their work in securing the location. There was a need for consistent quality access for the residents.

Chair Dasher asked if staff could check there was safe access to the Historic Courthouse.

Ray would contact Pittsboro Police Department for help with people crossing the street while there is no current crosswalk.

County Manager LaMontagne said the heavy construction downtown has been completed and there was no heavy equipment on sight, but access would be checked at the site.

Ray thanked the Agriculture Center staff.

A motion was made by Commissioner Howard, seconded by Commissioner Crawford, that this amendment to the Board of Commissioners Regular

Meeting Calendar Schedule for the remainder of the year 2021 to take place at the Historic Courthouse in Pittsboro be adopted. The motion carried by the following vote:

Aye: 5 - Commissioner Dasher, Commissioner Hales, Gomez Flores, Commissioner Crawford, and Chair Howard

MANAGER'S REPORT

County Manager Dan LaMontagne thanked all the staff that worked to make these meetings happen over the past year.

The 911 center was the 2021 communication center of the year.

The County received a grant for two level two charging stations at the Agriculture and Conference Center.

The American Rescue Plan Act guidance came out last week, and staff was trying to figure out how to advise that plan. The County would have over three years to spend this money.

COMMISSIONERS' REPORTS

Commissioner Crawford highlighted the reappointments to the Board of Health, and he believed they do excellent work. He was also glad George was reappointed to the Central Carolina Community College Board of Trustees.

Commissioner Gomez Flores was glad about the reappointments to the Board of Health. He had been accepted into inaugural cohort with Hunt Institute. He will miss or be late for the July Board of Commissioners meeting.

Vice Chair Hales said happy birthday to Mike. She appointed Brittany Harrison to the planning board. She sent the commissioners the One Water draft report.

Commissioner Howard talked with a governance group out of the Metropolitan Planning Organization. Chatham represented such a small portion of the Metropolitan Planning Organization but with our growth she was encouraged Chatham had a larger voice. On the 19th she will be on a panel for a local government class in Carrboro. The Cardinal Innovations County Commissioners Advisory Board met to attempt to appoint the advisory board. There will be another meeting on Friday to make another attempt. The state will appoint the group if the Board of Commissioners does not.

Ray announced there were no agenda items submitted for the June 7th meeting, so there will not be a meeting on that date.

ADJOURNMENT

With no further business, Chair Dasher called for a motion to adjourn.

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

Aye: 5 - Commissioner Dasher, Commissioner Hales, Gomez Flores, Commissioner Crawford, and Chair Howard