



Chatham County, NC

Meeting Minutes

Board of Commissioners

Monday, October 15, 2018

6:00 PM

Historic Courthouse Courtroom

Rollcall

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

Absent: 1 - Commissioner Walter Petty

Work Session - 1:00 PM - Historic Courthouse Courtroom

Chair Hales said Commissioner Petty would not be in attendance as his company is responding to the hurricanes.

PUBLIC INPUT SESSION

No one signed up to speak.

BOARD PRIORITIES

[18-2761](#)

2018 Third Quarter Employee of the Quarter Award-Mike Cowell, Wren Library Branch Manager

Attachments: [Mike Cowell, Wren Library](#)

Human Resources Analyst Courtney Goldston presented the item.

Mike Cowell joined the County in July 2007 and became the Branch Manager at Wren Library in Siler City in March of 2010 and ever since then he has been making the Wren Memorial Library a real part of the community.

Here is just one example from his nomination:

Wren served as a distribution site for CORA's SNACK program this summer, which provides food for food insecure families with children. Wren's location in the heart of Siler City makes it an excellent site for the many families in Siler City that need this program. Mike goes to a lot of extra effort to make sure the program succeeds. There is no way to know when the food trucks will schedule deliveries and he has been called as early as 6:30 AM to meet the truck.

After the food is delivered the work begins: the room has to be set up with tables, the food has to be unboxed and arranged according to food group, and volunteers have to be scheduled. When the event concludes, any remaining food has to be prepared for

pick-up, empty boxes have to be torn down and taken to recycling, and the room must be cleaned. Mike oversees all of this while managing the library and he remains cheerful and patient while doing it. He even greets most people by name, an obvious sign of his knack for building relationships.

Wren will also be hosting a job fair in the near future. Again, this will position the library not only as a source of books but as a community resource and a source of information.

Mike goes above and beyond in serving the public. He develops relationships with the people he serves and strengthens Chatham County government's public service mission.

The fact that he lights up when we talk about these outreach opportunities is a testament to how much he loves what he does. Ms. Goldston stated she hopes many of the County employees aspire to serve their communities and citizens in such a way.

Chair Hales presented Mr. Cowell with the Third Quarter Employee of the Quarter Award and posed for pictures.

[18-2757](#)

Recognition for Chatham County by the Center for Digital Government and the National Association of Counties

Attachments: [2018AwardBOCPresentation20180917](#)

MIS Director Darlene Yudell presented a presentation to the Board. (Presentation attached).

Ms. Yudell presented the award to the Board. She also introduced all the members of her staff and thanked them for all the work they do that made this award possible.

[18-2751](#)

Recreation Advisory Committee FY17-18 Annual Report

Attachments: [2018 Recreation Advisory Committee Annual Report](#)
 [2018 Recreation Advisory End of Year Report](#)

Recreation Advisory Committee Chair Tim Mounce gave a presentation to the Board. (Presentation attached)

Chair Hales thanked Mr. Mounce for the presentation and report. She asked if trails in the northeast section of the county are being considered in the Parks and Recreation Master Plan. Parks and Recreation Director Tracy Burnett said there is section in the Master Plan for open space, greenways, blueways and trails. They hope to present the Master Plan to the Board in January.

[18-2770](#)

Receive presentation on Value-Added Agricultural District for Chatham, Harnett, Lee and Johnston Counties

Attachments: [AG presentation](#)
 [Agricultural District Proposal_TJCOG](#)

Harnett County Assistant County Manager Brian Haney gave a presentation to the

Board. (Presentation attached)

Commissioner Crawford stated Mountaire Farms will bring more processing jobs for Chatham County.

Commissioner Howard asked if the potential funds from Golden Leaf and other foundations were included in the calculations or are those funds in addition to those amounts. Mr. Haney stated those funds would be in addition to those amounts.

Chair Hales asked if the budget is \$30,000 per county per year. Mr. Haney believes that is a total amount for all counties.

Chair Hales asked if there is an interest in expanding the types of crops being produced in this region. She is thinking particularly of industrial hemp. Mr. Haney said that has not been discussed in the presentations he has seen but he assumes it could be part of the scenario.

Commissioner Crawford asked if forestry is consider part of the agricultural industry for this project. Mr. Haney thinks it could be and it is something the four counties could discuss and decide.

[18-2707](#)

Receive presentation on mental health in schools

Attachments: [Chatham presentation for September 17 2019 BOC Meeting mental health](#)

Dr. Amanda Hartness, Assistant Superintendent for Academic Services and Instructional Support, and Ms. Tracy Fowler, Executive Director of Student Services and Support Programs, gave a presentation to the Board. (Presentation attached)

Commissioner Howard stated she is proud and impressed by the work that has been done by the schools.

Commissioner Crawford asked if they experience any trouble with HIPAA training. Ms. Fowler stated they get a release of information from the parent and that way they can work with the therapist and the parent to do what is best for the child.

Chair Hales asked what period of time they have experienced the 40% decrease in suspensions. Ms. Fowler stated it has been over the last three years.

Superintendent Dr. Derek Jordan stated that reduction in suspension does not mean they are simply not suspending students. It is their desire to work to address the root causes of the behavior such that they do not have the need to suspend students over and over again.

Chair Hales asked if there are opportunities for the schools to assist the parents. Ms. Fowler said absolutely. Commissioner Howard stated the community partners are also able to assist parents.

[18-2782](#)

Receive report on the operation of the Chatham County Agriculture & Conference Center

Attachments: [BOC Usage Update \(3\)](#)

Facilities and Construction Director Brian Stevens gave a presentation to the Board. (Presentation attached)

Commissioner Howard asked how the booking software was working. Mr. Stevens said to date it is working very well.

Vice Chair Dasher asked if there are situations where the facility is losing a revenue client because a free event is already scheduled. Mr. Stevens said there are situations where that occurs, however, revenue clients have one year to book an event and internal clients only have a ninety day window.

Commissioner Crawford stated he has been asked if the facility could extend its alcohol policy from two hours to three hours. He asked if changing the policy is an option. Mr. Stevens stated staff felt allowing alcohol for two hours was a good starting point. He believes there is room for discussion about the policy.

Chair Hales asked if there have been any issues with the insurance required. Mr. Stevens stated he is not aware of any renter or caterer who has concerns about the insurance.

Staff will come back at a future work session to revisit the alcohol policy and the insurance policy.

18-2811

Receive presentation on Government Complex Master Plan

Attachments: [2018 1015 Chatham Co Govt Complex Planning Presentation DRAFT](#)

Interim County Manager Dan LaMontagne introduced consultants Tim Hillhouse, Josh Brady, Danielle Hoffman and Jay Smith from O'Brien Atkins. The consultants gave a presentation to the Board. (Presentation attached)

Vice Chair Dasher asked if they knew the current square footage of all the County departments. Ms. Hoffman believes it is close to 56,000 square feet.

Chair Hales asked if there would be shower facilities. Ms. Hoffman said the building could include showers, just not a full fitness center.

Commissioner Crawford asked if the Town of Pittsboro was consulted about their Downtown Master Plan. He stated the Board could ask the Town of Pittsboro for a variance on the height requirement. He also said acquiring the gas station property could be beneficial. He is not inclined to build a facility that would obstruct the interface between the Historic Courthouse and the Justice Center. Mr. Smith stated they are aware of the Downtown Master Plan and hope there will be a collaborative effort between the County and the Town of Pittsboro but they did not try to accommodate that plan for this site.

Chair Hales is not in favor of building the facility across the axis.

Vice Chair Dasher believes the County should talk to the Town of Pittsboro about the height limit.

Chair Hales stated that the new facility would accommodate early voting and that will affect parking.

Mr. Smith stated they would like to have a public charette to allow for citizen input.

Vice Chair Dasher is in favor of a phased plan.

Mr. LaMontagne stated he would like to look into the height limit and the phased approach. He asked if parking would be okay between the two buildings. The Board agreed that would be fine.

[18-2807](#)

A request by the Planning Department to schedule a legislative public hearing for November 19, 2018 to consider County-initiated rezonings of businesses in the formerly unzoned portion of Chatham County.

Attachments: [More information from the Planning Department website](#)
[Business Rezoning Spreadsheet \(Fall 2018\)](#)
[Business Rezoning Maps \(Fall 2018\)](#)

Planning Director Jason Sullivan reviewed the specifics of the request.

A motion was made by Commissioner Crawford, seconded by Vice Chair Dasher, to approve setting a public hearing for November 19, 2018 at 6:00 PM. The motion carried by the following vote:

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

Absent: 1 - Commissioner Petty

CLOSED SESSION

[18-2806](#)

Closed Session to discuss matters relating to attorney-client privilege and economic development.

A motion was made by Commissioner Crawford, seconded by Commissioner Howard, to approve going out of the Work Session and convening in Closed Session to discuss matters relating to attorney-client privilege and economic development. The motion carried by the following vote:

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

Absent: 1 - Commissioner Petty

ADJOURNMENT

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

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

Absent: 1 - Commissioner Petty

End of Work Session

Regular Session - 6:00 PM - Historic Courthouse Courtroom

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

Absent: 1 - Commissioner Walter Petty

INVOCATION and PLEDGE OF ALLEGIANCE

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

CALL TO ORDER

Chair Hales welcomed those in attendance and called the meeting to order at 6:02 pm.

APPROVAL OF AGENDA and CONSENT AGENDA

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

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

Absent: 1 - Commissioner Petty

[18-2801](#)

Vote on a request to approve the September 24, 2018 Regular Session Minutes

Attachments: [Draft Minutes 09.24.2018](#)

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

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

Absent: 1 - Commissioner Petty

[18-2788](#)

Vote on a request to accept \$2,250 Community Health Grant Funds

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

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

Absent: 1 - Commissioner Petty

[18-2789](#)

Vote on a request to approve \$747.00 funds from North Carolina Division of Public Health - Chronic Disease and Injury Prevention to support Chatham County's Asthma Assessment Program

Attachments: [\\$747.00 Healthy Communities-Additional State Funds](#)

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

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

Absent: 1 - Commissioner Petty

[18-2790](#)

Vote on a request to approve \$2,951 reduction to Preparedness and Response Funds from the division of NC Public Health Emergency Preparedness.

Attachments: [\\$2,951 Preparedness-Reduction in Funds](#)

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

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

Absent: 1 - Commissioner Petty

[18-2815](#)

Vote on a request to adopt A Resolution Approving The Addition Of Streets in the Frosty Meadows Subdivision to the North Carolina System of Secondary Roads

Attachments: [Frosty Meadows Subdivision Resolution](#)
[frosty meadows resolution request](#)

A motion was made by Commissioner Crawford, seconded by Commissioner Howard, that Resolution #2018-49 for the Addition of Streets or Roads to the North Carolina System of Secondary Roads for Frosty Meadows Subdivision, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

Absent: 1 - Commissioner Petty

[18-2800](#)

Vote on a request to approve the appointment of Phillip Cox to the Appearance Commission

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

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

Absent: 1 - Commissioner Petty

[18-2804](#)

Vote on a request to approve appointment of John Ruffin, Jr. to the Chatham County Housing Authority.

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

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

Absent: 1 - Commissioner Petty

[18-2813](#)

Vote on a request to approve the appointment of Mr. Cy Richardson as a trustee to the Pittsboro Fire & Rescue Department Firefighter's Relief Fund Board.

Attachments: [Attachment A-N.C.G.S 58-84-35](#)
 [Attachment B-N.C.G.S 58-84-30](#)
 [Attachment C-Letter of Request of Trustee Appointment](#)

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

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

Absent: 1 - Commissioner Petty

[18-2812](#)

Vote on a request to approve reappointments to the Agriculture Advisory Board

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

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

Absent: 1 - Commissioner Petty

[18-2817](#)

Vote on a request to approve Jenny Williams' appointment to interim tax assessor and tax collector for Chatham County.

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

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

Absent: 1 - Commissioner Petty

[18-2808](#)

Vote on a request to approve the Pictometry International Corp. agreement and authorize the County Manager to execute the agreement

Attachments: [Pictometry International Corp](#)
[Pictometry Sample View](#)

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

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

Absent: 1 - Commissioner Petty

[18-2816](#)

Vote on a request to approve the contract for Wayne Roofing to perform the roof replacement at Chatham County DSS.

Attachments: [DSS roof - Wayne Service Agreement 101518](#)

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

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

Absent: 1 - Commissioner Petty

[18-2814](#)

Vote on a request to surplus and award a service weapon to retiring Lt. Andre Gipson on the event of his retirement from the Chatham County Sheriff's Office.

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

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

Absent: 1 - Commissioner Petty

[18-2810](#)

Vote on a request to approve Tax Releases and Refunds

Attachments: [September 2018 Release and Refund Report](#)
[September 2018 NCVTS Pending Refund Report](#)

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

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

Absent: 1 - Commissioner Petty

End of Consent Agenda

PUBLIC INPUT SESSION

Riley Pankow told the Board about his experience as the County's youth delegate to YouthVoice at the North Carolina Association of County Commissioners annual conference in August. Chair Hales and Commissioner Howard expressed how much they enjoyed having Mr. Pankow at the conference. Mr. Pankow stated the most interesting part of the event for him was the budget exercise. He said it was a very eye opening experience to learn about some of the very difficult decisions commissioners face. Commissioner Howard asked Mr. Pankow to be an ambassador for the YouthVoice program and encourage other students to participate.

Shannon Clark submitted the following comments:

I am the Vice President of the Chatham County Farm Bureau. I am also on the Equine Advisory Board with the Cooperative Extension Service. We've been partners for the past two or three years and it has been a really good relationship. The Farm Bureau started out with the Agriculture Awareness Day and then they combined efforts with the Cooperative Extension for the Spring Ag Fest. We have attracted a lot of people in and have been able to showcase agriculture in Chatham County along with some of the County services that relate to agriculture. I wanted to talk tonight about the partnership we have with the convention center. It is a great building. It serves the need of the county as well as the agriculture community. We need to finish the livestock arena. It is sitting there without water. When we come to a livestock event, we have to carry buckets of water from the building to the livestock arena. I would like to encourage you to finish that with water and with electricity. We are using our own generators to power the PA systems. Those are two things that I don't consider to be a part of phase two, although you had asked for recommendations for phase two and we submitted that. I feel like water and electricity are two things I would encourage you to see if you can find room in the budget. I think those two things need to happen right away.

Faye Stanley submitted the following comments:

I am here with Todd Massey. We are here about an issue on Jeremiah Drive. You have a handout that tells you a good bit about this and I just wanted to run over that briefly with you. It has some questions for you all that we hope we can all engage in together. Todd can give you more answers to anything that comes to your mind as you look at this tonight. My husband Chris and I moved to Chatham County last year. We were moving from about thirty years up in Orange County where we raised our children together and we came down and built our retirement home at the end of Jeremiah Drive and equipped it as best we could so we could grow old there together and live as independently as possible for as long as possible. All that started seeming a little silly as the construction process went along and more and more of these flooding issues came up. This past October, two days after the hurricane, through which all of our

houses did just fine, the water began to rise because the dam was closed to keep water from going down to the eastern part of the state. That water rose until we had a 400 foot pond that was five and a half feet deep between Lystra Road and any of our houses. There are twenty-six residents on Jeremiah Drive in fourteen houses. All of us had to paddle in and out of our house for two weeks solid. 81% of us are over fifty years old. 38% of us are over sixty years old. We are not a young crowd of folks. It is not realistic to think as weather worsens as climatologists tell us it is going to, more severe incidents and more frequent incidents, that we can manage this over time. I'd like to draw your attention to the second page of the handout. It shows the Jordan Lake water levels for the last three years. You can see that in the last three years there were five episodes that the lake went over 225 feet. At 227 feet, that is when our road is flooded. It exceeded that by a long shot in October. We want you to know that is happening a lot already and it is probably going to get worse. If you look on the next page you will see a map of all of our properties and where the water goes in a flood situation. You can see we are completely cut off. We are a dead end road. There is no other way in and out. It is a problem. We have one of our residents who has Parkinsons Disease and she had an allergic reaction to an insect and emergency crews had to paddle in to help her. She lives with her mother who is bedridden and has to have home health aides come every day and they had to paddle in for two weeks solid. We feel like this is not a safe situation. It is not a situation that should be continued. We know that Jeremiah Drive is thought of as the overflow basin for Jordan Lake but many of us with no information about that and were not told anything about that. It is not a safe situation for the residents. You'll see on page four the questions we are bringing to you and the contact information for Todd and for me. We hope you will think about this, ask questions, and advocate for us to get something done about this situation.

Todd Massey submitted the following comments:

I live on Jeremiah Drive as well. When I look at Jeremiah Drive, we are only talking about an 800 foot section of the road. I feel like too many times it takes a fatality or a tragedy to get a project moving. Let's don't do that. Let's get this project moving before that. I ask you to use your influence with the DOT and our state legislators and let's see if we can find some funding. Some hurricane funding or general funding, to find the money to raise this short little section of road.

Commissioner Howard stated that it is a little unorthodox for the Board to answer questions in this phase, however, staff is looking into this as well as the DCHC-MPO. She stressed it is a matter of priority.

Belinda Morrow-Farrar submitted the following comments:

I too am a resident of Jeremiah Drive. Back in December of 2015 it was the first time it has flooded. I am fearful of water. My daughter is on insulin and I would hate to think if something happened. She has had some episodes where she has bottomed out and we had to call 911. Not being able to get to her would have been devastating. I don't do the canoes, I am fearful of water. I feel like I have been over there and it has happened twice. Something needs to be done about the road. I grew up right there. I want you all to really consider what it would be like for you to canoe in and out. My husband and I stayed with my mother for two weeks. The first time it was three weeks because we had nowhere to go. Staying in hotels costs a lot. For three weeks we were out of our home the first time. We really need your help with this, please.

BOARD PRIORITIES[18-2777](#)

Receive recommendation from the Election Task Force

Attachments: [Task Force Recommendation v4](#)

The Chair of the Election Methods Task Force, Peyton Holland and Co-Vice Chairs Sarah D'Amato and Sara Lambert presented the Board with the Task Force's recommendation. Mr. Holland thanked the Chatham County staff, the facilitators, the commissioners and his fellow task force members for their work. Mr. Holland and Ms. D'Amato alternated reading a prepared statement (see attached).

Commissioner Howard asked if the group had looked at both present population numbers and post-2020 census numbers. Ms. D'Amato responded that, yes the task force members had considered these numbers. She stated they had also looked at a breakdown of population and election methods from different counties and found no correlation between population and number of commissioners.

Commissioner Crawford commented that county-wide voting made population parity difficult between the districts. He asserted that this disparity will continue to grow as the county grows but could be rectified by adding two more commissioner seats. Mr. Holland explained that while the task force had discussed this concern, the 2020 Census is likely to change and redistribute the districts anyway. He also echoed Ms. D'Amato's response, saying that in their study of the different counties, there was no strong correlation to be found.

Commissioner Howard expressed her concern about the dilution of the Hispanic vote and the black vote. Ms. D'Amato explained that representation was a sticking point for the task force and probably a lot of the reason there was a four/five vote split. Commissioner Howard asked if the consensus among the five in favor of maintaining the current system thought it was the best way to preserve the input from voters of color. Ms. D'Amato stated it was. Mr. Holland emphasized that there were arguments for both district voting and countywide voting.

Commissioner Crawford reminded the group that, were they to change the election method to pure district voting, there would be a constitutional obligation to readjust and redistribute districts.

The commissioners thanked the task force members for their work and for delivering a thoughtful response.

[18-2768](#)

Annual Update from the Chatham County Affordable Housing Advisory Committee

Attachments: [2018 AHAC Annual Report](#)
[Advisory committee policy addendum revised sept 18 2017](#)
[AnnualUpdate_Infographic_final](#)
[Affordable Housing Advisory Committee Presentation on Yearly Report 2018_final](#)

Affordable Housing Advisory Committee Chair John Foley gave a presentation to the Board. (Presentation attached)

Commissioner Crawford stated current construction costs have created a gap in housing. It is only going to get worse as more development occurs. He is glad the County and the committee are doing this work to help minimize that gap.

Vice Chair Dasher stated this issue is why land banking would be something for the County to investigate.

[18-2805](#)

Receive the Environmental Review Advisory Committee's Annual Report

Attachments: [ERAC Report 2017 final](#)

Environmental Review Advisory Committee Chair Terry Schmidt delivered the report to the Board. (Report attached)

Chair Hales stated she sees the committee being involved in the Unified Development Ordinance process.

[18-2799](#)

Vote on a request to adopt a Resolution Setting the Time and Place for Meetings of the Chatham County Board of Commissioners for Calendar Year 2019

Attachments: [2019 BOC Meeting Calendar Resolution](#)

After some discussion, the Board agreed to add the first Monday in June and October to the meeting calendar.

A motion was made by Commissioner Crawford, seconded by Commissioner Howard, that Resolution #2018-50 Setting the Time and Place for Meetings of the Chatham County Board of Commissioners for Calendar Year 2019, attached hereto and by reference made a part hereof, be adopted as amended. The motion carried by the following vote:

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

Absent: 1 - Commissioner Petty

[18-2818](#)

Discuss Cardinal Innovations County Commissioner Advisory Board appointments

Commissioner Howard explained that last year Cardinal Innovations created a board that was just going to meet to appoint the current board. A county commissioner from each of the twenty counties in the catchment district was appointed to serve on that board. That board is now a standing group as the County Commissioner Advisory

Board (CCAB). The bylaws state that each Board of Commissioners may determine the manner of appointment, term of office and conditions under which an appointment will serve with the CCAB.

After some discussion the Board agreed that the appointment will be a sitting commissioner and the appointment will be through the commissioner's elected term.

A motion was made by Commissioner Howard, seconded by Vice Chair Dasher, to approve that the Chatham County Board of Commissioners shall appoint a member of that board to serve on the Cardinal Innovations County Commissioner Advisory Board for the duration of his or her term. The motion carried by the following vote:

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

Absent: 1 - Commissioner Petty

A motion was made by Commissioner Crawford, seconded by Vice Chair Dasher, to appoint Commissioner Karen Howard to the Cardinal Innovations County Commissioner Advisory Board. The motion carried by the following vote:

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

Absent: 1 - Commissioner Petty

18-2819

Vote on a request to approve a letter to Governor Cooper seeking assistance for victims of Hurricane Florence

Attachments: [Gov Cooper letter from BOC on Hurricane Florence damage final draft](#)

Interim County Manager Dan LaMontagne stated this letter to the Governor refers to the damage incurred due to Hurricane Florence. Six structures were completely destroyed or damaged to the point they are uninhabitable. The County did not qualify for FEMA individual assistance for these individuals. Because the flooding happened outside of the flood zone these individuals did not have flood insurance. On the other side of the Deep River, Lee County was declared eligible for FEMA assistance. Staff is asking that the Board send a letter to the Governor requesting assistance to these individuals.

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

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

Absent: 1 - Commissioner Petty

PUBLIC HEARINGS

18-2764

A Quasi-Judicial public hearing request by Carolina Meadows Inc., for a Conditional Use Permit revision to construct 40 residence units in four buildings, 3 stories each. In Area C, replace the existing Skilled Nursing Facility with a new four story facility and replace existing one story villas

with 3 story unit. Also replace the existing Independent Living apartments with four story Independent Living apartments. This will complete the total number of 750 residential units allowed per the CUP. Parcels 62114, 64734, 20033, and 74450, Williams Township.

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

Chair Hales administered the oath to all wishing to speak and opened the hearing.

Zoning Administrator Angela Birchett reviewed the specifics of the request.

Ms. Birchett: This is a revision to an existing conditional use permit for the Carolina Meadows assisted living and retirement facility. Carolina Meadows received their first original approval on February 7, 1983. There have been several modifications over the years to try to accommodate growth and need and desirability of how they wanted to see themselves expand. There are no changes proposed for Area A, as noted on the map. The changes that will be happening will be in Area B and Area C. The advertisement hit the high points of everything that is going on but I just wanted to touch on a couple of things that were mentioned in the advertisement.

Yes, they are going to be replacing some of the existing housing with three and four story villas. They will also be demolishing the current skilled nursing facility and reconstructing that as well. They did meet with the Appearance Commission and they have recommended approval of the plan that was submitted. They reviewed the changes for that. They are wanting to begin in the Spring of 2019 but this is a thirty year build out process. They are going to start with the non residential components first, according to the application. The skilled nursing facility and so forth and then they will start on the multi-family, excuse me, multi-level residential housing. One of the things you'll note, the Zoning Ordinance has a sixty foot high height restriction. Because this was approved as a planned unit development all these years, there is a stipulation in the Zoning Ordinance under Section 17.5.c.1 that states that dimensional requirements, such as height, can be waived for these types of projects.

They have met with the Fire Marshal and the North Chatham Fire Department and understand that before they construct any building that is going to be taller than sixty feet, we have to have those approvals in hand first. I think the highest one they are proposing is up to seventy-five feet. But they understand before that can happen we had to make sure we had approvals through the fire department. They felt confident they would be able to handle that type of structure. The maximum build out remains at 750 residential units. There is no increase in the number of residential units they are allowed to have nor are they adding any land. Everything that is happening is on their existing property and within their existing project. Area B will be forty residential units and three stories each. In Area C they will be demolishing the existing skilled nursing and rebuild. They will also be adding three story villas there. They are going to replace the existing independent living apartments with a four story facility as well.

Mr. Robinson is here, the attorney for the applicant, as well as Mark Ashness. They have a brief presentation to give you as well.

Chair Hales: Can you point out to me on the map that is up there, Area C is the top left corner, right?

Commissioner Crawford: It is the big chunk in the middle. There is a better graphic that you will probably get to in the packet where they show the areas with the change.

Nick Robinson, attorney for Carolina Meadows, addressed the Board.

Mr. Robinson: Good evening Madam Chair, members of the Board, Planning Board members always in attendance, and staff. I am happy to be here. Nick Robinson on behalf of Carolina Meadows in conjunction with the request that Angela Birchett ably summarized. I will try to be as brief as I can. I promise you it will not go until 12:45 AM like the one we did recently. In fact it will be a lot shorter than that and I appreciate your willingness to bear with us as we have some evidence to put into the record and will do that very efficiently.

You have already received an introduction from Ms. Birchett. What I'll do is a very quick introduction of the folks that are here with us. I will do a summary of the requested changes in a little more specific detail. Then I will do a review of the five findings that you all have to make in order to approve this. The team that is here tonight with me is Kevin Mcleod, Kevin if you can stand up. He is the President and CEO of Carolina Meadows, Inc. Mark Ashness is here from CE Group. He'll really be doing the lion's share of the presentation tonight. Not here tonight but present as part of the team putting together the entire package is Tim Muller from SFCS, Inc., the architects and the project developer.

This is the slide that Angie just showed up here. Madam Chair, this section right here is Area C. This area right here, Area A, there are absolutely no changes to that. You can ignore that for the rest of the night. All of the changes are here in Area C and then here in Area B. This is the quick summary. No changes to Area A. Area B, which is right here, is currently approved for a separate health center and there is going to be a change on that to change from a health center to four story villa buildings. Within Area C are those three items there: demolishing and reconstruct the health center, Mark will walk you through that with a better image than the one that I've got up there, and then replace one story villas with three story villas and then replace independent living apartments with four story apartment structures up to seventy-five feet. As Ms. Birchett mentioned, no change in the maximum number of residential units nor to the size or shape of the land.

Chair Hales: Excuse me, Area B currently has a health facility.

Mr. Robinson: It does not.

Chair Hales: It's empty. It looked like a building on there.

Mr. Robinson: No, no building there. Maybe when we pull up the bigger maps you'll be able to see a little bit better.

Vice Chair Dasher: Nick, can I just ask real quick, I guess I'm confused about the numbers. For a conditional use permit revision to construct forty residential units and four buildings. Does that mean forty units in each building times four?

Mr. Robinson: No, ten units.

Vice Chair Dasher: Ok, total of forty units.

Mr. Robinson: The other thing I want to do is a couple of housekeeping things just for the evidentiary part. I want to incorporate the entire physical written application into the record of this public hearing as well as everything that we have presented so far and

that we present tonight. I want to incorporate the entire prior applications for Carolina Meadows going all the way back to 1982, including the amendments in 1993, 1997, 2008, and 2014. With that, I want to invite Kevin Mcleod to come up and give a very brief presentation to you of how we got from 2014 to where we are now.

Chair Hales: One last question, as I understand this is a thirty year build out. Not from 1983 but from now.

Mr. Robinson: Yes, from now.

Mr. Mcleod: Madam Commissioner, other Commissioners, thank you for allowing me to speak tonight. My name is Kevin Mcleod. I've been a Carolina Meadows for a little over twenty years. I am the CEO, was the CFO for a number of years. Just to give you a brief background of what we are requesting, Nick has talked about that very briefly. Our board has gone through a process over a number of years looking at senior housing needs for Carolina Meadows the continuing, growing demand for our product from our residents that come from all over North Carolina. Some from the northeast and some from the south. We have about 600 people on our waiting list right now. Our product is in high demand. We have a very active resident group within our population. They are also participatory on our board. We have four voting residents on our board. They actively participate in all that we do.

Part of how we landed where we are is because we have been working and discussing a health center for a number of years and how to replace an outdated health center on our campus. As you can imagine the trends in senior living are rapidly changing if you look at the demographic shifts in North Carolina. I have highlighted some information tonight just to bring that to your attention. In 2020 we are projecting about 1.8 million people age sixty-five plus in North Carolina alone. In 2025 about 2.1 million and in 2030 about 2.4 million. In Chatham County alone in 2020 that sixty-five plus population is going to be about 20,600 people. In 2025 the sixty-five plus population will be about 25,000 people. In 2030 the sixty-five plus population will be about 29,000. If you look at North Carolina in general, we are woefully underprepared for what is happening to the graying of our society. We call it the silver tsunami in our industry because we see the age moving up rapidly, not just in North Carolina but nationally as well. It is important for our board to keep up with the trends going on in our industry.

We did a master planning process, we've done this several years. We did another one in 2017. We had our residents heavily involved in the process. In fact, we were headed down the road of building a new skilled nursing home in Area B and we backed up to look at the trends in nursing and we looked at our existing facility and listened to our residents intently because they were very focused on leaving the health center as it is, well not as it is, but in its current location in the center of campus. That is easy access for everybody that lives on campus. We backed up and said, okay, let's make a change. That is part of the request that we are asking tonight, to make the change from Area B, making that residential and leaving the health center in the center of the campus. We are not going to tear down the entire facility, but we may tear down a large portion of it. We may not put back the same number of beds we currently have. I think currently have a limit in Chatham County of 100 nursing beds. We are controlled by the certificate of need process. We have ninety licensed beds and we would like to keep that as long as possible but we may not actually need ninety licensed beds long term. However, we do need the new health facility. Ours is approaching thirty years old. If you look at modern construction today for skilled nursing facilities, they are more of a household model. Ours is a long corridor, double loaded corridors, and very hard for staff to work. Very difficult for residents to

navigate. We believe something that is more modern would be helpful. I promised to be brief, be smart and be gone so I'll be gone. If you have questions we are more than happy to answer them.

Chair Hales: So this would be a skilled, is this going to be, are you having two facilities for healthcare. Like a skilled nursing and...

Mr. Mcleod: So let me just give a little background on what Carolina Meadows really is. It is not just assisted living. It is called a continuing care retirement community. That is the statute language with the Department of Insurance who licenses our community. There is a shift nationally, we now call them life planned communities. You will hear both terms, life planned and continuing care but continuing care really focuses on independent living, assisted living, skilled care and memory care. We have all four levels on our campus. We have ninety-five licensed assisted living beds. We are not talking about anything with assisted living. We have ninety licensed skilled beds. We are talking about replacing part of that skilled facility. In addition, looking at independent living because some of this is an economic decision because it helps to have the independent living fees to help pay for the skilled facility. Hence the change for moving to the corner as well as listening to our residents and keeping it in the middle of the campus.

Chair Hales: So you still would have two facilities; one for skilled nursing and one general healthcare and assisted living?

Mr. Mcleod: Well, it will be assisted living and memory care. So skilled, assisted living and memory care. Two facilities. Any other questions?

Commissioner Crawford: I see you kind of shifting to essentially doing a denser development and so presumably for you to reach your 750 units previously you would have had to use the back acres that border on the Army Corps of Engineers land. Now you can leave that undisturbed and meet your goal. Even though it wasn't your stated objective it serves one of our objectives as commissioners to try and get people in a denser more compact footprint. I am kind of pleased to see that you are arriving there on your own devices. My question is, maybe I am looking at this as a thirty year rollout, but how will you actually manage the logistics of tearing down some units where people live now and then building those units? Do you have to shift them around? How is that going to operate just in case residents ask me when I am over there visiting and talking? They are going to want me to know. How will this work out?

Mr. Mcleod: That is always a challenging question because it is hard to move people that are in transit living in your buildings. Part of this would be through natural attrition and turnover. We don't backfill them and if we do have vacancies we might actually move people at our expense so that we can take the unit and tear it down. This is a hot topic with our residents because anytime you mention replacement does that mean my unit is going to go? Is it going to be next week? No, it is not going to be next week. In fact, many of them won't even be here when we start talking about some of the (inaudible). It is a challenging endeavor for us, however, we think we can make this happen by moving residents across campus and to other vacancies and again through natural attrition. It is an ongoing process. We would love for you to come out and hear us when we talk to our residents. I think that would be important.

Commissioner Crawford: While we are on kind of like the big map picture, will this require any change in terms of your wastewater treatment plant?

Mr. Mcleod: We do not own the wastewater treatment plant. We used to. It is now managed and owned by Aqua Resources. We still have excess capacity in that wastewater treatment plant so we don't see any need in adding to that facility. Great question.

Chair Hales: So in any case, you build your new skilled nursing, would be on land that hasn't been developed.

Mr. Mcleod: No, the new skilled nursing will be in the center of the campus that is currently developed. The proposal is to take down a big portion of the end of that facility. Instead of going out we go up.

Chair Hales: I see.

Mr. Mcleod: And underbuilding parking or underground parking for that.

Chair Hales: Any other questions or go back to Nick?

Mr. Mcleod: Thank you very much.

Mark Ashness addressed the Board.

Mr. Ashness: Good evening Board members and staff. Mark Ashness with the CE Group. We've also been fortunate enough to be working with Carolina Meadows for the past ten to twelve years and have been involved in two of the PUD modifications before this process. I am going to walk you through a little more of the specifics. So this is a zoom in that is a little bit, that shows you a little bit more of the specific areas that we are planning to make the changes. Area B is actually its own tract of land. There are several tracts. Area B is really one of the last areas that hasn't been developed, although there is some parking in Area B. There is both permanent parking, which is close to the entrance and the southeastern corner and then there is some temporary gravel parking in the middle of that forested site. It is generally pine trees with some hardwoods around the perimeter of the property.

Then the area that you see in green is the area that we would be planning to do villa replacements. Those are some of the earliest villas that were constructed back in the 80s and 90s. They are single story units if you have ridden through there. In those locations we would intend to ultimately put three story units there and help sort of achieve the density we were talking about. The area in red that you see right in the center, that is the existing nursing, skilled nursing center, health center area. It is behind the administrative building and the dining hall if you have been on campus there. We are looking basically to do the work where there are existing structures. The areas that you see in blue are existing independent living structures that we just plan to update. That is where we would be looking to increase the height, just in those locations, nowhere else on the campus.

Regarding Area B, this is what you might have been referring to earlier. In the last PUD modification the thought was the health center would go in Area B. That is what is approved today, in that location. You can see there were sort of sprawling buildings in that area. What we are proposing tonight are four villa buildings and those are each three story buildings. There will be ten units per building. There are two on the bottom floor. There are garage units. The two upper floors have four units on each floor. This area is actually where the initial work would happen. Then we would move toward the skilled center. The next gives you an elevation of those units. You can see they are

not cookie cutter. There are covered patios, also garages, as I mentioned. Any questions regarding the improvements in Area B?

Chair Hales: That would be the first part of the project.

Mr. Ashness: Yes, we anticipate in the Spring of 2019.

Commissioner Crawford: In consultation with the residents, is this a change in their preference? They don't want to have the villas anymore? They like the idea of being more of kind of a townhouse environment.

Mr. Ashness: I think, yes, I think it is just the diversity of product. There are obviously a lot of flats and villas on the campus right now and there always will be. Some of the remainder campus that we had in one of the exhibits you can see there is a lot. We did duplexes in Area A about six or seven years ago. That was sort of a change. It is just really responding to providing a variety of uses on the campus.

I'm going to move to the skilled nursing area. This is somewhat interesting, I think, this shows you the lower level. If you are looking at this map the administrative building is just below it. You will see sort of a parking area. That parking area is planned right now to be underground. There is actually building and open green space above that. You can see some of the proposed improvements. This particular site has a lot of fall on it. I'll show you an elevation. So from one end to the other there is almost a story of fall. On the end, at this end right here, you are at grade on a lower level, which would be the parking level. As you move back toward where the administrative and dining hall are you are at a second level. What we are planning to do in this area of the campus, which we call this area the core campus, the intent is it follows the stormwater requirements of Chatham County. If we are doing renovation work we are trying to be net neutral. If we are adding impervious we are trying to take impervious away or if we add some nominal amount of impervious this will have localized water quality treatment features to accommodate that. You can see with the skilled nursing, that parking area now we are showing a lawn area above that in this slide. This works well with the back of the dining facility. The back end here sort of looking over a park or a lawn are to the nursing area.

Commissioner Crawford: So just to make sure we understand, those trees and those pathways you show are above areas where residents will be able to park their automobiles?

Mr. Ashness: This is a parking area right here.

Commissioner Crawford: Underneath?

Mr. Ashness: Yes, underneath.

Commissioner Crawford: That is amazing.

Mr. Ashness: That is until we don't need cars, obviously, and then there may be something else that happens then.

Chair Hales: By the way, will you have charging stations?

Mr. Ashness: That is a great question. Charging stations Kevin?

Mr. Mcleod: Yes

Chair Hales: Ok good, because some of these folks will have electric cars, without a doubt.

Mr. Ashness: This is an elevation, on the right hand side you can see that is the entry level and also where the parking entrance would be. You can see how much lower that is. That is sort of the natural ground. As you move toward the left hand side of the page you move closer to the dining hall. You see the grade changes. The building is basically going to sit in with the natural way the topography works out there. Another elevation showing that same affect right there. You can see with some of the massing of the other buildings that are adjacent to it.

With regard to the villas, these would be the replacement areas that I showed you earlier in green. We would be looking where they are single family villas today we would be looking at putting three story units in those locations. The building setback for Carolina Meadows today is a thirty foot perimeter setback. When we went to the Appearance Commisison, they asked for us to think about a fifty foot building setback for these particular units right here. What we agreed to with them was a fifty foot setback, unless the adjoiner was accomodating and said we don't have a problem with you having a thirty foot setback. Carolina Meadows has good relationships with, for instance, Mt. Caramel Baptist Church next door. We didn't want to force ourselves to the fifty foot if that neighbor said we don't have any issue with you having a thirty foot setback. That is how it is written in our applicaiton. It is specifically just for these villa replacements.

The last item, this is the independent living, which were the two areas more in the middle of the campus where we are looking to replace those units. This is the issue where we would be exceeding the current height requirement of sixty feet. We've had discussions with the local fire department, North Chatham Volunteer, and also with the County Fire Marshal. We don't anticipate building these buildings in the near future but we didn't want to have to come back and modify the document in order to accommodate that. Prior to us making a specific site plan submission for these structures, we would seek the approvals of the Fire Marshal and the local fire department.

Chair Hales: I assume the ladder truck can reach that?

Mr. Ashness: I know that they have been ordering larger and larger ladder trucks. There are going to be five story buildings in Mosaic right there on 15-501 just on the north side of Pittsboro. Obviously these buildings would have sprinkler systems and ladder trucks would accommodate.

Commissioner Crawford: Which fire district is this? North Chatham?

Mr. Ashness: North Chatham, that is correct. Now I am going to turn it back over to Nick. Thank you.

Mr. Robinson: Thanks Mark. So we are very close to the end here. I just wanted to take a few minutes to clear up a few things. The first thing is I want to officially seek to admit all of the evidence that we have done so far into the official public record. I have one other item. This was discussed, Angie brought it up and Mark did too. The question of varying from the sixty foot building height requirement. Jason and Angela asked if I would look into that. I did a little bit of research and sent them an email

saying here is why I believe it can be modified within the context of this PUD amendment. They agreed with it and we have an exchange of emails about that so I will put that in the record to support that conclusion. The rest is, I don't think there is anybody here to make public comment, so I don't need to go through my whole interlude about making a generalized objection to heresay evidence, etc.. I will say, normally I would walk you through the five findings but since there doesn't seem to be any public opposition, unless you want me to walk you through it, I would just stand upon the written discussion of the five findings that you find in the application. If there are any details of that you would like me to cover I will be happy to do that. Otherwise, I think we are done from our standpoint and we just request that standard procedure be followed. That we be sent to the Planning Board for review and come back to you, hopefully for an approval.

Chair Hales: The thirty year buildout, I would, let me ask you this. Is this also pre 2008? Stormwater. Okay. And I'm not sure about your particular location in terms of streams and so on. That Army Corps work would have been done in the past, is that correct?

Mr. Robinson: Yes.

Chair Hales: Are there stream crossings or anything?

Mr. Robinson: This is a Mark question.

Mr. Ashness: There are no impacts for any of the improvements that we are proposing. In Area B there is an isolated depression that is shown on our exhibits. There is a fifty foot wetland setback around that. It is on the very north side of Area B and it adjoins, I think what happened was when they graded the field for the Carolina Meadows, I mean Mt. Caramel Church park area, they forced some water to a spot that doesn't drain in the clay. It created a wetland in that location. It has been delineated with a fifty foot ring around it to our chagrin.

Chair Hales: Okay, so it is not in your building, directly in your building...

Mr. Ashness: No, we show that on the plan. With regard to Area B, there are two things that will happen. We will have stormwater, basically the stormwater ordinance says that when you are doing additions, you have to meet the requirements for that additional area or you can do some improvements in another area to offset that. We will follow what the county stormwater requirements say for Area B, which is a separate parcel. Our intention is to have three or four water quality devices that will take the impervious area that is newly created and we will also be approaching the Watershed Board for some impervious adjustment for abatement by putting some other area in conservation. Just for Area B.

Chair Hales: So Area B would be under the pre 2008 or would it not? Would it be under current stormwater?

Mr. Ashness: I think it is subject to the new regulations.

Chair Hales: Subject to new?

Mr. Ashness: Yes, that is right. It is treated like any other project in the county if you are doing an expansion.

Iterim County Manager Dan LaMontagne: I believe that is a new area, the expansion area.

Mr. Ashness: Yes.

Chair Hales: So it is new area under the new regulations rather than the old regulations. Cause your project has been quite a long time. That is important because I know with the Planning Board that is a key issue that keeps coming up a lot. The pre 2008 and what the requirements are now. As we have seen, especially through back to back hurricanes, is that stormwater really matters. How you handle stormwater really matters. We are not going to have fewer storms moving forward in time. We are going to have more storms with large volumes of water. The capacity to deal with stormwater is just becoming more pressing.

Commissioner Crawford: Well overall they are reducing their rooftop.

Chair Hales: That is good. You are reducing impervious?

Mr. Ashness: Ultimately, if we had built out under an older program, by taking those units and making them vertical, we are effectively reducing the future potential of impervious area.

Chair Hales: Great. Thank you.

Commissioner Crawford: It is kind of astounding to me. You guys have the capital resources to, rather than take (inaudible) in place and build it, to demolish and redo, that is amazing.

Mr. Robinson: There has been a lot of thought put into the design as well, which I think is typical for Carolina Meadows. I used to serve on the board years and years ago and the resident input that Kevin talked about is nothing to sneeze at. Not every development has that. That take it really seriously. This plan is a byproduct of all of that. I will say about the thirty year timeframe, the critical thing with a conditional use permit is to make sure you get your improvements started before it expires. In this case we have a five year timeframe in which to start but certainly it will start long before then. Once you start, you have as long as you need to get it built out and thirty years is basically just to give you an idea of our outer timeframe. In all likelihood, if they do all the improvements, it will be well before that.

The only other thing, a small housekeeping thing, we had scheduled our whole run of things, the filing of the application and the public hearing so that we would be completed with this process by November. That was important because the last conditional use permit was going to expire in mid-December. Our public hearing was originally supposed to be last month. It got rescheduled because of the hurricane. I very quickly talked to Angie and said okay, that is not going to mess us up is it? Actually your meeting in December is two days after the expiration of the conditional use permit. The standing rule in the Planning Department has always been that as long as you apply before you expire you are good to go. Of course we did that by several months. I wanted to put that in the record and make sure everybody was good with that. It was no fault of ours, I think it was more an act of God.

Chair Hales: And we've had plenty of those lately. Any other questions? Anything else you want to ask Nick or the engineer or developers? Well, okay. We will, I guess I need to close the hearing. This item will be referred to our Planning Board at their

next meeting I assume. Their November meeting. We will see you again.

Chair Hales: I do not doubt the amount of involvement from the Carolina Meadows community. Every time I go out and meet people, I am amazed at the backgrounds of the individuals I meet. I just met Dave Morrow who used to be on the state's Environmental Management Commission for quite a number of years, I believe sixteen years. You just never know who is at Carolina Meadows. Thank you.

Ms. Birchett: I just want to say for the record the Planning Board meeting will be November 13, 2018 not the first because that is election night. It got pushed back a week.

This Agenda Item was referred to the Planning Board.

18-2809

A Legislative Public Hearing request by the Chatham County Board of Commissioners to consider amendments to Section 10.13, Table of Permitted Uses; 11.2 Specific requirements; 11.3, Environmental Impact Assessment; and 17.9, Additional Information for Certain Conditional Use Permits (new section) to incorporate standards for high impact land use activities, including oil and gas exploration.

Attachments: [More information from the Planning Department website](#)
[Oil&Gas Development PH 10-15-2018](#)

Planning Director Jason Sullivan gave a presentation to the Board. (Presentation attached)

Attorney Glen Dunn reviewed with the Board how the County came up with this strategy. The Oil and Gas Conservation Act dictates to a great extent what counties can and cannot do. Staff came up with three principles. First is to use a mechanism already in the County ordinance and that is generally applicable to development. Second, it needs to be flexible. Third, it needs to apply to other high impact uses. Mr. Dunn also explained the preemption process.

The Board discussed at length the requirements and triggers for environmental impact assessments/statements.

The Chair opened the hearing.

Martha Girolami submitted the following comments:

In Section 10.13

More definitions of terms are needed.

Suggested Additions: These industrial activities are associated with oil and gas development.

- Gas storage

- Plastics manufacturing

- Add to oil and gas exploration and development, the terms gas processing and production.

- Helium processing/purification plants

- Small scale liquid natural gas plants (LNG)

Suggested Requirement: All oil and gas activities and compressor stations restricted to IL and IH.

In Section 11.2

Methane plus Benzene, ethane, propane, radioactive materials, particulates etc. will be released and will cross property lines. These are noxious and hazardous. How will "such concentrations" be determined to be detrimental to public health and safety? "Such concentrations" needs definition and/or further study. How will flaring be handled? Noise, light and air pollution impacts.

Section 17.9

Add a list of consultants that are acceptable to the County (maybe SELC can help put together a list). Choose a consultant from this list. (idea from S. Arata) Eliminate the last line "This section 17.9 is not applicable to an applicant for CUP for which an EIA is required by Section 11.3 of this Ordinance" ?. Could this be useful to keep for unanswered questions or inadequate EIA?

Suggested studies needed—blast zones around frack pad and industrial processing and storage equipment and fracking waste processing and waste disposal.

Other Ideas:

There are parts of the ordinance that could be broadened as other towns and counties have done. Here are articles on concerns that could be added to our LUP/Zoning ordinance at some point.

1. List Small Scale LNG plants (Duke Energy's plan for gas storage instead of batteries for emergency polar vortex days). These could be useful to DE when they don't have long distance gas pipelines and could be sited on the frack pad. This cryogenic technology is also used with fractional distillation in a Helium separation and purification plant. So add helium processing/purification plants to the list. Extracting Helium from natural gas is definitely under study by the NCGS and the OGC.

2. Require a seismic testing permit like they did in Oakmont in the article "Gas drilling company drops plans for seismic testing Oakmont".

3. Ban/restrict drilling and fracking wastes. This article "Fifty towns in Connecticut have now Banned Fracking Waste" is talking about Connecticut heading off becoming a frack waste dump (they don't frack in CT) from drilling and fracking wastes generated in nearby states (or counties).

4. The article entitled "Citizens to Protect Oakmont Comments on the Borough of Oakmont Proposed Oil & GAs Ordinance" has good ideas. Requires a 10 year master plan for "build out" on oil and gas development sites. You get to find out how wastes are handled and how big the plan/impacts will be. Also deals with chemical disclosure and ER—requiring a study to be the basis of an ER/ contingency plan. Requires Compressor Stations to be located only in an industrial zone. Promotes local governments to communicate on all permits and other notifications on all O&G activities.

Jim Elza submitted the following comments:

Proposed Ordinance Amendment Section 10.13

This proposed ordinance revision will modify the Table of Permitted Uses (Section 10.13). In 2016 an amendment to Section 10.13 required all these same uses to have a Conditional Use Permit (CUP) in the Industrial Heavy (IH) zone, with the exception of Coal and Coke Yards and Electric Power Generation which were also allowed in the

Light Industrial (LI) zone with a Conditional Use Permit (CUP). The list includes uses with noxious potential with high impact to surrounding neighborhoods.

Unless a proposed use is shown in the county plan and is in an existing qualifying zone, a multi-step is required:

- 1. plan amendment (if necessary), a legislative approval; and*
- 2. rezoning (if necessary) to IH or LI (a legislative approval); and*
- 3. a Conditional Use Permit (CUP) (a quasi-judicial approval).*

Zoning and plan amendment decisions are by hearing and majority vote of the County Board. Citizens do not have to be experts to present information in either case. A Conditional Use Permit (CUP), however, is quasi-judicial in nature and the decision is based on evidence (usually expert testimony) presented at the hearing. Unless a citizen is a credentialed there is little chance that their testimony can be relied upon by the County Board.

The amendment also proposes Natural Gas Compressor Stations, and Oil and Gas Exploration and Development only as Conditional Use Permits (CUP). However, these uses would be allowed in any zone. Amendments to requirements for Environmental Impact Statements (Section 11.3), and Conditional Use Permit Information (Section 17.9) are proposed to strengthen the CUP process.

As a result, the proposed regulatory system relies solely on the Conditional Use Permit (CUP) to control Oil and Gas Exploration, Development, and Operations.

We need to look at this proposed system.

- 1. Some will argue that Electrical and Gas Distribution Systems are allowed in all zones. These are distribution systems, not generation systems. Electrical generation is regulated and confined to LI and IH zones with a CUP. Oil and Gas Exploration, Development, and Operations should also be regulated as an industrial use. It is a generator of gas supply which is later distributed.*
- 2. The state by law has restricted counties from prohibiting Oil and Gas Exploration, Development and Operations. This is not any different than other uses. Basically, the county has to allow places for all uses to include everything from sanitary landfills to XXX dance clubs. Oil and Gas Exploration, Development and Operations is another use that has to be allowed, but not everywhere.*
- 3. In Chatham there are two bodies of water that must be protected from any incursion in, over, under or around them: Harris Lake and Lake Jordan. The gas shale layer lies beneath both lakes. Any act of Oil and Gas Exploration, Development or Operation that compromises these water bodies would be an unmitigated disaster for our community and cannot be contemplated. A stand-alone Conditional Use Permit system may be insufficient when considered for these lake environments.*
- 4. These lakes are federally or utility owned and managed, and the likelihood of these entities allowing lake degradation is small but it is not nonexistent. An additional layer of complimentary protection offered by the county should be considered to eliminate any chance of oil and gas uses in this area.*
- 5. Excluding the lakes and their environs does not exclude Oil and Gas Exploration, Development, and Operations in Chatham County. There are shale deposits elsewhere.*

Two additions to this amendment could strengthen the proposal:

- 1. Change the Table of Permitted Uses to allow Oil and Gas Exploration, Development and Operations in LI or IH zones only.*
- 2. Create a Significant Waters Overlay Zone for Harris and Jordan Lakes where none*

of the uses listed in this amendment would be allowed. Any reasonable examination NCGS 113-415.1 (attached) would conclude that such an overlay zone would not be overturned.

Chair Hales asked if the County could have an overlay district. Commissioner Crawford said he believed that Dr. Yuill said there could be no drilling under Jordan and Harris Lakes. Mr. Dunn said the state law says you cannot add a restriction that is not in the state statute or rules. He is working to find out from Duke Energy what their NRC regulations are at Harris Lake.

The Chair closed the hearing.

This Agenda Item was referred to the Planning Board.

MANAGER' S REPORTS

Interim County Manager Dan LaMontagne gave an update on the SolSmart Application. The application has been submitted. He believes the County will be certified soon and is hoping for Gold certification.

The Clerk reminded the Board that the CIP Work Session has been moved to November 27, 2018.

COMMISSIONERS' REPORTS

Commissioner Howard attended the NCACC Executive Board meeting last weekend. There is a learning library on the association's website.

Commissioner Crawford announced that the Health Department is in the running for a \$250,000 award for the Healthiest Cities and Counties competition. The TJCOG Summit in Sanford was a huge success. Chatham County is one of the possibilities for next year's summit. The Chatham-Orange Task Force met and they received a presentation on the Durham-Orange light rail project.

Chair Hales stated there is a One Water meeting at Alamance Community College on Wednesday at 9:30-11:30. She signed up for the NACo Environment, Energy, and Land Use Committee.

ADJOURNMENT

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

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

Absent: 1 - Commissioner Petty