



# Chatham County, NC

## Meeting Minutes

### Board of Commissioners

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Monday, March 18, 2019

6:00 PM

Historic Courthouse Courtroom

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#### Rollcall

**Present:** 3 - Chair Mike Dasher, Vice Chair Diana Hales and Commissioner Jim Crawford

**Absent:** 2 - Commissioner Karen Howard and Commissioner Walter Petty

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

#### PUBLIC INPUT SESSION

*No one signed up to speak.*

#### BOARD PRIORITIES

##### [19-3002](#)

Vote on a request to adopt a resolution supporting the NC Carolina Core

**Attachments:** [Carolina Core Resolution](#)

*Chatham Economic Development Corporation President Alyssa Byrd introduced Stan Kelly and Jed McMillan from the Piedmont Triad Partnership.*

*Ms. Byrd explained that Carolina Core is a marketing initiative being led by the Piedmont Triad Partnership. Chatham County is one of the communities in the Carolina Core initiative.*

*Mr. Kelly explained that NC Core is a long range marketing plan for central North Carolina. It centers around US 421 from Fayetteville to Winston-Salem. The goal over the next twenty years is to win 50,000 new incremental jobs to the central part of North Carolina. There are four megasites along the US 421 corridor, a large workforce and thirty educational institutions in this region.*

**A motion was made by Commissioner Crawford, seconded by Vice Chair Hales, that Resolution #2019-16 Supporting the NC Carolina Core, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 3 - Chair Dasher, Vice Chair Hales and Commissioner Crawford

**Absent:** 2 - Commissioner Howard and Commissioner Petty

[19-3003](#)

Vote on a request to adopt a resolution supporting future interstate upgrade for US Highway 421.

**Attachments:** [US Hwy 421 Carolina Core Resolution](#)

**A motion was made by Commissioner Crawford, seconded by Vice Chair Hales, that Resolution #2019-17 Supporting Future Interstate Upgrade for Highway 421, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 3 - Chair Dasher, Vice Chair Hales and Commissioner Crawford

**Absent:** 2 - Commissioner Howard and Commissioner Petty

[19-2998](#)

Receive a presentation by the Chatham County Appearance Commission regarding an option in preserving the county's rural aesthetics through design guidelines.

**Attachments:** [CCAC BOC Work Session Presentation Mar 2019](#)

*Zoning Administrator Angela Birchett introduced the item. Appearance Commission Chair Bill Causey and Secretary Shelley Jacobs gave a presentation to the Board. (Presentation attached)*

*Vice Chair Hales said a tree ordinance should be part of the UDO.*

*Chair Dasher asked if land in forestry management would have to comply with proposed buffers. Planning Director Jason Sullivan said if they wanted to cover anything under timber management the County would have to seek special legislation from the General Assembly.*

*Vice Chair Hales said there is photography available that is done by the state as well as the County GIS information and it may not be necessary to get new drone footage of the corridors. She stated there is also a question about drones and privacy.*

*Appearance Commissioner member Dan Sunberg stated the GIS pictures he works with do not have the resolution for what the Commission needs.*

*Vice Chair Hales suggested Planning staff look at the request. The County Manager said he would like to work with the MIS department to determine what products are available and come back to the Appearance Commission with information. The Board agreed to refer to staff and that the Appearance Commission could begin working on a new ordinance in the interim.*

**CLOSED SESSION**[19-3008](#)

Closed Session to discuss matters relating to personnel, attorney-client privilege, property acquisition and economic development.

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

**vote:**

**Aye:** 3 - Chair Dasher, Vice Chair Hales and Commissioner Crawford

**Absent:** 2 - Commissioner Howard and Commissioner Petty

**ADJOURNMENT**

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

**Aye:** 3 - Chair Dasher, Vice Chair Hales and Commissioner Crawford

**Absent:** 2 - Commissioner Howard and Commissioner Petty

**End of Work Session**

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

**Present:** 3 - Chair Mike Dasher, Vice Chair Diana Hales and Commissioner Jim Crawford

**Absent:** 2 - Commissioner Karen Howard and Commissioner Walter Petty

**INVOCATION and PLEDGE OF ALLEGIANCE**

*Chair Dasher asked those in attendance to observe a moment of silence after which he invited everyone present to stand and recite the Pledge of Allegiance.*

**CALL TO ORDER**

*Chairman Dasher welcomed those in attendance and called the meeting to order at 6:00. He stated Commissioner Howard and Commissioner Petty would not be in attendance as they are both traveling.*

**APPROVAL OF AGENDA and CONSENT AGENDA**

*Vice Chair Hales requested to move Item #19-2993 after the public hearings.*

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

**Aye:** 3 - Chair Dasher, Vice Chair Hales and Commissioner Crawford

**Absent:** 2 - Commissioner Howard and Commissioner Petty

**[19-2999](#)**

Vote on a request to approve the November 19, 2018 Work and Regular Session Minutes, the January 22, 2019 Work and Regular Session Minutes, the February 18, 2019 Work and Regular Session Minutes, the February 4, 2019 Regular Session Minutes, the February 8, 2019

Legislative Breakfast Minutes, the February 23, 2019 Special Meeting Minutes, the February 25, 2019 Special Meeting Minutes, and the February 26, 2019 Special Meeting Minutes.

**Attachments:**     [Draft Minutes 11.19.2018](#)  
                              [Draft Minutes 01.22.2019](#)  
                              [Draft Minutes 02.04.2019](#)  
                              [Draft Minutes 02.08.2019](#)  
                              [Draft Minutes 02.18.2019](#)  
                              [Draft Minutes 02.23.2019](#)  
                              [Draft Minutes 02.25.2019](#)  
                              [Draft Minutes 02.26.2019](#)

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

**Aye:** 3 - Chair Dasher, Vice Chair Hales and Commissioner Crawford

**Absent:** 2 - Commissioner Howard and Commissioner Petty

[18-2894](#)

Vote on a Quasi-Judicial request for a conditional use permit revision to add additional storage units by Richard Veno on behalf of Robert Kapp and Brian Maginnis dba American Self Storage, located on Parcel No. 17454, 30 Mt. Gilead Church Rd., New Hope Township.

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

**A motion was made by Vice Chair Hales, seconded by Commissioner Crawford, that this Resolution #2019-11 Approving a Revision to a Conditional Use Permit Request by American Self Storage, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 3 - Chair Dasher, Vice Chair Hales and Commissioner Crawford

**Absent:** 2 - Commissioner Howard and Commissioner Petty

[19-2895](#)

Vote on a Legislative request for general use rezoning by Roy Brooks to rezone a portion (3.4 acres out of 19.9 acre tract) of Parcel No. 76558, from R-1 Residential to IL Light Industrial, located at 6814 Beaver Creek Road, Cape Fear Township.

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

**A motion was made by Vice Chair Hales, seconded by Commissioner Crawford, that Resolution #2019-12 Adopting a Consistency Statement for the Approval of Rezoning for Roy Brooks, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 3 - Chair Dasher, Vice Chair Hales and Commissioner Crawford

**Absent:** 2 - Commissioner Howard and Commissioner Petty

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

**Aye:** 3 - Chair Dasher, Vice Chair Hales and Commissioner Crawford

**Absent:** 2 - Commissioner Howard and Commissioner Petty

[19-2896](#)

Vote on a Legislative request for a general use rezoning by Michael and Amanda Gress to rezone Parcel No. 5537 being 30.41 acres, from R-1 Residential to IL Light Industrial, located off Old US 1 and US 1, Cape Fear Township.

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

A motion was made by Vice Chair Hales, seconded by Commissioner Howard, that Resolution #2019-13 Adopting a Consistency Statement for the Approval of Rezoning for Michael and Amanda Gress, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

**Aye:** 3 - Chair Dasher, Vice Chair Hales and Commissioner Crawford

**Absent:** 2 - Commissioner Howard and Commissioner Petty

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

**Aye:** 3 - Chair Dasher, Vice Chair Hales and Commissioner Crawford

**Absent:** 2 - Commissioner Howard and Commissioner Petty

[19-2994](#)

Vote on a request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision **Preliminary Plat** review and approval of **Briar Chapel, Phase 13, Section 3**, consisting of 59 lots on 15.80 acres, located off Great Ridge Parkway, SR-1692, Baldwin Township, parcel #2617.

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

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

**Aye:** 3 - Chair Dasher, Vice Chair Hales and Commissioner Crawford

**Absent:** 2 - Commissioner Howard and Commissioner Petty

[19-3005](#)

Vote on request to adopt CDBG-NR Project Ordinance, and execute Grant Agreement, Funding Approval, Signatory Form and Certification Card, and Project Ordinance and to allow staff to continue with the procurement process for administrative services as outlined in the abstract.

**Attachments:**     [GrantAgreementCDBG-NR2019](#)  
[FundingApprovalCDBGNR-2019](#)  
[IntroGrantAgreementCDBGNR-2019](#)  
[CDBGNR-2019 Project Ordinance](#)

A motion was made by Vice Chair Hales, seconded by Commissioner Crawford that this Ordinance concerning 2018 CDBG-NR Acquisition for Future Shelter Site Project, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

**Aye:** 3 - Chair Dasher, Vice Chair Hales and Commissioner Crawford

**Absent:** 2 - Commissioner Howard and Commissioner Petty

[19-2982](#)

Vote on a request to approve \$3,529 Maternal Health State Funds

**Attachments:**     [\\$3,529 Maternal Health Funds](#)

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

**Aye:** 3 - Chair Dasher, Vice Chair Hales and Commissioner Crawford

**Absent:** 2 - Commissioner Howard and Commissioner Petty

[19-2986](#)

Vote on a request to approve \$25,000 Healthiest Cities & Counties Challenge Runner-Up Prize Award.

**Attachments:**     [Healthies Cities and Counties Challenge Award](#)

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

**Aye:** 3 - Chair Dasher, Vice Chair Hales and Commissioner Crawford

**Absent:** 2 - Commissioner Howard and Commissioner Petty

[19-3000](#)

Vote on a request to approve Tax Releases and Refunds

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

A motion was made by Vice Chair Hales, seconded by Chair Dasher, 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:** 3 - Chair Dasher, Vice Chair Hales and Commissioner Crawford

**Absent:** 2 - Commissioner Howard and Commissioner Petty

[19-2988](#)

Vote on a request to approve Fiscal Year 2018-2019 Budget Amendments

**Attachments:**     [Budget Amendment 2018-2019 March](#)

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

**Aye:** 3 - Chair Dasher, Vice Chair Hales and Commissioner Crawford

**Absent:** 2 - Commissioner Howard and Commissioner Petty

[19-2989](#)

Vote on a request to approve the adoption of a Revaluation fund budget and a Housing Trust fund budget

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

**Aye:** 3 - Chair Dasher, Vice Chair Hales and Commissioner Crawford

**Absent:** 2 - Commissioner Howard and Commissioner Petty

[19-2987](#)

Vote on a request to approve the 2019 Audit Contract with Martin Starnes & Associates, CPAs, PA

**Attachments:**     [2019 Chatham County Contract](#)  
                          [Chatham County - 2019 Single Audit Engagement Letter](#)

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

**Aye:** 3 - Chair Dasher, Vice Chair Hales and Commissioner Crawford

**Absent:** 2 - Commissioner Howard and Commissioner Petty

[19-3001](#)

Vote on a request to approve a contract with CrowderGulf for emergency debris removal and authorize the County Manager to execute the agreement.

**Attachments:**     [Disaster Debris Management RFP \(Final\)](#)  
                          [Addendum No 1-Disaster Debris Management](#)  
                          [CrowderGulf Final Proposal Chatham Co. NC](#)  
                          [CrowderGulf Contract 01222019.docx](#)  
                          [CrowderGulf Insurance 2019.docx](#)

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

**Aye:** 3 - Chair Dasher, Vice Chair Hales and Commissioner Crawford

**Absent:** 2 - Commissioner Howard and Commissioner Petty

[19-3007](#)

Vote on a request to approve the incentive agreement with EG-Gilero and authorize the County Manager to execute the agreement.

**Attachments:** [Signed by Gilero - Chatham County Incentive Agreement](#)

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

**Aye:** 3 - Chair Dasher, Vice Chair Hales and Commissioner Crawford

**Absent:** 2 - Commissioner Howard and Commissioner Petty

[19-3004](#)

Vote on a request to approve easement agreements and deed of right of way associated with the Pittsboro circle improvements.

**Attachments:** [Circle Easement Paperwork](#)

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

**Aye:** 3 - Chair Dasher, Vice Chair Hales and Commissioner Crawford

**Absent:** 2 - Commissioner Howard and Commissioner Petty

[19-2992](#)

Vote on a request to award the bid to Ellington Contracting Inc for the Chatham Transit Network Pre-Engineered Building and Site Work in the amount of \$721,005.84 and authorize the County Manager to execute the contract.

**Attachments:** [CTN Bid Tab-Official](#)

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

**Aye:** 3 - Chair Dasher, Vice Chair Hales and Commissioner Crawford

**Absent:** 2 - Commissioner Howard and Commissioner Petty

[19-2991](#)

Vote on a request to adopt the proposed Old School Garage Renovation Project Ordinance

**Attachments:** [Project Ordinance Old School Bus Garage](#)

**A motion was made by Vice Chair Hales, seconded by Commissioner Crawford, that this Ordinance Concerning the Old School Bus Garage Renovation, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 3 - Chair Dasher, Vice Chair Hales and Commissioner Crawford

**Absent:** 2 - Commissioner Howard and Commissioner Petty

[19-3009](#)

Vote on a request to adopt a resolution for minimal refunds and underpayments.

**Attachments:** [Resolution for Minimal Refunds and Underpayments](#)



**A motion was made by Vice Chair Hales, seconded by Commissioner Crawford, that Resolution #2019-14 for Minimal Refunds and Underpayments, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 3 - Chair Dasher, Vice Chair Hales and Commissioner Crawford

**Absent:** 2 - Commissioner Howard and Commissioner Petty

### **End of Consent Agenda**

### **BOARD PRIORITIES**

#### **19-3010**

Vote on a request to approve the appointment of Dan LaMontagne as Chatham County Manager, effective March 18, 2019.

*Commissioner Crawford said it was his pleasure to make a motion to approve the appointment of Dan LaMontagne as County Manager. He believes his record and the way Mr. LaMontagne has handled the job as Interim County Manager speaks for itself.*

*The Clerk read a statement from Commissioner Petty:*

*"I'm sorry I cannot be with you tonight as we announce the appointment for our new county manager. I am confident in the decision made to select Dan for this position. I have had the opportunity to watch him perform his duties over the last 10 years as a commissioner. He has had responsibilities in several departments and has led them with impressive management skills. His track record clearly speaks to his leadership skills. Additionally, I'd like to publicly thank Dan for his dedication and service to the citizens of Chatham County and to say I look forward to your leadership as county manager."*

*Mr. LaMontagne stated he was honored and thankful for the Board's confidence in him as County Manager.*

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

**Aye:** 3 - Chair Dasher, Vice Chair Hales and Commissioner Crawford

**Absent:** 2 - Commissioner Howard and Commissioner Petty

#### **19-2961**

Vote on a request to adopt a Resolution Proclaiming April 2019 as Volunteer Appreciation Month in Chatham County

**Attachments:** [Volunteerappreciationmonth2019 \(1\)](#)

*Chair Dasher read the resolution into the record.*

*Vice Chair Hales stated volunteerism is instrumental to the work of the County and the quality of life in the county.*

**A motion was made by Vice Chair Hales, seconded by Commissioner Crawford, that Resolution #2019-15 Proclaiming April 2019 as Volunteer Appreciation**

Month, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

**Aye:** 3 - Chair Dasher, Vice Chair Hales and Commissioner Crawford

**Absent:** 2 - Commissioner Howard and Commissioner Petty

## **PUBLIC INPUT SESSION**

*Karen Luciano submitted the following comments:*

*My name is Karen Luciano. I live at 234 Rocky Falls Lane. I am here today with four other people to ask the Board of Commissioners to fund a second biological study of the Rocky River. When George Lucier was chairman of the Board, the County allocated \$30,000 for the first study. The study, entitled the "Rocky River Subbasin Aquatic Taxa Surveys" was completed in July 2010. Copies of the executive summary are available for you now. In this regards we are asking you to formally place on the April County agenda a review, and hopefully approval, of our proposal.*

*So that valid comparisons can be made between the first and second surveys, we recommend the second survey use the same methodology as used by Alderman Environmental Services which conducted the first survey. The study should be undertaken as soon as possible before nitrogen pollution from the Mountaire chicken plant leads to massive algae growths and further biological decline of the River.*

*The study would be undertaken by Chatham County and then contracted out. The cost would be somewhere between \$50,000 and \$70,000. The study would include freshwater mussels, snails, crayfish, macroinvertebrates and fish at the 32 sites in the 2010 study.*

*The findings of the 2010 study can be summarized in three sentences.*

- 1) Of the 21 invertebrate species studied, only four might remain in the foreseeable future.*
- 2) Of the 24 fish species studies, diversity is good.*
- 3) However, overall, signs of biological decline are obvious.*

*The purpose of the second study would be to determine whether various species - including rare and endangered species - have rebounded after the closure of the Townsends and Pilgrims Pride chicken slaughtering plants. The County gave a \$1,500,000 tax concession to Mountaire. Unfortunately, this tax concession indirectly impacts the nitrogen pollution of the river because it did not require Mountaire to reduce its nitrogen discharges. This tax concession is an amount 21 to 30 times greater than the cost of the proposed taxa survey.*

*In an age of rapid climate change, innovative actions by all governments to protect natural resources is essential. Chatham County should be, and needs to be, in the forefront of those actions to protect our magnificent natural resources which obviously includes our Rocky River.*

*Debbie Wakefield submitted the following comments:*

*My name is Debby Wakefield. I live in Chatham County at 384 Rainy Day Farm Drive, Sanford, NC 27330. I also think Chatham County should finance a second biological*

*study of the Rocky River. I am here today to give you three reasons this should be done as soon as possible.*

*First, while we welcome Mountaire Farms and the jobs it will create, we do not welcome the flood of nitrogen pollution Mountaire will pour into the Rocky River. This flood of nitrogen will occur because the N.C. Division of Water Resources proposes to issue a permit to the Siler City Wastewater Treatment plant that will allow nitrogen discharges into the River to be 50% higher than they were when Townsends and Pilgrim's Pride were in operation. This higher level of nitrogen pollution will be allowed for at least four years and perhaps longer if the proposed upgrades of the Treatment Plant are not undertaken on schedule.*

*If upgrades to the Wastewater Treatment Plant are taken on schedule the proposed State discharge permit will still allow nitrogen pollution to be nearly the same as they were when Townsends and Pilgrim's Pride were open. When these plants were open, the nitrogen pollution they discharged resulted in the River below Siler City being clogged with algae in warmer months. Although State water quality standards classify the Rocky River, as being suitable for secondary recreation, this excessive algae made secondary recreation activities - fishing, wading and boating - nearly impossible. As the algae died, it also reduced oxygen levels in the water and contributed to population declines of various aquatic species.*

*Second, a biological study should be approved because Mountaire Farms will result in more chicken operations in the Rocky River watershed. This increase in chicken farming will lead to more nutrient runoff into local streams and into the Rocky River. This will further damage the biological health of the river and increase the need for biological monitoring of the type the State does not undertake.*

*Finally, we need to consider the impacts of climate change including hotter water temperatures, lower water oxygen levels, and more extremes in high and low flows in the River resulting from more extremes in rainfall and droughts. Over the years, these impacts will send the Rocky River into a downward biological spiral that will be made worse by nitrogen pollution. The ability Chatham County and state agencies to moderate this biological decline can be improved by timely biological surveys of the type we are proposing today. Although Chatham County has limited legal authority to manage water quality in the Rocky River, the County can still be instrumental if it chooses to be a little bold. We will highlight this later. For these reasons, I hope you will reauthorize the biological survey at your next meeting.*

*Nita Dukes submitted the following comments:*

*My name is Nita Dukes. I live at 194 N. Hillcrest Rd., Siler City, NC. As we know, water quality management is primarily the responsibility of the State. The State does not, however, undertake the type of biological survey we are proposing. If we want to know what the biological health of the Rocky River truly is, Chatham County will have to step up to the plate once again and finance such a study. I will give you five specific reasons why this is true.*

*First, typical information collected by the State or the Upper Cape Fear River Basin Association such as nitrates, nitrites, biological oxygen demand, micro invertebrates etc. cannot give an accurate picture of the biological health of the Rocky River. One reason they cannot is toxic spills. These spills occur off and on and wipe out fish and other aquatic populations. Unless a taxa survey is undertaken we have no credible way*

*of knowing what the biological health of the river will be after such events. In the Rocky River I know of three such events involving an ethanol mash spill, a textile dye spill and a Townsend sludge spill. For this reason along, biological surveys are invaluable.*

*Second, while water quality studies can tell us whether the aquatic environment should be able to support a healthy biological community, it cannot tell us whether this hospitable environment actually does support such a healthy biological community. This is true because chemical and nutrient spikes and oxygen sags occur between scheduled water quality tests. These spikes and sags can reduce biodiversity and the health of any one species.*

*Third, the Upper Cape Fear Basin Association does not undertake taxa surveys. Association tests focus on water quality assessments.*

*Fourth, such biological surveys the State undertakes are much smaller in scope than the 2010 survey. This is because (1) they have not included the entire subbasin, (2) they have been limited to only perhaps six or seven sites rather than the 32 sites included in the 2010 surveys, and (3) they have not included the full range of mussels, clams, crayfish, snails and fish and that were included in the 2010 surveys. In this regards it is important to note that the monitoring of fish and mussel populations the State has undertaken has been reduced since 2010. For this reason, County monitoring becomes even more important.*

*Finally, according to the Cape Fear River Basin planning staff, the State will not include biological monitoring in the long delayed NC Nutrient Criteria Development Plan. If and when this nutrient study occurs, the study will focus mainly on nitrogen. For these four reasons, a County sponsored biological study is needed.*

*Kathleen Hundley submitted the following comments:*

*My name is Kathleen Hundley. I live at 136 Rocky Falls Rd. Tonight I am going to take you on a verbal canoe trip down the Rocky River so you can see what this river is like. We will journey 37 miles through five segments of the River.*

*First, let us begin in southern Alamance and northern Chatham Counties. Here, in this headwater area you will see two small streams flowing through woods, fields and meadows laden with sediment and nutrients from area farm - especially after rains.*

*Second, let us float through the shallow upper Siler City water supply reservoir. Here nutrients and sediments from the headwaters lead to excessive nutrients and algae in the reservoir. This has led the State to classify the reservoir as being "impaired" because it does not meet State water quality standards.*

*Third, we now paddle through the lower water supply reservoir called the Charles Turner Reservoir. This reservoir also has excessive nutrients and, probably will be designated as being "impaired" in the foreseeable future.*

*Fourth, we paddle and portage five miles downstream where we float under Highway 64, and canoe pass Loves Creek-where wastewater from Siler City enters the Rocky River - and then we take a break at Varnel Creek. The State has designated this five mile stretch of the River as being impaired because the dissolved oxygen in the River is lower than State standards which itself, is lower than the level recommended by the*

*U.S. Fish and Wildlife Service. This low level of oxygen damages the biological health of the River. To make matters worse, the excessive nitrogen flowing into the River from Loves Creek promotes excessive algae growth all the way to the Deep River ... about 18 miles downstream.*

*Five, finally we meander about 18 miles downstream to the confluence with the Deep River. This section of the River harbors the endangered Cape fear Shiner and below U.S. Highway 15/501 is considered by the N.C. Natural Heritage Program to be a biological area of outstanding quality. In the past, this section was covered with algae in warmer months due to nitrogen pollution from the Townsend and Pilgrim's Pride plants before they closed in 2011. This made secondary recreational activities - boating, fishing, and wading - almost impossible- even though State water quality standards say they should be easily possible. Also, as the algae died, it reduced oxygen levels and damaged the biological health of the River even more.*

*When Mountaire gets into full operation and releases even more nitrogen, this situation will be worse. For this reason, I ask you to fund a second biological survey so that local and State agencies will the information they will need to protect the Rocky River.*

*Sonny Keisler submitted the following comments:*

*My name is Sonny Keisler. I live in Chatham County at 3006 River Forks Rd. Sanford, NC 27330. Tonight I wish to make one point: Chatham County can help protect the biological health of the Rocky River if it chooses to do so. A good starting point would be to fund a second biological study of the River and then use the information to help guide County economic development activities.*

*We all know that North Carolina is not a home rule state, that the State controls water quality management, and that County does not have jurisdiction over the Rocky River in the Siler City jurisdictional area. All of this limits what the County can do. However, these limits do not prohibit the County from being an active partner in the management of the biological health of the Rocky River. I will mention three reasons why this is true.*

*First, the U.S. Fish and Wildlife Service in a February 7 letter and the N.C Wildlife Resources Commission in a January 24th memorandum state that the impact of nitrogen pollution on the Rocky River from Mountaire Farms will likely be equal to or greater than the impact on the Rocky River from the Townsends and Pilgrims Pride chicken slaughtering plants. So as to offset this impact, both agencies recommend the Chatham Soil and Water Conservation District promote best management practices that could reduce nutrient flows from biosolids, animal wastes and fertilizer applications on farms, residential areas and forests. I would think the Chatham County Board of Commissioners could find ways to encourage not only the Soil and Water Conservation District, but also the Cooperative Extension Service, the Agricultural Advisory Board and, perhaps other agencies to help implement these best management practices in the watershed.*

*Second, the County could guide economic development in ways that protects the Rocky River. This could include county investments in the Chatham-Siler City Advanced Manufacturing Site, water and sewer lines and any future requests for property tax concessions. In these cases the biological study could help ensure County economic development.*

*Third, the biological study could help guide land use planning and site design*

*approvals. In this regard, the study could be used to promote land uses that minimized nutrient pollution and sedimentation.*

*In terms of financing, the study could be financed by tax revenues or by grants from third party organizations or by one or more large landowners in the Rocky River basin. Because the study is important, the County should place our proposal on the April County agenda and explore all options as soon as possible.*

*Steve Roberts submitted the following comments:*

*I have a few thoughts on our Confederate statue that has stood here since August 23 of 1907. It honors the lives of 1900 soldiers who left this county to fight for the South. I say the South because hundreds of thousands of soldiers who fought for the Confederacy were fighting for their South not slavery. The Confederate States of America lasted from 1861 until 1865. Slavery had its roots in the North in the early 1700's. Slavery lasted a lot longer under the Northern rule than it ever did under a Confederate one.*

*Now I find it ridiculous that a War that lasted 4 years can still be called the source of everything that is going on today. We have become a people that are offended by anything and everything. How in the world can a statue that has stood for a hundred and twelve years, now make people shiver with fear and bring on such outrage? If the statue is removed, does that mean we will have peace and everyone will be happy? I think not. I believe removing statues is the beginning and not the end. It is already happening. Schools names are being changed, road names are being changed. Can it be possible that they may try to change our accent? Good luck with that one. You see, I was born in the South and have lived within about 30 miles of this place for almost 62 years. I have traveled many places in and out of this country. I always felt different until I was back on Southern soil. I love the South and all it has to offer. I love the people of the South and all who consider themselves Southerners. I have never once thought that the South represented slavery in any form or fashion. I can see why people would have taken up arms against an invading army. They loved their South.*

*How long will it be before this imaginary threat will be resolved and the people are offended by something else, like the Washington Monument, the Lincoln Memorial ( after all it was he who stated in a letter to Horace Greeley in August 22, 1862- that said "My paramount object in this struggle is to save the Union, and is not either to save or destroy slavery." How long will it be before people are offended by the Vietnam Veterans Memorial, the Korean War Memorial and the Iwo Jima Memorial? You can't say it will not happen. Surely we have hurt many people who fought on the other side of the issue that feel uncomfortable when they see them. Just around the corner there is a piece of steel from 911 that we have made into a memorial. How long is it going to take before people feel uncomfortable and want it removed also?*

*History is a great thing if you study it, reflect on it and learn from it. I'm afraid too many people who claim to be enlightened are actually living in the dark and are bound to repeat these same mistakes again.*

*Elizabeth Haddix submitted the following comments:*

*I came tonight planning to ask you to consider an indoor youth recreational facility. We've got kids all over the town and all over the county who need a safe place to go*

*that is indoors and out of the elements. I have two teenage boys who are here. Chad and I have raised them to be responsible citizens but unfortunately when they are hanging out after school on the street in Pittsboro, they are treated like delinquents. They are asked to leave. They are asked to not sit in the restaurants and not sit on the benches. They are asked to not stand in the walkways. This is not the way I want our children of this town and the county to be treated for fear that they might actually become delinquents. A lot of education research shows us that the ways children are treated has a great impact on how they actually turn out, which brings me to the other point I wanted to raise, the monument out front. I grew up in Mississippi. I am a southerner to my core. I will never leave the south. I came here to get an education and raise my children. It is an assault on me as a human and as a civil rights lawyer and defender of justice and people's rights everytime I come around the circle in my children's home town. That statue is, in its inception in 1907 with the Daughters of the Confederacy, a monument to white supremacy. The historical papers on that monument document what it stands for. I know Justice Walter Clark who served on the Supreme Court for so long had a progressive history himself, but he was a white supremacist. He was a man of his time and he defended the Confederacy. The statue needs to come down. It is high time that it come down. It can come down without a controversy and with great leadership from this Board. I ask that you consider doing just that. Thank you.*

*Kirk Haddix submitted the following comments:*

*I am a student at Northwood High School. I grew up in this town. I think it is a wonderful place. Running around on the streets as a kid, personally, I wasn't trying to bother anybody but I was bothering people. I think a rec center would be a great place for kids to stay after school. Not just to play and exercise but to study and do homework when it is not safe at home. It would be a great place for kids that don't have a place to go back to after school. Thank you.*

*Howard Fifer submitted the following comments:*

*Good evening. My name is Howard Fifer and I am a resident of Chatham County. I am privileged to be part of a group of Chatham residents invited to address you at the April Commissioners meeting regarding the monument standing in front of this courthouse. I hope and anticipate that next month's meeting will be a civil discourse on a subject which, in some other nearby places, has proven to be a difficult conversation.*

*Why a difficult conversation? Not only because of the subject matter, but rather because of the way some have chosen to approach it. Fellow Chatham County residents, let's all meet the challenge of this issue with an open mind. That means listening to the initial presentations and then making any responses in a thoughtful, respectful way.*

*Some may say no problem regarding the monument even exists, thus there is nothing to address. To that, I reply, please come to hear why some of your neighbors say there is in fact a very real - and hurtful - problem.*

*Furthermore, it's crucial to carry on this conversation without the distraction of noise from outside our county. People from outside the County may have their own, differing agendas and little if any stake in resolving our issues. At the end of the day, we in Chatham know our needs best. As neighbors, we will continue to interact with each other and, after all, we have more in common than not, namely the well-being of*

Chatham County.

*In conclusion, we have an opportunity here to set a good example for our children and outsiders, to act in a way we all can be proud of every day of the week, including Sunday. I look forward to a productive meeting next month.*

*Parker Stockdale submitted the following comments:*

*I am Parker Stockdale and I'm a Chatham County resident. I am concerned that some people in our midst feel that the statue of the infantryman outside is an uncomfortable anachronism. These people will tell anyone who listens that it is a monument to "The Lost Cause", that the Daughters of the Confederacy, all of whom are descendants of long-dead Southern soldiers, put it there as a means to slyly intimidate freed Negro slaves, and that it glorifies the 150-year slaveholding period before the Civil War .*

*These people need to become familiar with the history of the State they have decided to relocate to. The men, and, read your history, many women, who are honored by that monument lived in a region of mainly one-family farm North Carolina in 1861 was not swept up in the cries for war put forth by the cavalier landed slaveholders who saw the handwriting on the wall when Lincoln was elected. The prospect of large armies of armed, foraging men being visited on the populace by a centralized Federal government was enough to cause secession.*

*When military age men volunteer to leave their farms and families to fight, it exacts a huge strain on the fabric of the community, but Chathamites took a significant role in the rebellion against British rule and did so again in 1861. North Carolina men of military age made up only 1/9th of the entire Confederacy, but contributed 20% of the manpower of the Confederate Army. North Carolina fielded 60 cavalry regiments and 69 infantry regiments, the greatest contribution to the CSA, and our losses were proportionate. 26% of all Confederate dead were North Carolinians. One example was the 26th NC Infantry at Gettysburg, fielding 800 men and losing 640, an 80% casualty rate.*

*One Chatham regiment, normally composed of 1800 men, surrendered 5 officers and 111 at Appamattox. That's sacrifice. If some people can't get over their wounded PC sensitivities find something else to whine about. Better yet, contribute to our growing county through volunteering. You can't rewrite history. If our history and the way we honor our dead bother you, exercise your hard-bought freedom and get the hell out of here.*

## **PUBLIC HEARINGS**

[19-2995](#)

A Legislative public hearing to receive input on revisions to the Chatham County Conservation Subdivision Guidelines for Conservation Space Selection to update the source for gis data layers needed to develop fragmentation maps and technical corrections.

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



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

*Vice Chair Hales asked if the County could have the data for its own use. Mr. Sullivan said the County can use the data but cannot share it with the developers.*

*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.**

[19-2997](#)

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

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

*Zoning Administrator Angela Birchett reviewed the specifics of the request.*

*Vice Chair Hales asked if applicant Jack Sanderford was going to live on the property. Mr. Sanderford said his mother lives on the property and she does not object to the rezoning.*

*Vice Chair Hales asked if the property was served by County water or a well. Ms. Birchett said a well.*

*Ms. Birchett stated if the Board approves the request the County will require Mr. Sanderford to combine the parcels into one tract.*

*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.**

[19-2993](#)

Vote on a request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision **Preliminary Plat** review and approval of **Briar Chapel, Phase 12**, consisting of 134 lots on 36.19 acres, located off Great Ridge Parkway, SR-1692, Baldwin Township, parcels #80420, 80418, 87088, 88053

**Attachments:** [Hyperlink](#)

*Vice Chair Hales said she moved this item from the Consent Agenda so that the Board could hear from Doug Roberts who is a neighbor of Briar Chapel off Half Dollar Road. There is a cul-de-sac issue on his property. It was initially connected through the preliminary plat but Newland no longer has an interest in this parcel. The roadway goes through Newland's property and the cul-de-sac is actually on Mr. Roberts parcel.*

Vice Chair Hales stated there are two items of business. The first is to approve the Briar Chapel preliminary plat review for Phase 12. Second, there is an issue with Mr. Roberts' property.

Planning Director Jason Sullivan reviewed the specifics of the request. Initially Newland was considering connecting to Half Dollar Road but there were some concerns from adjoining property owners. Newland re-evaluated and determined that they could develop these properties without having to connect to Half Dollar Road.

Vice Chair Hales asked what the recommendation was from the Planning Board. Mr. Sullivan said the Planning Board gave an unanimous recommendation to approve the request.

Mr. Sullivan said he believes these are two separate issues and one does not relate to the other.

**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:** 3 - Chair Dasher, Vice Chair Hales and Commissioner Crawford

**Absent:** 2 - Commissioner Howard and Commissioner Petty

Vice Chair Hales stated Mr. Roberts brought to the Board's attention the issue with the cul-de-sac on Half Dollar Road.

Mr. Sullivan showed the Board a survey done in 2014. This is when Mr. Roberts and his sister split the property. The survey references the right of way agreement entered into in 2007 between NCDOT and Mr. and Mrs. Dollar. Mr. Roberts has had several discussions with NCDOT and we have had email correspondence as well as a letter from NCDOT. The NCDOT's position is that they are fine if the cul-de-sac is removed, however, the cul-de-sac must be replaced with a T turn around or another cul-de-sac somewhere else on Half Dollar Road. NCDOT does not have the money to make that happen so the question becomes who would pay for it. NCDOT requires that all dead end roads have a turn around area for their equipment and for buses. There are also fire codes on the County side for new subdivisions that require a cul-de-sac at the end of a dead end road so that emergency vehicles have adequate space to turn around.

Mr. Sullivan assumes that because the NCDOT paid for the cul-de-sac and completed the project they are not going to allocate additional funding to remove the cul-de-sac and have it rebuilt. To remove the cul-de-sac outside of the Roberts' property, one is then on Newland's property outside of the sixty foot right of way. There would have to be an agreement or property acquisition from Newland to construct either a T turn around or a cul-de-sac into what is currently the property they own. They would have to agree to that or the County would have to acquire it or Mr. Roberts or the County would have to condemn the right of way. There are implications for the built upon area for Newland. They have a 24% built upon area and that makes the project very tight as they are getting near the end of the project. All of these things would have to be worked out.

Mr. Sullivan explained that the NCDOT does not take over ownership of right of way unless they have to condemn the right of way. There is a two part process if there is an abandonment. The first process is that the NCDOT will abandon maintenance for the section of road, which has to be approved by the Board of Transportation upon recommendation from the local division. Once the abandonment has occurred then the County would abandon the right of way.

Commissioner Crawford asked which would require more surface, the T turn around or the cul-de-sac. Mr. Sullivan said he is not sure. It may be splitting hairs at that point.

Chair Dasher asked to hear from Mr. Roberts. He is curious as to what remedy he is proposing.

Mr. Roberts stated he and his sister are asking the Board to mandate removal of the public right of way coming inside their private property for the public to turn around. The NCDOT said this was a requirement by Chatham County to be able to turn around a school bus. He said they have never had a bus come down their road and they never will. He believes this is a public nuisance and has never served any public need. It is a breach of security for his family and it is a constant threat to their groundwater. The public turn around inside their property was a scheme of undue influence and elderly abuse on behalf of Newland Communities. Chatham County cannot play a part in this. He and his sister have seen countless attempts to coerce them into giving Newland immunity over ruining their groundwater in exchange for doing this turn around. They cannot do that. NCDOT agrees with him that the right of way needs to be abandoned. Mr. Roberts believes Newland wanted to run his elderly parents off the property.

Commissioner Crawford asked when Mr. Roberts purchased the property. Mr. Roberts said they property has not been conveyed since 1936 greater than an arm's length transaction. It is family property and will remain family property. Commissioner Crawford asked if his name was on the title. Mr. Roberts said it was conveyed six years ago to him. Commissioner Crawford asked if the cul-de-sac was there at that time. Mr. Roberts said the cul-de-sac was made in 2007 and the funding for Half Dollar Road came from the Road Improvements Act. His mother was told by NCDOT that if she signed the right of way agreement she would have better access to the road. She signed a right of way agreement that created a T turn around. NCDOT came back to her and asked her to sign another agreement for a sixty foot right of way. Commissioner Crawford said the agreement was legal. Mr. Roberts said it was not legal.

Vice Chair Hales asked if the abandonment is an option. Chair Dasher asked Mr. Roberts who he would propose pay for the new cul-de-sac. Mr. Roberts said in his opinion it should be Newland Communities. They created the problem.

Commissioner Crawford stated he cannot buy the argument that a crime occurred when signatures were put to paper ten years ago. He appreciates Mr. Roberts coming and his time but he does not see the harm this has done to the property.

Chair Dasher said the Board doesn't have any authority to force someone to put in another cul-de-sac.

Commissioner Crawford asked if the Board had the authority to demand Newland cover the cost of the new cul-de-sac. Mr. Sullivan said in his opinion the Board does not have the authority to do that because Half Dollar Road is not part of the Briar Chapel development proposal.

Vice Chair Hales asked if Briar Chapel paved Half Dollar Road. Mr. Sullivan said no, it was NCDOT.

Mr. Roberts said they are counting on the Board of Commissioners to create a peaceful solution to this. He doesn't think the Board would create a situation where

*the Hatfields and the McCoys are at each others throats. Commissioner Crawford asked how the Board is creating this situation. He said Mr. Roberts inherited the property as is, not as how he would like it after the fact.*

*Chair Dasher said he appreciates Mr. Roberts frustration but he does not see anything the Board can do.*

*Vice Chair Hales said she thought abandonment was a possibility but it does not appear now that it is.*

*The Board thanked Mr. Roberts for speaking to the Board.*

### **MANAGER' S REPORTS**

*Mr. LaMontagne thanked the commissioners and staff. He reminded those in attendance that he would be out of the office Thursday and Friday at conference in Raleigh. He also informed the commissioners that he would be serving meals for the Council on Aging on Tuesday, March 19th.*

### **COMMISSIONERS' REPORTS**

*Commissioner Crawford attended a Joint Orange Chatham task force meeting. Chatham Transit presented on projected growth. TJCOG met and discussed issues regarding resiliency and the recruitment of public safety officers.*

*Vice Chair Hales would like staff to look into a study for Rocky River. Mr. LaMontagne informed Vice Chair Hales that ERAC has looked into this and has considered asking that new parameters be added by DEQ study. Vice Chair Hales will be volunteering at the Council on Aging. She reminded those present about the Clean Jordan Lake event taking place over the weekend.*

### **ADJOURNMENT**

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

**Aye:** 3 - Chair Dasher, Commissioner Crawford and Vice Chair Hales

**Absent:** 2 - Commissioner Howard and Commissioner Petty