



# Chatham County, NC

## Meeting Minutes

### Board of Commissioners

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Monday, November 17, 2025

2:00 PM

Historic Courthouse Courtroom

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

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

#### **CALL TO ORDER**

*Chair Howard welcomed everyone to the November 17, 2025 meeting.*

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

*Chair Howard asked for any agenda adjustments to the work session agenda. Howard called for a motion to approve the Work Session agenda as presented.*

**A motion was made by Commissioner Franklin Gomez Flores, seconded by Commissioner Amanda Robertson, that the work session agenda was approved. The motion carried by the following vote:**

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

#### **PUBLIC COMMENT SESSION**

##### [25-0592](#)

The Public Comment Session is held to give residents an opportunity to speak on any item. The session is no more than thirty minutes long to allow as many as possible to speak. Speakers are limited to no more than three minutes each and may not give their time to another speaker. Speakers are asked to sign up in advance. Comments are always welcome in writing

**Attachments:** [Click Here To Sign Up For Public Comment](#)

*No one signed up to speak.*

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

#### **BOARD PRIORITIES**

##### [25-0565](#)

Receive a presentation and vote to approve FY2026 Chatham Agricultural Preservation and Development Farmland Grant Awards and Triangle Lands Conservancy Partner Update

**Attachments:** [Agricultural Preservation & Development Trust Fund Presentation 11-17-2025](#)  
[Triangle Land Conservancy Agricultural Preservation Update 11-17-2025](#)

*Farmland Preservation Coordinator Andrew Waters presented the FY2026 funding request for the Chatham Agricultural Preservation and Development (CAPD) Trust Fund, noting that the request was recommended by both the Agricultural Advisory Board and the Soil and Water Conservation District. Waters also recognized Lynn Mann, Chair of the Soil and Water Conservation District, for his contributions to farmland preservation efforts.*

*Waters provided a brief history of the program, including the Board's 2022 approval of Article 46 funding and prior CAPD grant rounds in 2024 and 2025. Waters explained that the current request reflects the third round of projects and includes additional funding made available through PUV rollback revenues, as well as alignment with the North Carolina Department of Agriculture's grant schedule.*

*Waters shared program updates, including educational workshops for landowners, a farmland transition workshop, and a forthcoming farmland preservation prioritization mapping project in coordination with the Triangle Land Conservancy and County GIS staff. Waters also noted completion of training toward certification as a farm succession counselor.*

*Waters presented a funding request totaling \$650,400 to support:*

- Four conservation easement projects encompassing approximately 411 acres of working farmland and forestland; and*
- A \$75,000 organizational support grant to Triangle Land Conservancy.*

*Waters provided an overview of each project, including a new 25-acre working forest conservation easement and several previously considered projects requiring additional funding to improve competitiveness for state grant funding or to advance partial project implementation. Waters explained that funding requests represent allocation of current-year funds rather than new appropriations.*

*Board members asked questions regarding project funding structures, landowner participation and donation components, program competitiveness for state funding, and the need for flexibility in funding strategies due to evolving funding availability. Additional discussion included program outreach, potential partnerships, and long-term strategies for engaging landowners and supporting farmland preservation efforts.*

*Following discussion, Chair Howard called for a motion to approve the FY2026 Chatham Agricultural Preservation and Development Farmland Grant Awards.*

*Working Lands Manager Emma Childs, Triangle Land Conservancy (TLC), provided an update on conservation and farmland preservation efforts within Chatham County. Childs noted that this follow-up presentation reflected significant progress since her initial presentation earlier in the year and highlighted TLC's ongoing work across multiple counties, with a dedicated focus on Chatham County.*

*Childs emphasized the importance of county-level funding, noting that local matching funds substantially improve competitiveness for state grant funding. Childs explained that higher local match percentages significantly increase project scoring under state evaluation criteria, making local investment a critical component of successful applications. Childs also discussed broader advocacy efforts aimed at increasing*

*funding availability at the state level for farmland preservation programs.*

*Childs provided updates on several completed and active conservation easement projects, including:*

- The successful closing of the Bolton Light Forest project in June, representing a multi-year effort supported by state funding.*
- The closing of Loth Lorien Woods, a 28-acre fully donated conservation easement contributing to forest stewardship and water quality.*
- The anticipated closing of Stensvad Farm, a 58-acre fully donated conservation easement on a working beef cattle farm, utilizing transaction cost support funding.*
- An upcoming closing for Mitchell's Chapel Forest, a 165-acre working forest that, when completed, will contribute to a larger block of conserved land in the area.*

*Childs reported continued strong interest from landowners and noted a growing pipeline of projects under consideration, reflecting increasing community awareness and engagement in conservation efforts.*

*Childs also highlighted ongoing collaboration and outreach efforts, including support for farmland transition workshops, participation in agricultural advisory meetings, engagement with regional partners, and involvement in conservation and climate-related initiatives. Childs emphasized that farmland preservation efforts require sustained relationship-building with landowners and often involve multi-year development timelines.*

*Board members expressed appreciation for the progress made and the partnership between TLC and Chatham County. Comments included support for expanding outreach efforts, such as increasing public awareness through storytelling or multimedia, and recognizing landowners who have contributed to conservation efforts through formal acknowledgments.*

*The Board also discussed the use of PUV rollback funding for farmland preservation and noted that similar practices are being adopted across partner counties, further strengthening regional conservation efforts.*

*Childs concluded by thanking the Board for its continued support and emphasizing the importance of sustained investment and community engagement in advancing farmland preservation in Chatham County.*

**A motion was made by Vice Chair Katie Kenlan, seconded by Commissioner David Delaney, that the FY2026 Chatham Agricultural Preservation and Development Farmland Grant Awards were approved. The motion carried by the following vote:**

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

[25-0569](#)

Receive a presentation from staff about the Compact Communities Ordinance waiver provision and provide direction on how to process future waiver requests

**Attachments:** [7-19-2010 Board of Commissioners Minutes](#)

*Planning Director Jason Sullivan presented information regarding the waiver provision within the Compact Communities Ordinance and requested Board direction on how to process future waiver requests.*

Sullivan provided a brief history of the ordinance, noting it was adopted in 2004 and includes a unique provision allowing the Board of Commissioners to reduce, modify, or waive certain development standards. Sullivan explained that this authority differs from other regulatory processes, such as conditional district rezonings, which do not allow reductions to established standards.

Sullivan reviewed how the waiver provision has been utilized historically, including through formal Special Use Permit amendment processes that involve public notice, Planning Board review, and public hearings, as well as through an alternate practice established in 2010 allowing direct submittal of waiver requests to the Board of Commissioners without a formal review process.

Sullivan explained that the direct submittal approach does not include statutory procedures such as mailed notices, legal advertisements, Planning Board review, or public hearings, resulting in concerns regarding transparency and consistency. Sullivan clarified that eliminating the direct submittal practice would not require an ordinance amendment, but rather direction from the Board to discontinue accepting such requests.

Board members discussed the differences between the formal statutory process and the direct submittal practice and expressed concerns regarding the lack of a standardized review process. The County Attorney advised that the waiver approach may present legal concerns, noting the absence of clear standards and potential vulnerability to legal challenges.

Following discussion, the Board of Commissioners reached a consensus to discontinue the practice of accepting direct waiver requests under the Compact Communities Ordinance outside of the established statutory review processes. Staff were directed to no longer accept such requests and to require waiver considerations to proceed through formal, publicly noticed processes going forward.

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

### [25-0499](#)

Receive a presentation on the updated Leadership Academy curriculum

**Attachments:** [2026 Leadership Academy Presentation 11-17-2025](#)

Assistant County Manager Carolyn Miller provided an update on the County's Leadership Academy, noting that the program was originally implemented in 2002 and has produced more than 500 graduates. Miller reported that the program has been widely utilized across departments, with a significant percentage of current department leadership having completed the academy. Miller highlighted the program's long-standing value in providing in-house professional development and fostering collaboration across County departments, municipalities, and nonprofit partners.

Miller explained that the curriculum has been periodically updated over the years, with more substantial revisions beginning in 2020, including the addition of community service projects, seminar-style instruction, and small group work. Miller noted that the most recent update reflects a broader restructuring to address organizational growth, staff capacity, and accessibility challenges.

Miller stated that the updated curriculum introduces a two-tiered training model, consisting of:

- A self-paced online learning component, providing approximately twenty hours of

*foundational instruction in leadership, public service, communication, and employment law; and*

*- An in-person advanced component, offering approximately twenty-five hours of instruction focused on applied leadership skills, supervision, and organizational effectiveness.*

*Miller explained that the online component will expand access to training for a larger number of employees, including those with nontraditional schedules, while the in-person portion will remain limited in size to maintain interactive learning opportunities. Participants must complete the online portion to be eligible for the advanced academy.*

*Miller also noted that the revised curriculum maintains key program elements, including case studies and community service projects, which provide practical, team-based learning experiences tied to real County initiatives.*

*Human Resources Information Systems Administrator Elizabeth Plata provided an overview of the NeoGov Learn platform, which will be used to deliver and manage the updated curriculum. Plata demonstrated how the system streamlines enrollment, automates communication and tracking, and allows participants to complete coursework and monitor progress through an online dashboard. Plata stated that the system improves accessibility, reduces administrative burden, and enables staff to support a significantly larger number of participants.*

*Plata further explained that the platform supports both internal employees and external participants from partner organizations, with customized access and tracking capabilities. The system also allows for expanded use beyond the Leadership Academy, including onboarding and department-specific training modules.*

*Miller concluded by outlining the implementation timeline, stating that the online Leadership Academy component will be offered annually, with the advanced in-person academy following for eligible participants. Miller expressed appreciation for the Board of Commissioners' continued support and emphasized that the updated program is designed to ensure long-term sustainability, broaden participation, and strengthen leadership development across the organization.*

*Board members expressed appreciation for the program's impact and the enhancements to accessibility and capacity, noting the importance of continued investment in professional development and organizational leadership.*

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

## **CLOSED SESSION**

### **[25-0590](#)**

Vote to go into closed session pursuant to § 143-318.11 (a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee

*Chair Howard called for a motion to go into closed session.*

**A motion was made by Commissioner Amanda Robertson, seconded by**

Commissioner Franklin Gomez Flores, to go into closed session pursuant to § 143-318.11 (a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. The motion carried by the following vote:

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

[25-0591](#)

Vote to come out of closed session

*Chair Howard called for a motion to come out of closed session.*

**A motion was made by Commissioner Franklin Gomez Flores, seconded by Vice Chair Katie Kenlan, to come out of closed session. The motion carried by the following vote:**

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

### **End of Work Session**

## **RECESS**

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

## **CALL TO ORDER**

*Chair Howard called the meeting to order at 6:00pm.*

## **INVOCATION and PLEDGE OF ALLEGIANCE**

*Chair Howard asked for a moment of silence which was followed by the recitation of the Pledge of Allegiance.*

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

*Chair Howard asked for any agenda adjustments.*

*Howard called for a motion to approve the Regular Session agenda as presented.*

**A motion was made by Commissioner Amanda Robertson, seconded by Commissioner Franklin Gomez Flores, to approved the regular session agenda as presented. The motion carried by the following vote:**

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

## **APPROVAL OF CONSENT AGENDA**

*Chair Howard called for a motion to approve the consent agenda.*

**A motion was made by Vice Chair Katie Kenlan, seconded by Commissioner**

**Franklin Gomez Flores, that the consent agenda was approved. The motion carried by the following vote:**

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

[25-0566](#)

Vote to approve a contract with North Carolina Parks and Recreation Trust Fund for the phase one development of Parker's Ridge Park for \$500,000 with a local match of \$743,857

**Attachments:** [North Carolina PARTF Contract 11-17-2025](#)

**A motion was made by Vice Chair Katie Kenlan, seconded by Commissioner Franklin Gomez Flores, that a contract with North Carolina Parks and Recreation Trust Fund for the phase one development of Parker's Ridge Park for \$500,000 with a local match of \$743,857 was approved. The motion carried by the following vote:**

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

[25-0567](#)

Vote to approve the proposal for the completion of the 2029 reappraisal project to be conducted by Tanner Valuation Group LLC for \$385,000

**Attachments:** [Tanner Valuation Group LLC - Agreement for 2029 Reappraisal Project](#)

**A motion was made by Vice Chair Katie Kenlan, seconded by Commissioner Franklin Gomez Flores, that the proposal for the completion of the 2029 reappraisal project to be conducted by Tanner Valuation Group LLC for \$385,000 was approved. The motion carried by the following vote:**

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

[25-0568](#)

Vote to approve the submission of a \$10,000 North Carolina State University AgVentures Community Grant application for the purchase of cattle handling equipment with a \$2,555 county match

**A motion was made by Vice Chair Katie Kenlan, seconded by Commissioner Franklin Gomez Flores, that the submission of a \$10,000 North Carolina State University AgVentures Community Grant application for the purchase of cattle handling equipment with a \$2,555 county match was approved. The motion carried by the following vote:**

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

[25-0570](#)

Vote to adopt a Resolution for the NCDOT Road Addition of Cedar Grove Road, Eagle Crest Court, and Owls Nest Court in the Cedar Mountain Subdivision

**Attachments:** [NCDOT Request Letter](#)  
[Resolution for the NCDOT Road Addition in Cedar Mountain Subdivision 11-17-2025](#)

**A motion was made by Vice Chair Katie Kenlan, seconded by Commissioner**

Franklin Gomez Flores, that 25-76 Resolution for the NCDOT Road Addition of Cedar Grove Road, Eagle Crest Court, and Owls Nest Court in the Cedar Mountain Subdivision was adopted. The motion carried by the following vote:

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

[25-0575](#)

Vote to adopt the proposed Goldston Library Renovation Amended Project Ordinance and Siler City Center for Active Living Renovations Amended Project Ordinance

**Attachments:** [Project Ordinance Goldston Library Renovation Amended 11.17.25](#)  
[Project Ordinance Siler City Center for Active Living Renovations amended](#)

A motion was made by Vice Chair Katie Kenlan, seconded by Commissioner Franklin Gomez Flores, that the Goldston Library Renovation Amended Project Ordinance and Siler City Center for Active Living Renovations Amended Project Ordinance were approved. The motion carried by the following vote:

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

[25-0584](#)

Vote to approve Tax Releases and Refunds for October 2025

**Attachments:** [October 2025 Release and Refund Report](#)  
[October 2025 NCVTS Pending Refund Report](#)

A motion was made by Vice Chair Katie Kenlan, seconded by Commissioner Franklin Gomez Flores, that the Tax Releases and Refunds for October 2025 were approved. The motion carried by the following vote:

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

[25-0594](#)

Vote to approve a contract with North Carolina Division of Natural and Cultural Resources for the Deep River State Trail Feasibility Study in Chatham County for \$150,000 with a county match of \$75,000

**Attachments:** [Great Trails State Program Grant Agreement 11-17-2025](#)  
[Feasibility Study Application](#)

A motion was made by Vice Chair Katie Kenlan, seconded by Commissioner Franklin Gomez Flores, that a contract with North Carolina Division of Natural and Cultural Resources for the Deep River State Trail Feasibility Study in Chatham County for \$150,000 with a county match of \$75,000 was approved. The motion carried by the following vote:

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

**End of Consent Agenda**

**PUBLIC COMMENT SESSION**

[25-0593](#)

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*Chair provided instructions for public comment, including speaker time limits and procedures. The Clerk reported that seven (7) individuals had signed up to speak and began calling speakers names.*

*Yh Patt*

*My name is Dr. Y.H. Pat. I'm a resident of Chatham County, seeking significant changes to the way housing is being developed here. While this county has an affordable housing crisis. Large, expensive houses are built by destroying existing ecosystems. There are many people and entities involved in this process. The riverbend developers, Swain et al, are an archetypical example of disrespectful developers and the processes that make destruction possible. Commissioners, I urge you to use your critical thinking powers to deny or modify the Riverbend proposal. The proposal disregards and disrespects the will of numerous adjacent neighbors, Chatham County voters, Mother Nature, and the Rights of Nature. Moreover, the proposal violates our indigenous neighbors, who have legal rights to be involved in the development of the land that Riverbend seeks to develop. See last month's oral and written testimony by Dr. Crystal Cavalier. Beyond that, and young, Climate activist Greta Thunberg has not been alone in urging us to live differently in order to stop the burning of this planet, and to save more life here. This week, indigenous peoples from around the world have been in Brazil at COP30, reminding us that humans are destroying life on this planet. And that is, certain human beings are more responsible. They work in corporations, developers, government functionaries, and staff. Elected officials and others are part of those systems, destroying the planet. There is no Planet B. The Earth's trees, animals, and rivers. And other beings are essential for life. Those of us here tonight are not likely climate refugees. At the planning board before you, and before this body, the developer and their attorneys and agents relentlessly argued that the Riverbend proposal meets all the legal requirements. And you commissioners have no discretionary power in that matter. Is that true? Historically, it is not true.*

*Elaine Chiosso*

*Well, good evening, my name is Elaine Chiosso. I've lived at 1076 Rockrest Road since 1974. Section 1.6 of the subdivision regulations says that the interpretation shall be the minimum requirements for the promotion of public health, safety, and general welfare. Section 5 specifically gives the Board of Commissioners the right to approve, disapprove, or approve with modifications. I ask you to approve Riverbend with the modification that Phase 6 is removed from the first plat. Or to postpone this decision until your December 15th meeting, asking the developers to modify their first plat to eliminate any use of private Rockrest Road. Over 50 years ago, people came together and bought land along Rockrest Road. They revived one of Chatham's oldest communities that had been a flourishing village in the 1800s, with a girls' academy, schoolhouse, post office, dairy, and one of the first bridges across the Haw River that connected the community to Pace's Grist Mill. The loss of the bridge and the mill in a tornado in the 1920s, and hard times for farmers meant that the community was mostly*

abandoned by the 1960s. From this emerged the new Rockcrest community in the 1970s, with neighbors growing food, building an amphitheater for plays and music, raising families, and offering help to the older farmers who still worked their lands in the surrounding neighborhood. And being kindly helped by them in return. These are artists, market gardeners, builders, helping each other restore the old houses and building new ones. They were also active in civic affairs, helping shape the life of the new Chatham County that was emerging, and as strong advocates for the protection of the Haw River and Dry Creek. Land surrounding the Rockcrest community was owned or leased to paper and timber companies, and by the 1990s, they were selling it off in the big land rush. Rockcrest residents came together to save 182 acres of land near the river at the end of Rockcrest Road from becoming a large subdivision. An agreement gave right of access to only 4 homes with a conservation easement. These new neighbors became part of our community, too, sharing potlucks, road maintenance, and mutual aid during disasters like Hurricane Fran. I share this history hoping to give a better understanding of what it would mean to Rockcrest if Riverbend is approved, as it is. Paving inclusion of a section of the private part of Rockcrest Road into Riverbend will essentially serve connections in the Rockcrest community. It's been suggested a gate could protect us from Riverbend traffic, but we do not want to be a gated community. And though this development is being assured that it'll be built out over 25 to 30 years, there's nothing to stop them from selling it to a company that could do it faster. You hear a lot from developers and their lawyers about the rights and costs of development. But what about the cost to the community that's been such a rich part of Chatham County's history? What will be lost? Thank you.

*Aidan Paul*

All right, well, hello again, Commissioners. I believe I was here last time we were discussing this issue. So, I have a few remarks I want to make here on the Riverbend Estates development. First, I want to briefly recap the issues I have with this archaeologically. Once again, we only have a reconnaissance survey. We cannot be certain based off of reconnaissance surveys at all, that we are not, that there are no potentially eligible sites under the National Historic Preservation Act in this tract. There are multiple burial sites in the vicinity, and if the development goes ahead as planned, we could have a very unfortunate and controversial situation on our hands if burials are found, so I think that we should be respectful and proactive here. So, besides my concern, regarding the archaeology and my alignment with the Indigenous people who have expressed serious concerns about the impacts to the land and any potential ancestral sites here, I also think that developments like this are generally the wrong direction for our society. Now listen, I don't live in Chatham County, but I do live very close by in Durham, where I grew up, and I have seen firsthand what the long-term overdevelopment of wealthy suburban sprawl does to communities and to nature. As a society, we desperately need a new approach to development that puts the well-being of local people and nature above ceaseless aggregate growth. We need to be in more of a healing relationship with the land, and recognize that sometimes the best move, if we want a thriving planet for generations to come, is to leave the land alone. So, I respectfully petition you to show leadership on this, and to not go ahead as planned, at least to do a sufficient, you know, survey and any, follow-up archaeological assessments that are required. For the sake of future generations and a world that is already severely out of balance, I don't think that we need another wealthy suburb. This would be a small, but powerful, wise, and courageous step in the right direction if we were able to change the trajectory here. Thank you.

*Daniel Amero*

Good evening, Commissioners. My name is Daniel Amero, and tonight I need to address what has become the most consistently misunderstood or conveniently

ignored document in this entire subdivision review. The recorded de-easement in Book 505, page 18 through 20, and that is for the section of road they're turning into part of their development. This is not vague, and it is not a debate. It is absolutely not something that can be stretched to fit a subdivision plan. Let me explain a bit. The deed spells out in one sentence, the easement exists solely for ingress and egress to premises B, while this plan adds more dwellings and more accesses to premises A. And access, of course, by the easement. That is not in the deed. Here's what it is. It is not for future lots. It is not for dozens of new houses. It is not for alternate emergency access severing an entire neighborhood. And certainly not for a developer trying to push a project through by treating private property rights, and historically, as we all know, property lines as optional. The deed goes further and says these restrictions are covenants running with the land, binding every current and future owner both of premises' A and premises B. That includes the developer. They bought that land subject to these restrictions, meaning they inherited the limitations, not the right to rewrite them. And we know these limitations were taken seriously by prior owners. A previous developer laid out his subdivision, he did not connect these roads and made no attempt to treat this easement as a subdivision road. Why? Because even the original party of the deed understood exactly what the easement was and what it was not. Meanwhile, the current developer has already repeated violations of the county, bulldozing riparian buffers, unauthorized clearings, and now we see this, an attempt to take a private easement, twist its meaning, and turn it into a subdivision access point it was never meant to be. Trying to convert this private easement into a subdivision access is not a modification, it is a total transformation of use. You cannot take a single private easement and turn it into a traffic corridor for a neighborhood. The burden, the traffic, the construction, the emergency vehicles, none of it matches the purpose of which it was granted. And North Carolina is unambiguous on this point. A purpose-limited easement cannot be expanded in scope, intensity, burden without the consent of the dominant estate owners. And those owners, the homeowners at the end of Rock Rest. Do not give that consent. So here is the legal reality the county must confront. You can approve this subdivision on paper, but the developer cannot legally use this easement to access it. Not without permission they do not have, not without violating the deed, not without violating North Carolina easement law. And that means the project failed, not because of public opinion, not because of emotion, because the developer does not possess the rights they're claiming to have. So tonight, I'm asking the county to do the simplest thing possible, read the deed, and understand it. Do not approve a subdivision whose access point is legally prohibited by the very document that created the easement. Thank you.

John Wagner

Good evening and thank you for your attention to the issues around the Riverbend development. I'm going to jump back 9 years and discuss a major event that, although on a very different scale, does bear some similarities to what may be soon happening in Chatham County. On September 2nd, 2016, at Standing Rock, members of the Lakota and Dakota tribes notified the federal courts of known tribal burial sites that were in the path of the Dakota Access Pipeline. The very next day, on a Labor Day weekend. The pipeline company sent bulldozers to that exact site. And began destroying the whole area around those graves. This was the day that the North Carolina-based Tiger Swan security forces used dogs and pepper spray to attack the protesters that attempted to stop the bulldozers. As documented by Democracy Now film crews. We are facing a very different situation in Chatham County. We do not know of specific burial sites surrounding the Mitchum site. However, a site of a Haw River Sisipawa village for hundreds of years, with evidence of at least intermittent habitation going back 8,000 to 10,000 years. Must have had more than two burial sites. That were found in that limited area excavated by the UNC archaeologists. There

are no pipeline bulldozers going through the riverbend development. However, construction bulldozers would do similar damage to burial sites. Once again, sacred cultural and indigenous ancestral burial sites are at risk of permanent destruction. Forever. Tonight, I'm asking you, the county commissioners, to take an unusual step. You may have no authority to require that the riverbend development do an archaeological survey. However, I'm asking you to formally request that the developer carry out a properly executed Phase 1 archaeological survey in full consultation with the tribal representatives from the Okinichi Band of the Saponee Tribe the descendants of the inhabitants of the Sisipaha Village by the Mitchum site. You can, and you should, make this request to the developer. Thank you.

*Jerry Markatos*

My name is Jerry Markatos, as I live at 180 Hawtree Lane, in the middle of this controversy that we're facing. First, I want to thank you for the charge you gave to neighbors and developers to do whatever we could to resolve a mess to resolve Contradictory claims of right away. As my wife and I reviewed the notes that we've taken over a period of years. Of course, a letter, from Attorney Wade Barber declaring there was no right-of-way that could be exercised in this situation and related situations, and also we found that, there's a plant that was recorded by Worth Durham Banner, and I've, left a copy at each of y'all's sites, and it has highlighted the, what is considered a right... you know, is being called a right-of-way that comes into the picture with this development. You'll notice that there is an internal road. Set up within that area that was offered for sale. Now, a seller of attractive land would want to... would want to show all assets and show what benefits could be claimed by a new owner, and that was not the case. You will see that the internal road that we're seeing in the Riverbend plant, In this case, respects. In this case, limitations that are, that go with the deed, and that and respected. Also, the situation has now emerged. So, I just want to urge that you all exercise maximum discretion as you deal with the consequences of, first of all, this kind of development, and we're hearing... we have Native people here who are descendants of this area that was populated not for, you know, a few decades or a hundred years, but for thousands of years. I want to say neighbors have attempted to follow your recommendation to resolve this. And at least one neighbor has directly asked to buy a tract that is central in this controversy and remove it from contention. He was told it's not for sale, it's not for sale before this passed. Completely, and it would not be for sale for 25 or 30 years. After you have charged us to get this solved, my neighbor is told. Fine, come back, we'll talk about it in 30 years.

*Hadley Kirkland*

Commissioners. My name is Hadley Kirkland, and I live in Pittsboro. My family and I own the property of future Riverbend. I've sat through multiple input sessions where things have been said about me and my family, many of which are untrue and unfounded. In this situation, I think it is important for you to see and hear from the family who will be developing this property. My sister Caroline, my father Robbie, and I are all Chatham County residents, along with our families. Caron and I live adjacent to Riverbend, and my 76-year-old father lives in the middle of the planned Phase 6. Which is one of the reasons it is the last phase. Caroline and I are especially embedded in this community. When we aren't working in the family business of land management, we are carpooling, parenting, and volunteering right here in Pittsboro. Between my sister and I, we are proud to have 6 children in Chatham County Schools. Over at Pittsboro Elementary, George Moses Horton, and Northwood. We truly understand how lucky we are to be able to raise our families with the people of this community. I believe Commissioner Kenlan mentioned in the last meeting, that we are also neighbors and friends with the Rockrest and Paces Mill community. I think it is

*fair to say that no one enjoys having to go up and have differing views and opinions from your neighbors and friends. Especially in a public setting. But I do also believe that everyone should be entitled to make the best decision for their families. This is our family land to develop within the ordinances set forth by Chatham County. My family and I have worked hard to structure this development in a way that continues at a slow and steady pace over time. We hope by doing so, it will not only minimize the impact on our neighbors. But we also hope that it will continue to provide a livelihood for my sister, and me, and our families over the next 25 years. Thank you for your time.*

*Comments received in writing:*

*Shelley Colbert*

*I am unable to appear before you today, but I want to again express my concerns regarding the County's waiver process and the inequitable access and denial of public input in the current approach to waivers in general. I will be watching the planning department presentation, and I will submit additional comments to the commissioners after I have an opportunity to view it. I am also attaching my earlier public comments as a reminder of my prior appearance before the Board of Commissioners in August, with respect to the issues already noted in the planning departments posted agenda summary (Briar Chapel SD East car wash buffer waiver, and the use interpretation regarding the infrastructure and permit requirements). The two most significant procedural issues in the waiver processes concern inadequate public disclosures and opportunities for public input. This aspect absolutely needs a better remedy than the status quo, which is inequitable, and gives inadequate priority to the public interest in the context of prior public consensus and approvals. There is an important policy concern that the board also needs to address. Many of the general objections, including my own, concern the lopsided and inequitable access, information and assistance the planning department provides to developers but not to citizens. Some of the email exchanges, notably one dated July 25, 2025 obtained under a public records request, to the planning director and the county attorney from the SXCW applicant's attorney, were, in my view, inappropriate and procedurally irregular, and deeply troubling to me. Currently there are too few administrative safeguards for ensuring that the planning department procedures accord Chatham citizens and the public interest the same level of customer service, consideration, analysis and responsiveness as developers and their attorneys receive. I hope that the commissioners will not only consider necessary procedural changes but will also consider adopting a customer service policy that requires consistency in treating citizens' concerns on an equal footing with developers on these after-the-fact waiver situations. The foreseeable negative implications for any waiver process goes far beyond the most recent SD East controversy. We need better definitions of what should be considered major changes, post-approval, that would require additional public input and BOC approval for waivers. Administrative waivers conducted behind closed doors, with no opportunity for public input and inequitable access to information and staff, should be discouraged procedurally and as a matter of policy. Requiring additional public notice, input and BOC approval for major subdivision waivers should be a no-brainer. One of the questions that I think the BOC ought to be asking is how these requests have been controlled, analyzed and approved/denied since 2010. Offering "approximate" numbers suggests that this parallel administrative process ends up, de facto, as an unwarranted delegation of policy determinations. When a series of approvals from the planning department- without meaningful oversight from the commissioners or the opportunity for public input- establishes a behind-closed doors pattern of approval (or denial) - we need better analysis than imprecise numerical identification of items submitted to the commissioners. I remind the commissioners that there's no meaningful way for the public to even obtain such information through a*

public records request, because there's (apparently) no actual planning department requirement to index or control such waiver requests in a searchable or accessible index- not that I can see. (I would be happy to be wrong about this, but I can't find any.) That's contrary to the requirements and spirit of the explicit public process for prior plat approvals of the subdivisions and other special uses. It's a recipe for abuse; in fact, I think we already have ample recent evidence that it's a deeply flawed process that has been abused from a procedural as well as a policy standpoint. The current "process" of unfettered, non-public developer access and influence in requesting waivers does not serve the public interest- it is inequitable and wrong. The waiver process needs to be fixed. It would be helpful if the planning board looked at this issue and directly presented recommendations to the BOC. I plan to provide more specific, constructive suggestions after I have an opportunity to view the presentation from planning staff.

Nathaniel Smith

STATEMENT BY COUNSEL FOR JERRY AND CATHY MARKATOS

180 Haw Tree Lane, Pittsboro, NC

Nathaniel C. Smith, attorney for Jerry and Cathy Markatos, states as follows:

1. Reiteration of the Procedural Problems set out on 10/20:

As (briefly) stated at the public hearing on 10/20/25 – the Subdivision Regulations mandate not only that there be a meeting with Neighbors/Community; its purpose is for the developer to use that meeting to revise the concept for the subdivision. Section B(1)(d) of the Subdivision Regulations provides the following with respect to the community meeting: d. Mandatory Meeting with Neighbors/Community - This is to offer an open dialogue between applicant and neighbors/community for better communication, to share goals of the development and gather information from neighbors about any concerns about the land, the goal being to achieve a balance for the environment, neighborhood/community and applicant. The result is a better overall plan up front that is, as much as possible, embraced by the community and county and also saves applicant from spending money on multiple plans, surveying and engineering. It was clear from the report of the neighborhood meeting that the plan as submitted was not "embraced by the community." There were 38 registered members of the community present, and they raised 38 recorded issues. The Subdivision Regulations do not allow the community's input to be ignored by the developer. The diagram on p. 27 of the Subdivision Regulations provides that Step 4 of the Subdivision approval process is "MANDATORY MEETING WITH NEIGHBORS/COMMUNITY." Step 5 is "USE MEETING INPUT TO REVISE DRAFT CONCEPT." The document in the record suggests that the 38 issues raised by the community did not result in any revisions to the draft concept. It is possible, I suppose, that there eventually WERE revisions to the draft concept based on that community meeting; however, the relevant page in the record does not reflect any change in the plan resulting from the community meeting. This appears to be a violation of the subdivision regulations. Ignoring community input. 2. Concerns related to lots 26, 27, 28 and access via Rock Rest Rd. There are two issues here. It is my understanding that the developer is in discussions with one (or more) of the neighbors regarding the possible sale of some lots – particularly lots 26, 27 and 28. The plan – so far as I understand it – would be to not develop or build upon those lots. This would have a couple of positive results for everyone. First – by eliminating the need for cars to be driving on that portion of Rock Rest Road, it would lower the chances of people (residents, contractors, etc.) using the private easement portion of Rock Rest without permission. Second – this would at least partially address the community widely held – and emphatically presented on October 20 – concerns about the impact of this development on the local fauna. And probably flora as well. Development would stay on the "river" side of Rock Rest Rd., providing an uninterrupted path for wildlife on the

other side of the road and preserving that field. It seems that one way to both encourage this transaction to take place AND to minimize the chances of such a sale not coming to pass would be for the Board to make any approval of Phase 6 contingent upon lots 26, 27 and 28 not being built upon, and being subject to a permanent conservation easement. The Markatoses would ask the Board for such a mandate. There are other issues with respect to whether the subdivision can be approved with only one road large enough for fire and emergency vehicles to pass through; the likelihood of contractors ignoring signs and using the private part of Rock Rest Rd. as a "cut through" to Phase 6, etc. I leave those issues for others to cover. 3. The Board of Commissioners have discretion here Subsection 5.2(C)(5)(b) of the Subdivision Regulations provides that the Board of Commissioners can "approve, approve with modifications or disapprove" the First Plat. The Markatoses would ask the Board to either disapprove the First Plat or approve it with modifications – those modifications being: 1. Removal of Phase 6. There is no rush (30 years to build this phase) and that's where most of the problems are; or 2. Approve with the added condition that lots 26, 27, and 28 in Phase 6 are designated not to be built upon – they shall be protected by a permanent conservation easement; or 3. Otherwise ensure that the small strip of Rock Rest Rd. that has an easement for the owners of the properties that are the successors of Banks and Viola Durham (the area in front of lots 26, 27 and 28) is NOT made a part of Riverbend subdivision. Thank you.

James Huey

Thank you for the opportunity to provide comments on behalf of 7 Directions of Service, an Indigenous-led organization rooted in environmental justice and grassroots power, operating on the ancestral homelands of the Occaneechi-Saponi in rural North Carolina. Swain Group, LLC's request for approval of a First Plat to develop a massive 600+ acre subdivision ("the subdivision") adjacent to the Haw River raises severe concerns. The Mitchum site—an area of historical and cultural significance to indigenous peoples based on Sissipahaw occupation of the Haw River Valley in the 17th-Century—is located, at most, a mere 1000ft from the northern boundary of the proposed subdivision, although the true boundaries of the site have never been fully determined. Irreplaceable historical artifacts and even burials nearby could be destroyed by the construction of the subdivision. Relatedly, 7 Directions of Service is concerned about the environmental impacts of the project, including but not limited to flooding, clear-cutting, and habitat displacement. The Board should therefore use this opportunity to mitigate any adverse effects of the proposed development on the Mitchum site and the environment. N.C. Gen. Stat. § 160D-803(c) states that final decisions on preliminary plats may be made by a governing body, such as the Chatham County Board of Commissioners. N.C. Gen. Stat. § 160D-801 allows a locality to adopt regulations for approval of preliminary plats (in this circumstance, the "First Plat"), and decisions on the plat shall be based on standards in the locality's subdivision regulations. N.C. Gen. Stat. §§ 160D-801, 803(a). Here, the Chatham County Subdivision Regulations ("C.C.S.R.") offer guidance. C.C.S.R. § 5.2(A) requires four sequential submissions for major subdivision approval: (1) Concept Plan, (2) First Plat, (3) Construction Plan, and (4) Final Plat. "The overriding consideration in having a four step procedure is to assure that subdivisions develop soundly." *Id.* Other objectives include the "sound, environmentally appropriate, and economic development" of property, informed community engagement, and, critically, that "environmental concerns are adequately and completely addressed." *Id.* (emphasis added). The Board's ultimate decision on this preliminary plat therefore must be based upon these standards. *Id.*; N.C. Gen. Stat. § 160D801. The numerous concerns raised therefore require the Board's complete attention before the preliminary plat may be approved, approved with modifications, or denied. C.C.S.R. § 5.2(C)(5)(b). These concerns include, but are not limited to: Mitchum site impacts and related uncovering

of historical artifacts and human remains, floodplain concerns, displacement of habitat, and discussion of forestry methods and best management practices for lot development. The Mitchum site is a historical indigenous settlement located in the Haw River valley, approximately 1000 feet north of the proposed subdivision. Previous excavation of the 1.5-acre stockaded village has identified a Sissipahaw occupation of the Mitchum site in the mid-17th Century. Excavation efforts made in the summer of 1983 uncovered an oval structure at the Mitchum site, likely a domed roof home similar to a wigwam, consisting of bark or hides. A human burial was also discovered at the site, as well as glass trade beads and other items of historical and cultural significance.<sup>4</sup> While this excavation yielded important information for the Early Contact period, this excavation was limited to the oval structure and small area surrounding it. In the fall of 1986, areas adjacent to the oval structure were excavated to learn more about the Mitchum site. Systematic auger testing at 2.5-ft intervals yielded invaluable discoveries, including an additional burial plot and additional items of historical and culture significance. The second set of human remains at the Mitchum site was previously disturbed by pothunters, highlighting the necessity of respectful and careful treatment of the surrounding area.<sup>8</sup> An additional cranium was present at the burial site, indicating the presence of another set of human remains that have not yet been uncovered. A wide variety of pottery fragments and artifacts— lithic, clay, bone and shell were uncovered as well. Ceramic evidence even indicates the presence of an earlier Haw River phase occupation, but the excavations did not conclusively sample this component, leaving much to be discovered. Because historical excavation of the Mitchum site is limited, the true expansiveness of the Mitchum site (and associated artifacts and burial grounds) is unknown. Great care should therefore be taken during all phases of construction to preserve items of historical and cultural significance and ensure respectful treatment of the surrounding land. An Environmental Impact Assessment (“E.I.A.”) of the proposed subdivision was submitted on December 4, 2024, pursuant to C.C.S.R. § 5.2(C)(2)(b), with an updated version submitted on April 21, 2025. A peer review of the E.I.A. was completed on May 28, 2025 (“Peer Review”), and the Chatham County Environmental Review Advisory Committee submitted comments on the E.I.A. (“E.R.A.C. Comments”). Both reviews highlighted multiple concerns that must be addressed. The E.I.A. fails to mention the Mitchum site even once. In Section 5.6, “Areas of Historical or Archaeological Value,” the applicant notes that the Chatham County Historical Association (“CCHA”) was consulted regarding historical structures and areas of archaeological value. However, the Mitchum site is not mentioned in the E.I.A., and only one concrete plan is proposed: “Once construction drawings are underway, a demolition plan can be provided to CCHA and be given the opportunity to examine structures for additional documentation and to potentially salvage any materials.” This is not a respectful or remotely sufficient way to handle the uncovering of culturally significant artifacts or human remains. As the E.R.A.C. Comments state: “There is a rich history to this land, and historical artifacts (including old mill stones and Indigenous artifacts) that may not have been documented yet by SHPO. A thorough archeology survey on the ground should be conducted before any further land disturbance occurs.”<sup>14</sup> An archeology survey would proactively ensure artifacts from the Mitchum site are handled with appropriate care and attention. The proposed subdivision also threatens to inundate nearby waters and aquatic life with pollutants. The northern end of the proposed subdivision is located within a 100-yr floodplain and, as the E.R.A.C. Comments note, a major flood could wipe out infrastructure, potentially causing harm to the surrounding area (including the Mitchum site) and the Haw River. The applicant also failed to provide a survey for fish/aquatic organisms. To protect the surrounding waters and natural resources, greater riparian buffers should absolutely be imposed as a condition upon this development, in alignment with the recommendations from Natural Heritage Program that the developer maintain a riparian buffer of 300’ along the Haw River and 200’ along

tributaries to maintain water quality and protect rare aquatic species. This development fails to align with Chatham County's long-term planning goals. In fact, the proposed subdivision area is marked in Chatham County's Future Land Use and Conservation Plan as a "conservation" area. The Future Land Use and Conservation Plan map indicates areas that are "valued for their natural and cultural assets, and should therefore be the subject of future conservation efforts."<sup>19</sup> Areas are marked as "conservation" areas to ensure "[d]evelopment, which is predominantly residential, is sensitively integrated into the landscape."<sup>20</sup> Developing a massive subdivision fails to meaningfully protect the area and, in fact, contravenes the entire vision for this area's future. If this development proceeds, Chatham County residents will not meaningfully be able to rely on the Future Land Use and Conservation Plan to serve its core purpose. This is likely the final opportunity for the Board to address the concerns raised herein. If the First Plat is approved (with or without conditions), the applicant must then submit a Construction Plan to the Planning Department; if the Planning Department determines the Construction Plan does not have significant changes from the First Plat, the Board will not have an opportunity to opine on the construction plan. C.C.S.R. § 5.2(D). Similarly, the Board will only review the Final Plat if the Planning Board denies the Final Plat. C.C.S.R. § 5.2(E). Accordingly, the time to address the comments herein is now. C.C.S.R. § 5.2(C)(5) states that the Board of Commissioners may approve, approve with conditions, or disapprove the First Plat. We hope the Board will either deny or approve this First Plat with conditions that address the concerns raised above, as required by C.C.S.R. § 5.2(A) and N.C. Gen. Stat. § 160D-801.

Laura Kiefer

Thank you for the opportunity to comment on amending the effective date of the already adopted UDO from Dec 31, 2025 to Dec 31, 2026. I am writing as a Chatham county resident and the President of the Tri-County Conservationists, which is a local volunteer Chapter of the NC Wildlife Federation that covers Orange, Chatham, and Alamance counties. Our Chapter works to improve and protect wildlife habitat through invasive removals, native plantings, and educational programs. The Chapter has hosted numerous events in Chatham County since our inception about 2 years ago. Specifically, we have partnered with the Friends of the Lower Haw River to work on their pollinator garden and to remove invasive plants along the river trail near the Bynum Mill Access site. We have a chapter leader who regularly leads invasive removal events for Triangle Land Conservancy on their lands in Chatham County. We continue to grow our membership in Chatham County and are looking for more ways to partner with local community organizations to improve and restore wildlife habitat. We regularly have 5-15 community members show up to our invasive removal/native planting events who are willing to spend their free time removing invasive plants that are becoming a bigger and bigger scourge on our roadways, rivers, and community parks. Thus, we are asking for your help by immediately implementing the portions of the UDO code relating to native and invasive plants that are not impacted by the zoning issues. Specifically, section 4.4 Landscaping and Screening could be immediately implemented with the updated planting lists as approved by the Chatham Appearance Board in their June 25, 2025 meeting. Landscaping occurs at all new developments, and the inclusion of native plants is vital to our pollinators and other insects that are at the base of the food chain. Furthermore, the current list include known invasive plants, which is a form of plant pollution in the county. Given that we and others are removing invasive plants along streams, parks, and other open spaces in our free time, shouldn't we require more and better from new landscapes? Thank you for considering implementation of Section 4.4 of the Chatham UDO as soon as possible.

Barbara Driscoll

*Thank you for the opportunity to comment on amending the effective date of the already adopted Unified Development Ordinance from December 31, 2025 to December 31, 2026. New Hope Bird Alliance is the local Audubon Chapter which covers Durham, Orange and Chatham counties. The NHBA strives to protect birds, wildlife, and their local habitats through conservation, education, advocacy, and outdoor enjoyment. The NHBA appreciates the issues surrounding the NC legislative zoning code and their impact on planning departments across the state, however, there are portions of the UDO code which should not be impacted by the zoning issues. In particular, we advocate that section 4.4 Landscaping and Screening could be immediately implemented with the updated planting lists as approved by the Chatham Appearance Board in their June 25, 2025 meeting. The rationale is that landscaping occurs at all new development and with the increased loss of biodiversity and food available for wildlife, the inclusion of native plants is vital to our ecosystems. Each new development landscaped with the existing standards means a poorer future for our birds, insects and other wildlife and the people who live in this community. In addition, a number of known invasive plants are incorporated in the current lists which is a form of plant pollution in the county. There are already a number of groups who are removing invasive plants along streams, parks and other open spaces, shouldn't we require more and better from new landscapes? We strongly advocate that some portions of the UDO can currently be implemented and are outside of the zoning issues. Thank you for considering implementation of Section 4.4 of the Chatham UDO as soon as possible.*

*Austin Lybrand*

*The Paces Mill is legally landlocked unless it obtains an easement over the private roads of Riverbend to connect to the public road system. My recollection is that on Monday, October 20, 2025, during the Board's questioning of attorney Nick Robinson about the First Plat submission for Riverbend Estates, Commissioner Delaney asked whether the owners of the four lots at Paces Mill would be able to use Riverbend's roads for access to and from the public road system. Although the courtroom sound system was challenging, I believe Mr. Robinson responded that the Paces Mill owners would need to negotiate that with the Riverbend developer. If that is correct, then unless such negotiations succeed which experience with this developer suggests is highly unlikely—the Paces Mill owners will remain legally landlocked. In 1990, the predecessors in interest of the four Paces Mill lots received easements (Book 552, Pages 547–586, Chatham County Registry) across the portion of Rock Rest Road running through the Rock Rest Community. These easements allowed use of that portion of Rock Rest Road but were subject to conditions, including: No roadway shall connect the existing roadway located within the easement conveyed herein in such a way as to make the existing roadway part of a loop road. For the purposes of this document, the existing roadway will be considered part of a loop road if any state road may ultimately be reached on any continuous roadway or series of roadways from the easternmost terminus of the easement conveyed herein without re-entering the easement conveyed herein; and this is to be determined without regard to eventual imposition of a one-way travel rule along any portion of a roadway and without regard to the existence or nonexistence of easements or licenses permitting such travel. This condition was absolute and not dependent on any action or fault by the Paces Mill owners. It was intended to prevent exactly the situation now created by the Riverbend developer, protecting the Rock Rest Community from unwanted traffic. Those easements became invalid when the applicant constructed roads through the Riverbend property that bypass Rock Rest Community lands and connect (1) the public paved portion of Rock Rest Road to (2) the extension of Rock Rest Road within Riverbend. This network of roads exists, is visible from the air, and has been used as a "loop road" by dump trucks delivering gravel to Riverbend roads entering from the*

paved portion of Rock Rest Road and exiting through Rock Rest Community without permission. Although the First Plat acknowledges a second, permanent easement benefiting Paces Mill lots (from the eastern line of Rock Rest Community to Paces Mill), that easement does not confer rights to travel across Rock Rest Community lands. Under the clear terms of the original easements, they became void upon creation of any physical roadway or network connecting Paces Mill to another means of ingress and egress even if the Paces Mill owners have no legal right to use that loop road. Therefore, the Paces Mill landowners no longer have valid easements across Rock Rest Community. Unless they obtain easements appurtenant over Riverbend's private roads, their property will be legally landlocked and essentially valueless what the law calls "unmarketable." A mere permissive use (a "license") does not cure unmarketability. I urge the Board to prevent this outcome, which would conflict with the purposes of the Subdivision Regulations. The Paces Mill owners should not be forced into a futile negotiation with an intractable developer. Representations by the developer about granting an easement in the future are unenforceable and unreliable. The solution: Require a notation on the plat showing an easement appurtenant to the four Paces Mill tracts for ingress, egress, and regress along Riverbend's private roads to the public road system, accompanied by an executed, notarized, and recorded deed of easement. Additionally, the representations in Exhibit 1 of the Applicant's Supplemental Information for Planning Board Review (dated August 18, 2025) are incorrect. The Paces Mill lots no longer have legal access to what that exhibit described as Section C of Rock Rest Road. Use of the Name "Rock Rest Road" Using the name "Rock Rest Road" within Riverbend will create more traffic, dust, and noise on the graveled lane running through Rock Rest Community. The First Plat considered by the Planning Board renamed the portion of Rock Rest Road within Riverbend as "Stonepine Trail." However, following a comment by County Planner Jason Sullivan during the Planning Board's review (to the effect that "I don't think a developer can simply rename an existing road"), the applicant submitted a revised plat restoring the name "Rock Rest Road" to the portion within Riverbend. The latest revised First Plat also indicates that, instead of paving, the portions of Rock Rest Road within Riverbend that are not needed to serve Riverbend lots will remain undisturbed (i.e., graveled, as they are now). As the applicant's attorney presented this revised plat to the Board of Commissioners, I believe I heard again, straining to hear through the inadequate sound system—a commitment to install prominent signage: Where the new Riverbend asphalt road system joins the existing gravel portion of Rock Rest Road within Riverbend; and Where the existing paved public portion of Rock Rest Road transitions to the private gravel road entering the Rock Rest community from the west. The signage would indicate that the gravel roads are private and not to be used by Riverbend residents or others traveling to and from Riverbend lots. While this is a positive gesture, it is likely to be ineffective in addressing the concerns of the Rock Rest community. As the applicant's attorney once cautioned, the Board should be mindful of unintended consequences. There will be unintended and undesirable consequences for the Rock Rest community and others navigating these roads if any portion of Rock Rest Road located on Riverbend lands retains the name "Rock Rest Road." The latest revised First Plat shows the southbound, to-be-asphalted "Bluffpine Drive" in Riverbend curving smoothly leftward and then, still on asphalt, becoming eastbound "Rock Rest Road." This asphalt portion aligns directly west with an unpaved length of Rock Rest Road, which itself connects to the eastern end of the historic Rock Rest Road running through the Rock Rest community. Rock Rest Road is a narrow, dusty, peaceful lane as it passes through the community. Several homes are close to the road and already contend with traffic noise and dust. Based on extensive experience with drivers mistakenly entering our road—whether relying on GPS, improvising navigation, or ignoring signage the renaming of any portion of a Riverbend road as "Rock Rest Road" will lead to more unwanted, unpermitted, and repeated

dust-raising traffic through the Rock Rest community. Recent examples include large dump trucks delivering gravel for Riverbend road construction and tradesmen's vehicles speeding down private driveways while searching for a nonexistent bridge across Dry Creek to the applicant's nearby Laurel Ridge subdivision. The measures proposed by the developer to discourage unpermitted traffic will likely prove inadequate, forcing the Rock Rest community at great expense and inconvenience to install gates to preserve its environmental ethos. This likelihood will increase if two discontinuous "Rock Rest" roads exist on adjoining tracts, confusing GPS systems and drivers. Therefore, I believe the Riverbend applicant should be required to eliminate any use of the name "Rock Rest Road" within Riverbend, thereby removing the burden their plan would impose on current users of Rock Rest Road. The applicant has been unwilling to work with Rock Rest community members on these issues, even rejecting interest in purchasing the 13.36-acre tract (proposed future lots 26, 27, and 28, south of Section D of the current Rock Rest Road as shown on the attachment) to designate it as unbuildable and reroute Rock Rest Road around Riverbend. Would the Board of Commissioners consider tabling this matter again and strongly encourage the applicant to use the time before the next scheduled meeting to propose genuine solutions? If the applicant remains unwilling to take a proactive approach, it is important to remember that approval of a First Plat with modifications is contemplated by the Subdivision Regulations. The stated purposes of these Regulations would be served by modifications addressing these two related issues. Section 1.3 of the current Chatham County Subdivision Regulations lists among its purposes: To protect and provide for the public health, safety, and general welfare of Chatham County. Section 1.3 Purposes of the Subdivision Regulations: To provide for the orderly growth and efficient development of the County. To provide for the coordination of subdivision streets with existing and/or planned streets. To ensure an adequately planned street system. To provide for the orderly and safe flow of traffic and to avoid congestion and traffic hazards. Section 5.2(C)(5)(b) of the Subdivision Regulations provides: The Board of Commissioners shall have a maximum of sixty-five (65) days from the official submission date to approve, approve with modifications, or disapprove the First Plat. In light of these provisions, if the applicant does not present good-faith solutions and the Board of Commissioners determines that it cannot or should not mandate the isolation of the new Riverbend road network from Rock Rest Road (either on its current route or on an alternate route through Riverbend, perhaps in conjunction with eliminating lots 26, 27, and 28 on the south side of Rock Rest Road), then I respectfully request that the Board of Commissioners either: Disapprove outright the First Plat for Riverbend; or Approve the First Plat with modifications requiring that a revised plat: Show an easement appurtenant to the four Paces Mill tracts along the planned Riverbend private roads to the public road system, accompanied by an executed, notarized, and recorded deed of easement to that effect; Note the location and language of the special road signage the applicant's attorney has committed to; Indicate that the continuous asphalted road beginning as Bluffpine Drive simply continues as Bluffpine Drive after curving smoothly to the east; and Rename the vestigial gravel portion of the current Rock Rest Road between the Rock Rest community and the proposed paved Bluffpine Drive to emphasize that Rock Rest Road henceforth ends at the eastern boundary of the Rock Rest community. (This portion would be vestigial because (a) it would be private, (b) it would no longer connect Paces Mill to an easement across the Rock Rest community, and (c) it would no longer be needed to serve adjoining Riverbend lots, since none of those lots would require an address on this gravel road. The likely future addition of a gate at the boundary with Rock Rest lands would only reinforce its vestigial nature.) For completeness, I note that previous well-reasoned public and expert comments would justify additional modifications to any approval. Finally, clear articulation of the reasons for your decision including perceived legal factors may help identify ways in which the Board of

Commissioners want to amend the current Subdivision Regulations and the in-Rimbo UDO. If the Board determines that it does not have the power to make binding modifications despite (or because of) the language of the Subdivision Regulations, I request that it publicly state—or have the County Attorney publicly state—the precise legal grounds for that determination. Does this hinge on a single misused modal verb, or is there other language in the Regulations or relevant law that compels this result? Such a clear statement can serve as a starting point for identifying necessary changes to ensure that the Board of Commissioners can play a meaningful and dynamic role in the subdivision approval process and weigh evidence and expertise currently excluded by the “check-the-box” process referenced by the County Attorney on October 20. I am grateful for your dedication to Chatham County and thank you for taking the time to read and consider these comments.

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

## **PUBLIC HEARINGS**

### **25-0595**

Hold a public hearing on the Recommended FY2027-2033 Capital Improvements Plan (CIP)

**Attachments:** [Recommended FY2027-2033 CIP](#)

[Click Here To Speak During The Public Hearing](#)

*Chair Howard opened the public hearing for the Recommended FY2027-2033 Capital Improvements Plan.*

*No one signed up to speak.*

*Chair Howard closed the public hearing.*

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

### **25-0573**

Hold a legislative public hearing requested for a text amendment to the Chatham County Zoning Ordinance by Gregory Smith to have the use of Recreational Facilities (gyms, yoga studios, et cetera) as a “P” Permitted use in the Industrial Light (Ind-L) zoning districts

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

[Click Here To Speak During The Public Hearing](#)

*Chair Howard opened the legislative public hearing to consider a request submitted by Gregory Smith for a text amendment to the Chatham County Zoning Ordinance to allow recreational facilities (e.g., gyms, yoga studios) as a permitted (“P”) use in the Light Industrial (Ind-L) zoning district.*

*Zoning Administrator Angela Plummer presented the request, explaining that the proposed amendment would modify the Table of Permitted Uses to include recreational facilities as permitted use within the Light Industrial zoning district. Plummer stated that the request was prompted by an underutilized warehouse property on Old Lystra Road and that the applicant was seeking the ability to pursue a permit for such use.*

*Gregory Smith addressed the Board of Commissioners in support of the request. Smith explained that the amendment would enable the adaptive reuse of existing industrial or warehouse spaces for recreational purposes, using his proposed volleyball*

training facility as an example. Smith stated that similar facilities are commonly located in industrial areas in other jurisdictions and emphasized potential benefits, including:

- Reuse of vacant or underutilized buildings;
- Reduced environmental impacts compared to new development;
- Lower development costs and faster project delivery; and
- Increased community and economic value.

Board members asked questions regarding the location of the property, potential traffic impacts, and the broader implications of applying the amendment countywide. Smith clarified that the specific site referenced is located on Old Lystra Road in a multi-tenant warehouse building that has been partially vacant for several years. Smith noted that existing parking and access are sufficient, though some increase in traffic would be expected.

Staff clarified that the request is not site-specific and would apply to all Light Industrial zoning districts countywide. Staff further noted that existing permitted uses within the district may include activities with equal or greater intensity than recreational facilities and that any approved use would still be required to meet applicable development standards, including parking and site requirements.

Chair Howard confirmed that no additional speakers were signed up to speak and the public hearing was closed.

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

#### [25-0574](#)

Hold a legislative public hearing requested to rezone Parcel 5350 being approximately 66.017 acres, located at 3378 Christian Chapel Church Rd., from R-1 Residential to CD-RB Conditional District Regional Business for a recreation facility, Cape Fear Township

**Attachments:** [More information from the Planning Department website](#)  
[Timmons Presentation](#)  
[Click Here To Speak During the Public Hearing](#)

Chair Howard opened the legislative public hearing to consider a request to rezone Parcel 5350 (approximately 66.017 acres), located at 3378 Christian Chapel Church Road, from R-1 Residential to CD-RB (Conditional District Regional Business) to allow for the development of a recreational facility in Cape Fear Township.

Zoning Administrator Angela Plummer presented the request, explaining that the proposed rezoning would permit a multi-sport recreational facility. Plummer noted that the applicant held a community meeting on September 29, during which one adjacent property owner attended and requested that one of the fields (Pitch 4) not be used until after 12:00 p.m. on Sundays due to nearby church services. The applicant agreed to this request, and staff indicated the condition could be incorporated into the approval.

Plummer described the proposed site plan, which includes seven cricket pitch fields, fourteen box cricket courts, pickleball courts, volleyball courts, and supporting infrastructure. Plummer noted the presence of streams on the property requiring buffers and reported that additional environmental review will be required, including a formal delineation of water features prior to construction. Plummer further stated that approvals from environmental and watershed review agencies will be required before land-disturbing permits can be issued.

Plummer reported that the Chatham County Appearance Commission reviewed the project and recommended approval with conditions, including additional native plantings and enhanced buffering. Staff also reviewed traffic impacts, noting that projected daily trips did not meet the threshold for a full Traffic Impact Analysis. The Fire Marshal has approved emergency access, and environmental review remains ongoing, with additional comments pending.

The applicant's representative, Clint Cogburn, spoke in support of the request on behalf of the development team. Cogburn stated that the project would create a low-impact, multi-sport recreational facility designed to serve both local residents and visitors. He outlined the proposed amenities and noted that the development would incorporate low-impact design features, including preservation of natural vegetation, stormwater controls, and limited infrastructure such as portable restroom facilities, and well water service.

Cogburn stated that the project meets the required findings of fact for conditional district rezonings, including consistency with the Comprehensive Plan, compatibility with surrounding land uses, and provision of recreational opportunities in an area identified as underserved. Cogburn emphasized that the facility is intended to be a community asset, with minimal traffic impacts and primarily weekend and evening use.

Board members asked questions regarding expected attendance, traffic, site access, environmental impacts, and facility operations. The applicant indicated that the site would accommodate up to approximately 300 individuals at maximum capacity, with activity levels varying based on scheduled events. It was noted that the facility would operate on a membership basis with public access opportunities, and that adequate restroom and water provisions would be required through permitting processes.

Staff confirmed that one primary access point is proposed and that the Fire Marshal has determined it meets safety standards. It was further confirmed that surrounding properties are largely undeveloped and that required buffering and screening would be provided.

Chair Howard confirmed that no additional speakers were signed up to speak and the public hearing was closed.

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

## **BOARD PRIORITIES**

### **25-0571**

Receive a presentation on the 2025 State of Chatham County Report

**Attachments:**     [State of Chatham County Web Page](#)

Chair Karen Howard presented the 2025 State of Chatham County Report, noting that the report reflects the County's annual update covering the period from July 1, 2024, through June 30, 2025. Howard explained that the report is organized around the Board of Commissioners' four focus areas—Environment and Land Use; Governance and Public Safety; Resilience and Well-Being; and Economy and Infrastructure—to provide a clear and transparent view of County initiatives and progress.

Under Environment and Land Use, Chair Howard highlighted continued growth in electric vehicle adoption and clean energy usage, including increased utilization of

public charging stations and energy generation from solar systems. Chair Howard also recognized a collaborative effort between the Planning Department and Public Health to complete a health and equity assessment, which received state recognition and supports improved outcomes for residents.

In Governance and Public Safety, Chair Howard reported progress in expanding broadband access, with multiple grants awarded to extend service to homes and businesses across the County. Chair Howard noted that, while gaps remain, the County continues to pursue additional funding to improve connectivity. Chair Howard also highlighted the launch of a new public information hub and strong voter engagement efforts, resulting in the highest voter turnout in the state during the 2024 election cycle, supported by coordinated outreach among multiple County departments.

Chair Howard addressed the County's emergency response efforts, particularly in response to Hurricane Helene, noting that County staff provided support across multiple jurisdictions, including emergency communications, public health services, and relief operations.

In the area of Resilience and Well-Being, Chair Howard reported on expanded services for older adults, including a significant increase in program participation and statewide recognition for the County's aging initiatives. Chair Howard also highlighted accomplishments within the school system, noting that all schools met or exceeded growth benchmarks, and increased community engagement through parks, recreation, and arts programming.

Chair Howard emphasized continued collaboration across departments, highlighting initiatives such as the StoryWalk program, which integrates literacy and recreation through partnerships between libraries and parks and recreation staff.

Under Economy and Infrastructure, Chair Howard outlined efforts to support housing and economic stability, including the addition of new housing units, expansion of affordable housing initiatives, and the prevention of evictions through targeted assistance programs. Chair Howard noted the County's ongoing commitment to balancing growth with affordability while maintaining a AAA bond rating, which supports long-term financial stability.

Chair Howard also reported that, for the first time, new residential development within municipal areas exceeded that in unincorporated areas, reflecting the County's goal of directing density toward areas with existing infrastructure.

Chair Howard highlighted investments in technology and operations, including the implementation of a drone program and enhanced cybersecurity measures. Chair Howard also discussed the expansion of the low-income tax relief program, which provides financial assistance to qualifying residents to help offset rising costs.

Chair Howard concluded by recognizing the significant contributions of County staff and the importance of partnerships in achieving these outcomes. Chair Howard encouraged the public to review the full report, available in both English and Spanish, to better understand the breadth of services and accomplishments across Chatham County.

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

LLC for subdivision First Plat review and approval of Riverbend Estates at Laurel Ridge, consisting of 107 lots on 622.32 acres, located off Rock Rest Rd and Old Graham Rd, parcel 10927, 10919, 10922, 79194, 10925, 10923, 10924, 10926, 66355, 85139, & 10970

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

*Planning Director Jason Sullivan presented a request on behalf of Clay Matthews, Swain Group, LLC, for first plat review and approval of Riverbend Estates at Laurel Ridge, consisting of 107 lots on approximately 622.32 acres, located off Rock Rest Road and Old Graham Road. Mr. Sullivan provided an overview of the project location, zoning (R□5), proposed lot configuration, and infrastructure, including private roads and utility service through Aqua North Carolina.*

*Sullivan explained that subdivision approvals are ministerial in nature, meaning the Board of Commissioners' decision is based on whether the application meets the standards set forth in the County's subdivision regulations. Sullivan noted that staff reviewed the application for compliance with applicable requirements and coordinated review through the Technical Review Committee, which includes multiple County and external agencies.*

*The County Attorney provided legal clarification regarding subdivision approvals, emphasizing that when an application meets all established standards, there is limited discretion for denial or modification, and approval is generally expected.*

*Board members engaged in extensive discussion regarding concerns raised by the public, including:*

- Access and use of Rock Rest Road, including the interaction between public and private road segments;*
- Emergency access and secondary access considerations;*
- Potential impacts on adjacent properties;*
- Cultural and archaeological concerns raised regarding nearby historic and Indigenous sites; and*
- Potential design alternatives to address community concerns, including possible realignment of Rock Rest Road.*

*Sullivan and the County Attorney provided clarification on roadway access, easements, and emergency access provisions, noting that certain issues related to private property rights fall outside the County's regulatory authority.*

*Applicant representative Nick Robinson addressed the Board, acknowledging community concerns and outlining efforts made by the applicant to mitigate impacts, including proposed signage, roadway configurations, and maintaining certain road segments as gravel. Robinson also responded to questions regarding the feasibility of relocating Rock Rest Road and indicated that the applicant would evaluate potential alternatives and continue discussions with affected parties.*

*Board members expressed interest in additional time to further evaluate the proposal, explore potential design modifications, and engage in additional discussions with stakeholders, including residents and representatives of Indigenous communities regarding archaeological considerations.*

*No vote was taken on the request. The matter was continued to a future meeting to allow for additional review and discussion.*

This Agenda Item was tabled to a future meeting.

[25-0572](#)

Vote to approve a legislative request by the Chatham County Planning Department to amend the effective date of the adopted Unified Development Ordinance from December 31, 2025, to December 31, 2026 as a result of legislative action S382 and adopt a resolution approving a consistency statement confirming the original statement that the request supports all 10 goals of Plan Chatham

**Attachments:** [UDO - Ordinance](#)

[UDO - Resolution](#)

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

*Assistant Planning Director Chance Mullis presented a request to amend the effective date of the Unified Development Ordinance (UDO) from December 31, 2025, to a later date, due to implementation constraints resulting from legislative action (S382). Mullis explained that the adopted UDO cannot be fully implemented under current statutory limitations and that additional time is necessary to evaluate compliance and determine next steps.*

*Mullis reported that the Planning Board reviewed the request and recommended an alternate effective date of June 1, 2026, citing a desire to maintain momentum and urgency while allowing time for further evaluation. Mullis noted that staff continues to recommend December 31, 2026, to allow sufficient time for a comprehensive analysis and implementation planning.*

*Mullis further explained that the County's consultant team has begun a comprehensive analysis of the UDO to determine which provisions comply with S382 and which require revision. He emphasized that the analysis is critical to avoid unintended consequences associated with piecemeal implementation, given the interrelated nature of the ordinance.*

*Board members discussed the balance between urgency and thoroughness, including the possibility of implementing select provisions earlier if they are clearly compliant. Staff cautioned that extracting individual components without full analysis could create unintended regulatory conflicts. Additional discussion included potential future consideration of discrete provisions, such as fire code standards and tree protection measures, once analysis results are available.*

*Chair Howard called for a motion to approve to amend the effective date of the adopted Unified Development Ordinance from December 31, 2025, to December 31, 2026 as a result of legislative action S382 and adopt a resolution approving a consistency statement confirming the original statement that the request supports all 10 goals of Plan Chatham.*

**A motion was made by Commissioner Franklin Gomez Flores, seconded by Commissioner Amanda Robertson, to amend the effective date of the adopted Unified Development Ordinance from December 31, 2025, to December 31, 2026 as a result of legislative action S382 and adopt 25-77 Resolution approving a consistency statement confirming the original statement that the request supports all 10 goals of Plan Chatham.were adopted. The motion carried by the following vote:**

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

## **INTERGOVERNMENTAL RELATIONS REPORT**

*Intergovernmental Relation Manager Lindsay Ray had nothing to report.*

## **CLERK'S REPORT**

*Clerk to the Board Jenifer Johnson reminded the Board of Commissioners of the CIP Work Session the next day at the Conference Center.*

## **MANAGER'S REPORT**

*County Manager Bryan Thompson reported that staff plans to have the hotel incentive item on the agenda in December or January.*

## **COMMISSIONERS' REPORTS**

*Commissioner Gomez Flores reported on several recent activities and emerging issues. Gomez Flores shared that he attended a University of North Carolina Chatham retreat, which included a "Stop the Bleed" certification exercise, and suggested it could be a useful training opportunity for future Board retreats. Gomez Flores also participated in a regional collaboration event with the Western Chatham Chamber of Commerce and the Randolph/Asheboro Chamber of Commerce, noting the importance of continued cross-county engagement, particularly near the regional megasite area.*

*Commissioner Gomez Flores further reported on developing concerns related to immigration enforcement activity across North Carolina, including reports of increased presence in nearby communities. Gomez Flores indicated that he has requested staff to explore potential options for a formal statement of support for affected community members, referencing actions being considered by other municipalities. Gomez Flores also raised a question regarding whether additional flexibility or incentives could be considered in subdivision discussions, such as Riverbend, to encourage collaborative solutions.*

*Chair Kenlan thanked Commissioner Gomez Flores for raising awareness of immigration-related concerns and expressed support for exploring ways to formally communicate the Board's commitment to community safety and well-being. Kenlan reported on several upcoming events, including the Pittsboro Elementary School 65th anniversary celebration, a veterans recognition event at the Sheriff's Office facility, and her participation in a School of Government training exercise focused on budget preparation.*

*Commissioner Robertson expressed appreciation for both Commissioner Gomez Flores' and Chair Kenlan's comments, noting the importance of supporting the community during uncertain times and encouraging continued creative problem-solving in addressing development challenges. Robertson also noted a scheduling conflict for an upcoming meeting due to a previously scheduled medical appointment. Commissioner Robertson reported on a meeting with a representative from Brightspeed regarding concerns raised by residents about infrastructure installation impacts. Robertson indicated that the company acknowledged challenges related to the scale of deployment and contractor coordination and provided a point of contact for addressing*

*future concerns. Robertson also shared that she continues to participate in the Leadership Triangle program, with recent sessions focused on higher education partnerships, and attended a National Association of Counties (NACo) meeting addressing environmental and infrastructure topics.*

*Chair Howard reported on her participation in the Oil and Gas Commission meeting, noting that while there has been interest expressed in potential future activity, there is currently no application for fracking operations in the Chatham/Lee County area. Howard also reported on a Crime Victim Services Committee meeting, highlighting concerns about increasing severity of domestic violence cases statewide alongside decreasing funding availability for support services.*

*Chair Howard further shared that she and Commissioner Kenlan attended a 154th anniversary celebration at Mount Sinai AME Church in Pittsboro, emphasizing the importance of community institutions and civic engagement. She reiterated concerns regarding immigration enforcement activities and expressed support for developing a resolution affirming the County's commitment to the safety and well-being of all residents.*

## **ADJOURNMENT**

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

**A motion was made by Commissioner Franklin Gomez Flores, seconded by Commissioner Amanda Robertson, that the meeting was adjourned. The motion carried by the following vote:**

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