



Chatham County, NC

Meeting Minutes

Board of Commissioners

Monday, November 16, 2020

6:00 PM

Agriculture and Conference Center

Work Session - 4:00 PM - Agriculture and Conference Center

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

CLOSED SESSION

[21-3744](#)

Vote on a request to go into Closed Session pursuant to GS 143-318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege

A motion was made by Commissioner Crawford, seconded by Commissioner Wilkie, to go into Closed Session pursuant to GS 143-318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege. The motion carried by the following vote:

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

End Work Session

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

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

INVOCATION and PLEDGE OF ALLEGIANCE

Chair Howard asked everyone to pause for a moment after which she invited everyone present to stand and recite the Pledge of Allegiance.

CALL TO ORDER

APPROVAL OF AGENDA and CONSENT AGENDA

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

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

[21-3743](#)

Vote on a request to approve October 2020 Tax Releases and Refunds

Attachments: [October2020RefundsandRelea](#)
[October2020NCVTSPendingRef](#)

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

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

[20-3665](#)

Vote on a request to approve the naming of two private roads in Chatham County

Attachments: [Eagle Creek;High View Petition](#)
[EAGLE CREEK LANE;HIGH VIEW LANE](#)

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

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

[20-3577](#)

Vote to approve a legislative request by JNNJ, LLC, for a conditional district rezoning from R-1 Residential to CD-O&I for office - business, professional, and governmental, Parcel No. 69884 being 5 acres, located at 10441 US 15-501 N, Baldwin Township.

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

A motion was made by Commissioner Crawford, seconded by Vice Chair Hales, that this Resolution #2020-44 Adopting a Consistency Statement for the Approval of Rezoning for JNNJ, LLC, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

A motion was made by Commissioner Crawford, seconded by Vice Chair Hales, that this Ordinance Amending the Zoning Map of Chatham County for JNNJ, LLC, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

[20-3606](#)

Vote to approve a legislative request by Campbell Towing and Recovery, Inc, for a general use rezoning from R-1 Residential to IND-L, Light Industrial, Parcel No's. 9599 and 61012 being 2.47 acres, located at 128 Vernie Phillips Rd, Gulf Township.

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

A motion was made by Commissioner Crawford, seconded by Vice Chair Hales, that this Resolution #2020-45 Adopting a Consistency Statement for the Approval of Rezoning for Campbell Towing & Recovery, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

A motion was made by Commissioner Crawford, seconded by Vice Chair Hales, that this Ordinance Amending the Zoning Map of Chatham County for Campbell Towing & Recovery, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

[20-3607](#)

Vote to approve a legislative request by Arylex Properties, LLC, for a conditional district rezoning from R-1 Residential to CDCB, Conditional District Community Business, for Appliance Sales and Service, Automotive service stations (including tune-ups, minor repairs, washing facilities, & similar services, Bait and Tackle Shop, Boat, Trailer, and other utility vehicle sales & service, Cabinet Shop, Contractor's plants, storage yards, & staging areas, General, Professional, and Medical Offices, Hardware, appliances, electrical, and other similar retail sales, Landscape Design Business, Lock and Gunsmith, Office (Business & Professional), Parcel No. 17885 being 2.04 acres, located at 12927 US 64 E, New Hope Township.

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

A motion was made by Commissioner Crawford, seconded by Vice Chair Hales, that this Resolution #2020-46 Adopting a Consistency Statement for the Approval of Rezoning for Arylex Properties, LLC, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

A motion was made by Commissioner Crawford, seconded by Vice Chair Hales, that this Ordinance Amending the Zoning Map of Chatham County for Arylex Properties, LLC, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

[20-3608](#)

Vote to approve a quasi-judicial request by the Chatham County Emergency Operations director, Mike Reitz, for a Conditional Use Permit for a new 325 foot communications tower to be located at 5224 Silk Hope Liberty Rd., Silk Hope Fire Department, parcel 84527, being

approximately two acres.

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

A motion was made by Commissioner Crawford, seconded by Vice Chair Hales, that this Resolution #2020-47 approving a conditional use permit request by Chatham County Emergency Management for Parcel No. 84527, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

[21-3737](#)

Vote to approve a request by F-L Legacy Owner, LLC for subdivision Final Plat approval of The Legacy at Jordan Lake - Phase 6A1, consisting of 27 lots on 22.52 acres, located off SR-1716, Big Woods Road, parcel #17378.

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

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

[21-3740](#)

Vote on a request to award the Bennett Water Tank Altitude Valve and SCADA Installation Project to A.C. Schultes of Carolina, Inc., and approve Dan LaMontagne, County Manager, to sign the contract on behalf of the County.

Attachments: [Hydrostructures recommendation](#)
[BidTab](#)
[RequestforBids](#)

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

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

[21-3741](#)

Vote on a request to award the Risk and Resiliency Assessment and Emergency Response Plan to Freese and Nichols and approve Dan Lamontagne, County Manager, to sign the contract on behalf of the County.

Attachments: [EvaluationMatrix](#)

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

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

[21-3742](#)

Vote on a request to approve competitive bid exemption for standardization and sole source for the Chatham County Utilities Department for United Systems & Software, Inc.

Attachments: [ltronLetter](#)

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

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

End of Consent Agenda

SPECIAL PRESENTATION

[21-3726](#)

Vote on a request to adopt a Resolution Honoring John Franklin Grimes, III for his Service to Chatham County and the Town of Siler City

Attachments: [JohnGrimesResolution](#)

Chair Howard invited the Grimes family to join the meeting and receive the resolution.

Chair Howard read the resolution into the record then presented the resolution to the Grimes family.

The Grimes family thanked the commissioners for the resolution.

A motion was made by Commissioner Crawford, seconded by Vice Chair Hales, that this Resolution #2020-49 Honoring John Franklin Grimes, III for his Service to Chatham County and the Town of Siler City, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

[21-3727](#)

Vote on a request to adopt a Resolution In Support of the Pittsboro Boys and Girls Club

Attachments: [BoysGirlsClubResolution](#)

Chair Howard invited Pittsboro Town Board Commissioner Kyle Shipp to receive the resolution on behalf of the Town and the Boys and Girls Club.

Chair Howard read the resolution into the record.

Mr. Shipp thanked the commissioners on behalf of Daniel Simmons, the CEO of Central Carolina Boys and Girls Clubs. A steering committee has been formed and fundraising for the Pittsboro club has begun.

A motion was made by Commissioner Dasher, seconded by Commissioner Crawford, that this Resolution, #2020-50 In Support of the Pittsboro Boys and Girls Club, attached hereto and by reference made a part hereof, be adopted.

The motion carried by the following vote:

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

[21-3728](#)

Chatham County COVID-19 Update

Attachments: [BOC COVID Update 11'16'20](#)

County Manager Dan LaMontagne, Public Health Director Mike Zelek, and Management Analyst Courtney Cooper-Lewter gave a presentation to the Board. (Presentation attached)

PUBLIC INPUT SESSION

Patricia VanHoy submitted the following comments:

Good evening. My name is Patricia Van Hoy and I live just below the tree line surrounding the wastewater treatment plant in BC, and I would like to make two points. During the Oct. 16 Commissioners meeting, Mr. McDonald of ONSWC referenced an email from DEQ (and flashed a copy on the screen) that stated during a site visit "no unusual odors related to the treatment facility were noted at the at the time of their visit." We at SCN were surprised by this email because we have personally had numerous conversations with Mr. Vinson of DEQ regarding the nuisance odor conditions and shared our log of complaints from BC residents regarding the odors.

We reached out to Mr. Vinson asking him what was the intent or purpose of this email and he responded:

"I'm not sure which email the developer is presenting to the County officials, but I have not nor would I provide a specific email for that purpose. There may be an email and/or an inspection report of a particular site visit to the facility that states there were no odors noticed in the neighborhood at that time. I would argue that means we did not notice any odors on that specific day over that specific short period of time which we were onsite. I'm sure it does not say, nor was there ever the intent to mean that there were no odors or no odor issues for the surrounding homes at any other time beyond the day and time we visited. This was most likely my or a staff member's snap shot observation over a 1-2 hour period for one specific day, not meant to be considered for all time." Signed Scott Vinson Regional Supervisor DEQ.

Next, Tanya Matzen, VP of Newland stated that disclaimers were provided by Newland and the builders to every new homeowner in BC regarding the location of the BC wastewater plant. As I mentioned earlier, I live at the base of the WWTP and searched through all my documents and found no disclaimer regarding the location of the sewage plant. SCN contacted over 20 residents and could not find a homeowner that had been given a "disclaimer" or any information about the WWTP location prior to purchasing their home. In fact, the purchasing materials provided show beautiful maps of the clubhouse, schools, parks and trails all clearly marked, but the location of the plant is shown as green space and not marked. Even at the recent Parade of Homes the community maps do not disclose the location of the WWTP. It is clearly an intentional act to hide the location of the plant. The plant is not visible on any of the 4 sides from the road and there is no signage as you normally see at other WWTP.

Anthony Little submitted the following comments:

Chatham County's ordinances give the commissioners the authority to deny Newland's final plat approvals for Phase 13 section 3 and Phase 14, as presented in the memorandum from our legal counsel, Dwight Allen.

The 2006 Chatham County Subdivision Ordinance (SO) requires compliance with the provisions of the Compact Community Ordinance.

SO Section 1.7 states: "This document is not intended to interfere with, annul or abrogate any other ordinance ... whichever provisions are more restrictive or impose higher standards shall control.

SO Section 9.3 states: "All compact communities shall comply with the provisions of the Chatham County Compact Community Ordinance."

The Compact Community Ordinance (CCO) requires compliance with all provisions of Section 7.2 for wastewater treatment before final plat approval.

CCO Section 7.2 states: "To allow for public review, the developer of each compact community shall furnish Chatham County as-built copy of the plans and specifications for wastewater treatment facilities, infrastructure and irrigation system....., as well as any operational performance reports and data for water quality monitoring ... prior to final plat approval. The developer shall require the operator ... to notify the county and the residents of the compact community of any violations or citations issued in connection with the operation within 30 days."

CCO Section 7.2 also states: "Provisions shall be made for ...odor control that eliminates to the maximum extent possible adverse impacts to the compact community's residents and neighbors." The Subdivision Ordinance requires all compact communities to comply with the provisions of the Compact Community Ordinance. The Compact Community Ordinance requires that relevant wastewater documentation be filed by the developer with Chatham County for public review, the developer shall require the operator to notify the county and residents of any violations and the developer shall make provisions for odor control to the maximum extent possible.

Diane Crompton submitted the following comments:

In 2002, Newland's first application for a Conditional Use permit to develop Briar Chapel was denied until after the Compact Communities Ordinance could be completed. In January 2005, when Newland met with the Chatham County Planning Board they were asked if there would be unpleasant wastewater odors. Newland's attorney, Gray Styers, stated "the CCO requires filing of certain forms with the county."

On February 15, 2005, CCBOC adopted Resolution 2005-06 approving Newland's application for a Conditional Use Permit to develop Briar Chapel. Section 19 of Resolution 2005-06 states: "Upon subdivision review of each phase ...standards of the Compact Community Ordinance provisions shall be satisfied."

In March 2017, Newland applied for an amendment to their Conditional Use permit for Briar Chapel and included a commitment under 7.2 Wastewater Treatment: "Applicant will comply with the CCO wastewater treatment provisions as amended through the date of this application".

Newland has NOT complied with Section 7.2 of the Compact Community Ordinance.

- Newland has not supplied the county with the as-built plans, specifications and documents, as well as operational performance reports, data for water quality monitoring ... as required prior to final plat approval.*
- Newland has not required ONSWC to notify the county and the residents of Briar Chapel of any violations or citations issued in connection with the operation within 30 days.*

George Lucier, Chairman of the CC Planning Board, stated that if Newland/ONSWC had provided copies of the sewage spills and Notice of Violations, the Planning Board would likely not have approved the preliminary plats for these two Phases.

- Newland has not provided “odor control that eliminates to the maximum extent possible adverse impacts to the compact community’s residents and neighbors.”*

In summary, Newland knew when they got their original Conditional Use permit for Briar Chapel that they had to meet the requirements of the CCO. In 2017, they renewed their commitment to comply with the CCO wastewater treatment provisions. Yet, Newland has not complied with the provisions of CCO Section 7.2, which are required before Final Plat approval.

Donna Sukkar submitted the following comments:

Newland’s failure to file public documents or require ONSWC to notify the county and residents of these violations, resulted in the un-checked and accelerated deterioration of operations at the Briar Chapel wastewater system. Visibility of these compliance issues would have forced timely corrective action plans to stabilize the Briar Chapel WW system and bring it into compliance. Instead, the health, safety and welfare of Briar Chapel residents has been compromised.

In late October, Briar Chapel had another sewage spill of 5,000 gallons and another in early November of 100 gallons. Over the last four years, Briar Chapel’s WW system has experienced 31 sewage spills, totaling over 85,000 gallons with the majority having flowed into Pokeberry Creek, a tributary of Lake Jordan. ONSWC has received 20 Notice of Violations from NCDEQ related to these spills and other compliance issues. As demand on the system grows, we’ve seen an increase in the frequency of residents reporting noxious sewage odors around the plant and their homes. Since February 2020, we’ve documented over 230 odor complaints.

Newland also used their waiver of perimeter buffers for the US Steel property to locate homes as close as 36 feet and the Encore Clubhouse only 10 feet from the ONSWC WWTP property. Residents in these homes and the Encore Clubhouse experience horribly noxious sewage odors from the WWTP on a regular basis. Under CCO Section 7.2, Newland is responsible for this odor control.

As Newland pushed ahead with more development adding more demand on the system, these problems escalated in frequency and severity. Allowing Newland to continue their development, without first addressing these issues, increases the risks to Briar Chapel residents.

Liz Rolison submitted the following comments:

Newland’s attorney has argued that Newland can’t be held accountable for failures by ONSWC, but it was Newland that was required to follow the Compact Community

Ordinance, not ONSWC. Newland's failure to comply with the ordinance resulted in decisions by the Planning Board and Commissioners on preliminary plats based on incomplete information. Therefore, we argue the commissioners have legal grounds for denying the final plat approvals until the stability, capacity and odor control issues for the Briar Chapel WW system are addressed. Approval of the Final Plats compromises the health, safety and welfare of Briar Chapel residents and informs developers in Chatham County that they do not have to comply with all county ordinances.

Denial of the Final Plats puts the completion of Briar Chapel at risk, a situation Briar Chapel residents and Chatham County would prefer to avoid. Yet, it's only been by challenging Newland's plat approvals, that we've begun to get attention from Newland/ONSWC to address these wastewater issues. Another option to consider is a "Conditional" Approval of the Final Plats. This option could be a win-win for everyone, if it is written correctly and enforced by Chatham County.

This would involve Newland developing a corrective action plan with ONSWC, to include:

- Construction of a force main bypass (to address the sewage spills)*
- Expansion of spray irrigation to 250,000 gpd (to provide sufficient capacity)*
- Implementation of a calibrated Bioxide Feed odor control system and other solutions as needed (to significantly reduce odor issues at the WWTP)*

All three of these items should have agreed upon completion dates, permitting and engineering certification.

Once this corrective action plan is developed and agreed to by all parties, Newland would get conditional approval for their final plats, with the condition that Certificates of Occupancy will not be issued by Chatham County until these three items are completed.

We firmly believe that Newland needs to stay engaged and be part of the solution. You had the foresight of developing the Compact Community Ordinance before allowing this scale of development in Chatham County. We encourage you to use that ordinance, to protect the health, safety and welfare of the residents of Briar Chapel and Chatham County.

Thomas Speer, President of the Briar Chapel Community Association expressed support of Newland's final two plats for Phase 13-Section 3 and Phase 14.

John McDonald submitted the following comments:

Update since the last BOC meeting

- Force Main Bypass Project*
 - The new force main project requires review and approval from NCDEQ and Chatham County for sewer and erosion control.*
 - The plans for the force main bypass were submitted to DEQ some time ago – on September 30, 2020*
- The design drawings have been updated based on feedback with the County regarding the buffer impacts. Accordingly, those approvals should be received in the next week or two for this new alignment. (Note: the County has been helpful but the*

cyber attack and loss of email/phone service took some additional time for them to do the review(s)).

- Initial pricing has been received. However, with the updated designs, revised pricing will be needed. Meetings with contractors are occurring this week to discuss the new alignment as well as logistics for construction. Receipt of the permit is anticipated in the next couple of weeks along with an executed contract for the project to commence immediately thereafter.

- ONSWC will begin construction as soon as all necessary permits are received. Construction is anticipated to only take a few weeks and we are committed to expediting the project.

- Timeline for WWTP expansion.

- ONSWC has engaged John Phillips of Diehl and Phillips to facilitate the design-built project for the expansion of the wastewater plant.

- We are utilizing the original existing permit for the WWTP expansion that DEQ issued, so no permit modification from DEQ is necessary

- Substantial completion of the construction is anticipated by November 19, 2021

- We believe the odor issues with the reclaimed irrigation system have been resolved due to the work that we did in the spring and summer to flush the system and chlorinate the system. Since made the improvements to the reclaimed irrigation system, we haven't received complaints about odor in the irrigation system

- We have been working and continue to work to address odor at the wastewater treatment plant by installing odor control improvements

- Repaired and maintained aerators on the Equalization basin and sludge holding tank to provide 24/7 aeration.

- Repaired and maintained plant blowers to provide 24/7 aeration and provide additional air to facilitate better operation of air lift pumps

- Cleaned and removed solids from the Equalization basin and chlorine contact chamber of the plant.

- Replaced the sump pump for the screenings dewatering sump.

- Pumped out solids in several lift stations and added chemicals to control grease and odor.

- Cleaned out the screenings container building and put lime around areas where needed.

- Working with residents who live near the WWTP to identify periods when odor is detected and mitigating those instances, both the central office and the operator are working directly with residents.

- Working consistently with odor control equipment contractor, Evoqua, to adjust and monitor the chemical feed systems at pump stations. Evoqua is the manufacturer of the odor control units at the pump stations.

- For sludge control:

- Changed sludge hauling to once per week, to cut down on odor and hold less solids in the plant, to reduce odor

- In the next couple of days we are installing new pump to facilitate sludge loading into tankers, meaning larger trucks for fewer trips, less traffic and less odor.

- The overall solids inventory has been reduced by 20% and sludge wasting and removal is more consistent.

John Lowe submitted the following comments:

My name is John Lowe, 46 Bluffwood Avenue, Chapel Hill. I am a homeowner in the Briar Chapel community and speaking on my own behalf. I am here to express my concern about the lack of representation of Briar Chapel homeowners in the ongoing negotiations around wastewater treatment facilities in our community; and to offer a suggestion.

The problems of sewer system performance and the possible regionalization of BC's Wastewater Treatment Plant have direct economic and quality of life impacts on Briar Chapel homeowners. Unfortunately, we homeowners have not had a seat at the table in the discussions to address these problems. Instead, we have had to rely on the goodwill of third-party actors, namely Newland, Old North State and the Briar Chapel Homeowners Association (HOA). However, the HOA has made clear that, under state law, it represents ownership of the community's common areas ONLY, not the homeowners' properties per se. This arrangement has led to ongoing confusion among residents in our community. Who is looking out for our interests?

The recent Tri-Party agreement signed between Newland, Old North State and the HOA says the Parties will work in good faith to establish a mechanism for communication and consultation among the parties regarding the wastewater treatment system. This mechanism, a Tri-Party Council is to be established by November 30, 2020.

With so much at stake for our home values and our families' health, why aren't BC homeowners guaranteed representation on this Council?

I urge the Board of Commissioners to make any decision on new plats for Newland and the builders contingent on naming two BC homeowners to the Tri-Party Council. Specifically, I suggest that the BOC not move forward with any approvals until the BC HOA solicits nominations and names two homeowners, who are not current or former HOA board members, to the Council. These homeowners would be charged with providing homeowner input into wastewater treatment issues in Briar Chapel and for holding the three signatory groups accountable for addressing these issues. Even though their standing is not as a legal entity that entered into the Tri-Party agreement, HOMEOWNER insights and work should carry as much weight as the three current parties. Perhaps even call it a Four-Party Council?

I know it is not the BOC's responsibility to fix apparent glitches in state law. I know the current HOA is not purposefully overlooking homeowner interests. But the fact remains that properties in excess of \$1 Billion in assessed valuation are on the sidelines in these discussions. This is wrong. The BOC is the appropriate body to fix this situation via the approval process. You as BOC members have the opportunity to build public trust and cooperation. Thank you for this opportunity to speak to this important issue.

Holly Fraccaro submitted the following comments:

Good evening Chatham County Board of Commissioners. My name is Holly Fraccaro, I am the Executive Director of the Home Builders Association of Durham, Orange & Chatham Counties. I represent the residential construction industry and appear before you on behalf of my Chatham County Builders. It's events like the recent cyber-incident, for good or bad, help uncover strengths and weaknesses within a given organization. The strengths lie with your staff, kudos to Dan LaMontagne, David Camp & their staff for all they've done to handle this situation. The domino effect of delayed

real estate transactions is beyond catastrophic.

The weaknesses I'm hearing about are related to staffing size and scope of work. Chatham is growing and, as such, the departmental needs have also grown. Inspections staff are reviewing permit applications, which keeps them from being in the field. I've also come to learn that Chatham County's permitting fees are considerably higher than Chapel Hill (nearly double) and Chapel Hill's fees are exponentially higher than that of Durham. At this cost, it is not unreasonable for our builders to expect a matched level of service, which is impossible given the current staffing.

This spring, my association will be advocating for adding a dedicated permit review staff, as well as hiring additional inspections and support staff. Until then, I would like to offer my HBA as a resource to you and the Central Permitting department. We have had great success in both Durham and Orange County through the implementation of quarterly Stakeholder meetings. These meetings bring together builders and the respective planning, permitting and inspections departments. We solve problems, share best practices from neighboring jurisdictions and are creating much better working relationship between builders and staff, which ultimately serves your current and future homeowners.

I hope you will accept my invitation and encourage your staff to work with us in forming the Chatham County Stakeholders group. I will share my written comments and contact information with Ms. Ray, the Chatham County Clerk.

PUBLIC HEARINGS

21-3729

A quasi-judicial public hearing for a request by Matthew Malone, for a Conditional Use Permit Revision for a site plan change and request additional uses, Parcel 2759 being approximately 2.29 acres, located at 9553 US 15-501 N., Baldwin Township.

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

Chair Howard opened the hearing and administered the oath to all wishing to speak on this item.

Zoning Official Janie Phelps reviewed the specifics of the request.

The applicant answered clarifying questions.

The Chair asked if any planning board members had any questions. The Chair administered the oath to George Lucier. Dr. Lucier stated they could not hear in the other room and he asked Ms. Phelps to just review the specifics of the request.

The Chair closed the hearing.

This Agenda Item was referred to the Planning Board.

21-3730

A quasi-judicial public hearing for a request by Jennifer Miller-Farias, for a Conditional Use Permit for a Boarding Kennel, Parcel 64991 being

approximately 6.75 acres,
located at 5821 NC HWY 87, Hadley Township.

Attachments: [More information from planning website](#)
[CUP Hearing Presentation- Miller-Farias](#)

Chair Howard opened the hearing and administered the oath to all wishing to speak or ask questions on this item.

Zoning Administrator Janie Phelps reviewed the specifics of the request.

Applicant Jennifer Miller-Farias answered questions for the Board and gave a short presentation about the proposed dog kennel. (Presentation attached)

They could accommodate a total of 34 dogs at full capacity.

Karen McClelland, who lives across from this property, spoke to the Board. She asked what will the rules and restrictions be for the business. How many dogs will be allowed at one time? What size dogs will be allowed? What will the hours be during the different seasons? She is concerned about animal solid waste and how it will be handled. She is worried about the groundwater of the neighboring spring. Will the spring be tested regularly? Will they also have cats or is this just for dogs? She would like her neighborhood to remain residential.

Marilyn McClelland, who is also resident who lives close by, also addressed the Board. She doesn't think the trees are a good buffer. She wants her neighborhood to remain residential property and farmland.

Planning Board Chair George Lucier asked if there are any other boarding kennels similar to this in the area? Ms. Miller-Farias said she only knows of one in the northern part of the county that has cabins for dogs but only about five.

The Chair closed the hearing.

This Agenda Item was referred to the Planning Board.

[21-3731](#)

Public Hearing to receive public input on the Recommended FY22-28 Capital Improvements Plan (CIP).

Attachments: [CIP Document](#)
[CIP 11.2.2020 Presentation](#)

Assistant County Manager Bryan Thompson gave a presentation to the Board. (Presentation attached)

The Chair opened the hearing.

No one signed up to speak.

The Chair closed the hearing and the Board will discuss the CIP at the CIP Work Session on December 9th at 9am at the Agriculture and Conference Center.

[21-3732](#)

Vote on a request to approve Chatham County's 2021 Schedule of Values

Attachments: [Schedule of Values](#)

Tax Administrator Jenny Williams reviewed the specifics of the request. Ryan Vincent was also present to answer any questions.

The Chair opened the hearing.

Marian Norton submitted the following comments:

Being completely untrained in the county's reappraisal process, challenging the appraisal on a piece of property a few years ago became a learning process. I still know little, and was unsuccessful in the challenge, though the property is still valued at \$50K more than a professional appraiser valued the property. In the process I learned that the "Schedule of Values" adopted by the County Commissioners was the document that set all the values and could not be changed.

I've had difficulty following this document due to its length and limited time of availability. I have spent many hours and used the search option trying to find the Neighborhood delineations and the values (percentages) applied to each. I'm further hindered by not being able to pull up actual property record cards at this time.

In 2018 I challenged the value of a house we owned in Goldston. On the property record card I found the neighborhood assigned was Goldston and it had a number that I believe was #607 (I cannot currently verify this as I cannot currently find property cards on the county website). At the bottom of the card where the value was totaled there was a line with Goldston and the number 126. By doing a little math I found that the final value of the home was then multiplied by 126%. Our other home in Hickory Mountain had a multiplier of 90% ... while a family member's singlewide mobile home in a small named subdivision with gravel road had 100%. This seemed to be quite a contrast for homes in the southern part of the county. This lead me to explore the neighborhood rates in other areas of the county. I am attaching a chart that I made in 2018 from data on property record cards. Notice that Goldston (area both outside town limits and inside town limits) ranked 2nd in the county of the rates I found, above many of the high end developments in the county. Further looking at sales data for that area I found five listings that said they sold for \$900,000 each. Some were small acres, some large, and only one parcel had a home ... further these five parcels sold on same day, and were attached to one deed. County sales records made it appear that they sold for 5 times the true sale price or 4.5 Million dollars. I asked the appraiser about it and was told this was an error and they would be removed, but there would be no recalculation because the Schedule of Values had already been adopted.

I have several questions. Where are the neighborhood values that will be applied in 2021? Can we inspect this data before adoption of the Schedule of Values to perhaps catch these 4.5 million dollar mistakes BEFORE they result in gross miscalculation of property values? It seems to me that page 51 of the Schedule of Values has a sentence that we should find very important. "Complete and accurate data are essential to the program".

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

Aye: 4 - Chair Howard, Vice Chair Hales, Commissioner Crawford and Commissioner Dasher

No: 1 - Commissioner Wilkie

[21-3733](#)

A Legislative public hearing for a request by K&B Investment Corp, for a general use rezoning from B-1 Business to IND-L, Light Industrial, Parcel No. 60705 being 13.154 acres, located at 144 Old Lystra Rd, Williams Township.

Attachments: [More information from planning website](#)
[144 Old Lystra Re-Zone Presentation](#)

The Chair opened the hearing.

Zoning Administrator Janie Phelps reviewed the specifics of the request.

*Justin Booth spoke on behalf of the applicant and gave a presentation to the Board.
(Presentation attached)*

Sam Rauf with Chatham Economic Development Corporation addressed the Board. EDC has been working with Mr. Booth over the past several months on this project. This rezoning fits within the Comprehensive Plan and will achieve economic development goals of the plan. This building is on a septic system which is unusual for such a large building. The septic system limits the uses for the site.

Edo Pellizari, represents residents adjacent to the property. They object to the requested rezoning to light industrial.

Zoning Administrator Angela Plummer stated that over the last two decades she has worked with this property, there is no way the applicant could expand the footprint due to the impervious surface requirements and the septic system.

The Chair closed the hearing.

This Agenda Item was referred to the Planning Board.

[21-3734](#)

A legislative public hearing for a request by the Planning Department to consider amendments to the Chatham County Zoning, Subdivision, Watershed Protection, and Flood Damage Prevention Ordinances required by the Chapter 160D Statutory update.

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

Planner Hunter Glenn reviewed the specifics of the request.

The Chair opened the hearing.

No one signed up to speak.

The Chair closed the hearing.

This Agenda Item was referred to the Planning Board and Watershed Review Board.

[21-3735](#)

A Legislative public hearing for a request by Scott Pearce of For Garden's Sake, for a map amendment to the Chatham/Cary Joint Land Use Plan for Parcel 62824, being about two acres, located at 9245 NC

751, previous Old Kelly Chapel Church, from Very Low Density Residential, to change to a commercial/retail designation, Williams Township.

Attachments: [More information from planning website](#)

Planning Director Jason Sullivan reviewed the specifics of the request.

The Chair opened the hearing.

Applicant Scott Pierce explained his request to the Board.

No one signed up to speak.

The Chair closed the hearing.

This Agenda Item was referred to the Planning Board.

[21-3736](#)

A legislative public hearing for a request by CRCED Treatment LLC for a rezoning from R-1 Residential to Conditional District Office & Institutional (CD O&I) on parcel 20029 and .03 acres of parcel 93851 to expand services for a residential group home treatment facility, located on approximately 6.38 acres at 7990 NC 751, Williams Township.

Attachments: [More information from planning website](#)

[01 Carolina House Existing Cond Plan](#)

[02 Carolina House Preliminary Site Plan](#)

[03 Carolina House Preliminary Landscape Plan](#)

[04 Carolina House Preliminary Lighting Plan](#)

[2020.11.16 Carolina House Maps and Exhibits \(as Filed\)](#)

[2020.11.16 Carolina House Written Materials \(As Filed\)](#)

Zoning Administrator Angela Plummer reviewed the specifics of the request.

The Chair opened the hearing.

Nick Robinson, attorney for the applicant, reviewed details of the request. (Documents attached)

Mr. Robinson asked to incorporate the plans from project engineer Mark Ashness into the record. (Documents attached)

No one signed up to speak.

The Chair closed the hearing.

This Agenda Item was referred to the Planning Board.

BOARD PRIORITIES

[20-3642](#)

Vote on a request by Tanya Matzen, Vice President, on behalf of NNP

Briar Chapel, LLC for subdivision Final Plat review and approval of Briar Chapel, Phase 13 Section 3, consisting of 59 lots on 18.66 acres, located off Great Ridge Parkway, SR-1692, Baldwin Township, parcels #2617.

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

Nick Robinson, attorney for NNP-Briar Chapel, LLC, addressed the Board. He stated his remarks for this item as well as the next item are the same. He will discuss both at one time. He stated the applicant has submitted a letter with the legal reasons why both of the final plats should be approved as recommended by staff. Mr. Robinson also gave an update on the situation since the October 19, 2020 Board of Commissioners meeting.

Chair Howard asked county attorney Bob Hagemann to review the three legal options available to the Board of Commissioners. First, the Board can vote tonight to approve the subdivision plats. Second, the Board can vote tonight to deny the subdivision plats. Mr. Hagemann stated that if the Board denies the request it should hone in on what particular aspect of the subdivision ordinance is the basis for denial. The third option is to take no action within the sixty days the plats are deemed approved. The plats were presented to the Board on October 19, 2020 and that is when the sixty day clock began. The sixty day time frame will end on December 18th. The Board's regular meeting is after that date on December 21st.

[20-3643](#)

Vote on a request by Tanya Matzen, Vice President, on behalf of NNP Briar Chapel, LLC for subdivision **Final Plat** review and approval of **Briar Chapel, Phase 14**, consisting of 89 lots on 31.45 acres, located off Catullo Run, Baldwin Township, parcels #89624.

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

This item was discussed as part of the previous item.

CLERK'S REPORT

Clerk to the Board Lindsay K. Ray stated that the annual Clerks Academy through the UNC School of Government is this Thursday and Friday. She will serve on a panel of four clerks to discuss the County's commissioner candidate orientation and newly elected commissioner orientation.

MANAGER'S REPORT

County Manager Dan LaMontagne stated the phone system is back up with the exception of voicemail. We are still waiting on our Microsoft licensing to be able to restore email and re-image laptops. He thanked the commissioners and the residents for their patience as staff works to get all systems restored.

Commissioner Dasher asked if investigators would have an after action report. Mr. LaMontagne stated there will be an after action report once the investigation is final. The County still has not received a final forensic report from the National Guard so we are still in the investigation phase.

COMMISSIONERS' REPORTS

Commissioner Wilkie wished everyone a safe and happy Thanksgiving.

Chair Howard stated a mobile home community in the county has been facing some challenges and the owners have shown some interest with working with the community on these challenges. She asked if the Board could write a letter to the owners to encourage them and offer support to help address these challenges. The Board agreed by consensus.

ADJOURNMENT

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

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