



Chatham County, NC

Meeting Minutes

Board of Commissioners

Tuesday, January 22, 2019

6:00 PM

Historic Courthouse Courtroom

Work Session - 2:00 PM - Historic Courthouse Courtroom

Rollcall

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

PUBLIC INPUT SESSION

No one signed up to speak.

BOARD PRIORITIES

[19-2936](#)

Recognition of Linda Williams for 30 Years of Service

Human Resources Director Carolyn Miller introduced Linda Williams to the Board. Ms. Williams has worked for the County in the Facilities Department for thirty years and will soon retire. Chair Dasher read the certificate of honor into the record. Chair Dasher presented Ms. Williams with the certificate.

[18-2889](#)

Vote on a request to approve the nonprofit funding process and appropriation of funds for FY 2020

Attachments: [BOC attachment 1 - Services](#)
[BOC Attachment 2 - Scoring criteria](#)
[Policy Revisions FY 2019](#)

Budget Director Lisa West reviewed the proposed nonprofit funding process and the request before the Board.

Vice Chair Hales asked if the funding policy included parks. Ms. West stated they have not addressed any of the parks funding.

Ms. West also introduced the nonprofit advisory committee to the Board.

A motion was made by Commissioner Howard, seconded by Vice Chair Hales, to approve an appropriation of \$233,000 for the nonprofit funding for FY2020. The motion carried by the following vote:

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

A motion was made by Vice Chair Hales, seconded by Commissioner Howard, to approve the changes as presented in the nonprofit agency funding policy. The motion carried by the following vote:

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

A motion was made by Commissioner Crawford, seconded by Commissioner Howard, to approve the work of the Human Services CIT. The motion carried by the following vote:

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

[19-2903](#)

Receive 2018 Audit Report

Attachments: [Audit Power Point Presentation 2018](#)

Kari Dunlap with Martin Starnes and Associates gave a presentation to the Board. (Presentation attached)

[19-2899](#)

Receive report from the Central Carolina Community College Small Business Center

Attachments: [Chatham Small Business Center Status Report - CC](#)

Jon Spoon, Small Business Center Director for Central Carolina Community College, gave a report to the Board. (Report attached)

Mr. Spoon said they identify a small business as ten employees and under. Probably 40% of small businesses are just one person. Broadband is still a big challenge.

Commissioner Petty asked if there is a revenue level. Mr. Spoon said they measure by number of employees.

Commissioner Howard asked if the County funding comes through the EDC. Mr. Spoon said yes.

Commissioner Howard asked how or where Mr. Spoon would make a budget request. Mr. Spoon said budget requests would go through the college.

Commissioner Crawford asked what the operational budget is for the Small Business Center. Mr. Spoon said \$215,000 total which includes three full time positions, two part time assistants.

Commissioner Crawford asked what he considers his greatest success story. Mr. Spoon said it has been neat to meet with his contemporaries, people he went to high school with, and help them start a small business.

Commissioner Crawford asked how he would encourage participation in the loan program. Mr. Spoon said in Siler City they got a translator and went door to door and got some interest. He also think they need to do a better job educating realtors in the

county who work in commercial real estate.

Commissioner Howard asked how he felt about incubation spaces. Mr. Spoon said an incubator needs to help people write a business plan and enable them to move out to a new space once their time at the incubator has ended. It should not just be shared space.

[19-2917](#)

Receive update on usage of the Chatham County Agriculture & Conference Center and discuss Conference Center Policies

Attachments: [BOC Usage Update 012119](#)

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

After some discussion, the Board agreed to leave the current snack policy, insurance policy and advanced booking policy the same. The Board also agreed to extend the time alcohol can be served from two hours to three hours and that alcohol must stop being served at least an hour before the end of the event.

[19-2897](#)

Vote on a request to schedule a public hearing to receive input on amendments to the Chatham County Wireless Telecommunication Facilities Ordinance to add an exception to tower heights for public safety service providers.

Attachments: [Comm Tower Ord Attachment](#)

Planning Director Jason Sullivan reviewed the specifics of the request.

A motion was made by Commissioner Crawford, seconded by Commissioner Petty, to set a public hearing for Monday, February 18, 2019 at 6:00 PM. The motion carried by the following vote:

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

CLOSED SESSION

[19-2938](#)

Closed Session to discuss matters relating to economic development.

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

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

[19-2942](#)

Vote on a request to approve setting an Economic Development Incentive Public Hearing for Monday, February 18, 2019 at 6:00 PM.

A motion was made by Commissioner Crawford, seconded by Commissioner Petty, to set a public hearing for Monday, February 18, 2019 at 6:00 PM. The

motion carried by the following vote:

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

ADJOURNMENT

Meeting went into Recess

Meeting Reconvened

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

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

End of Work Session

Regular Session - 6:00 PM - Historic Courthouse Courtroom

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

INVOCATION and PLEDGE OF ALLEGIANCE

Commissioner Dasher asked everyone to pause for a moment of silence after which he invited everyone present to stand and recite the Pledge of Allegiance.

CALL TO ORDER

Chairman Dasher welcomed those in attendance and called the meeting to order at 6:00 PM.

APPROVAL OF AGENDA and CONSENT AGENDA

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

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

[19-2898](#)

Vote on a request to approve the December 3, 2018 Regular Session Minutes, and the December 17, 2018 Work and Regular Session Minutes.

Attachments: [Draft Minutes 12.03.2018](#)
[Draft Minutes 12.17.2018](#)

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

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

[18-2833](#)

Vote on a Legislative request to consider County-initiated rezonings of 12 selected businesses in the formerly unzoned portion of Chatham County.

Attachments: [Hyperlink](#)

A motion was made by Vice Chair Hales, seconded by Commissioner Howard, that Resolution #19-01 Adopting a Consistency Statement for the Approval of Multiple General Use Rezonings, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

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

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

[18-2835](#)

Vote on a Legislative request from Holmes Oil Co. to rezone Parcel No. 70153 being approximately 5.783 acres, located off US 64 E, from R-1 Residential to General Use Neighborhood Business, New Hope Township.

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

A motion was made by Vice Chair Hales, seconded by Commissioner Howard, that Resolution #19-02 Adopting the Consistency Statement for the Approval of Rezoning for Holmes Oil Company Inc. attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

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

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

[19-2935](#)

Vote on a Request to Approve the County Manager and DSS Director to sign MOU with DHHS as required by NCGS 108-74.

Attachments: [2018-2019 MOU](#)

A motion was made by Vice Chair Hales, 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: 5 - Chair Dasher, Vice Chair Hales, Commissioner Petty, Commissioner Crawford and Commissioner Howard

[18-2862](#)

Vote on a request to proclaim February 2019 as Animal Spay/Neuter Awareness Month.

Attachments: [2019 Spay Neuter Resolution - BOC](#)

A motion was made by Vice Chair Hales, seconded by Commissioner Howard, that Resolution #19-03 Proclaiming February 2019 as Spay and Neuter Awareness Month, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

[19-2900](#)

Vote on a request to adopt a Resolution Proclaiming February 2019 as We Love Seniors Month in Chatham County.

Attachments: [WeLoveSeniorsMonth2019](#)

A motion was made by Vice Chair Hales, seconded by Commissioner Howard, that Resolution #19-04 Proclaiming February 2019 as We Love Seniors Month, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

[18-2863](#)

Vote on a request to approve \$22,154 Bright Ideas Grant Funds from the NC Division of Public Health's Public Health Preparedness and Response Branch to support the Community Assessment as part of the *Bright Ideas* initiative

Attachments: [\\$22,154 Bright Ideas Grant Funds](#)

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

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

[18-2893](#)

Vote on a Request to Approve Letter Accepting Assignment for Fire Protection Services for the Parkwood Fire District from Durham County to the City of Durham.

Attachments: [Fire Interlocal Chatham Letter Assignment 122018 - Updated](#)
[2018 Interlocal Agreement Chatham County City of Durham Fire Protection](#)

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

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

[19-2901](#)

Vote on a request to adopt 2019 Analysis of Impediments to Fair Housing Report

Attachments: [Chatham County Analysis of Impediments Full Report Final 1.3.19](#)
[BOC Fair Housing Presentation](#)

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

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

[19-2902](#)

Vote on a request to approve Tax Releases and Refunds

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

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

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

[19-2939](#)

Vote on a request to appoint Franklin Gomez to the Planning Board.

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

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

End of Consent Agenda

PUBLIC INPUT SESSION

Heather Johnson submitted the following comments:

I am here on behalf of the new Second Bloom of Chatham County. On October 25th 2018 we launched the effort to reopen a thrift shop dedicated to funding a mission for providing programing for victims of domestic violence and sexual assault in Chatham County. In seven days' time, shelving and clothing racks were assembled, a youth group from Siler City decorated a Christmas sales room and sorted decorations. More volunteers flooded in, as did donations of items for sale and money. A local business has dedicated a portion of their store space for overflow and seasonal donations. In less than 60 days, in excess of 35 volunteers working with Second Bloom of Chatham County and about 14 actual sales days, because we had some weather-related closings, has raised over \$15,000 and generated over \$5,000 in revenue from the temporary shop held together by volunteers. Our volunteers logged over 400 hours, we kept a log. We felt it important to include resource materials in the shop for victims of

domestic violence and sexual assault and our volunteers secured and prepared those items. Through these efforts and so many that we don't have time to mention in these few minutes, Second Bloom of Chatham County wishes to relay to the County Commissioners and our community that we have all built what we all been working for, the rebuilding of a community-based organization, that works cooperatively with the County on behalf of this important work. Thank you so much for your consideration.

Cindy Perry submitted the following comments:

Good evening, I too am speaking on behalf of Second Bloom and not in any other capacity. I was involved in the formation of the Family Violence Organization back in the 1980s and I wish that I could say that in the intervening 35 years that this was no longer something that we needed in Chatham County but unfortunately that is not the case. First of all, I wish to thank the County for inclusion in the budget, for the positions, the four and a half positions I believe, which were through the sheriff and other entities for the assistance of domestic violence victims and as Heather said, since late November, we have made huge strides. Since that time, we have acquired our 501c3 status, our tax status from the IRS, we have received a charitable solicitation license from the Secretary of State's Office, and we've held our organizational meeting. The Board of Directors that has been elected includes me, Joe Sanders, Sam Cooper, Linda Batley, and Lela Webster. We had an anonymous donor offer us the opportunity to double match any contributions made before the end of the year, and in less than two weeks we received over \$8,000 from 53 donors in this community. We've opened a bank account which now exceeds \$20,000 between those matching donations and sales from the store. We have helped the county and needy individuals with items at Christmas from the store. Efforts have been made to acquire the blue house which has, unfortunately has a complex legal issue and an inspection that revealed equally complicated structural damage and roof repair needs. Our Board meets tomorrow to discuss next steps which may include hiring personnel. So we are indeed the successor, the new nonprofit, independent but with the same mission to assist victims of domestic violence. So we thank you again for the opportunity to be before you, to report back to you about how we have done, and thank you again for the funding that is so vital to this particular cause. We are ready to work together and to be together at the table. Thank you.

Joan Cunningham submitted the following comments:

I'm here tonight to speak on behalf of Chatham Animal Rescue and Education, we hoped our new executive director would be here tonight but she didn't make it. I'm hoping she'll be meeting some of you for coffee at Virlie's very soon. Her name is Bridget Roy, she comes to us from New Hampshire, and she has a lot of experience with nonprofits. This is an evening of thanks. I'm here to thank you for two things; first of all, I want to thank you for your ongoing and long-term support of a targeted spay/neuter program operated with the Health Department out of the animal shelter. They have spayed and neutered hundreds of dogs and cats and prevented the birth of thousands of kittens and puppies in the years that you've been supporting them with that program. You were, I believe, the first Board of County Commissioners, or your predecessors, to fund that kind of program at the local level and you should be proud of that tradition. CARE is very lucky to work with the animal shelter. CARE has the adoption center at PetSmart two weeks out of every month, and we take shelter pets the first week. Probably 60% of the cats in our foster program are from the animal shelter and about 90% of the dogs in our dog foster program are from the animal

shelter. We value our relationship and work very closely with them.

Secondly, I want to thank you for declaring February Spay Neuter Awareness Month. It helps us to pursue our mission to ensure the health and safety of all dogs and cats in Chatham County. We do that in a number of ways but most relevant right now in conjunction with your declaration, is our spring program in which we are offering free spays for female cats and dogs for qualifying residents of Chatham County. We used to call it "Beat the Heat" for obvious reasons, this year we're calling Three for Free and it's Three for Free based on a very generous grant that we received from the Margaret Petrie Spaying and Neutering Foundation. Our goal is to do 40 dogs and 40 cats but I think we'll exceed that, I think that's a modest estimate. We just launched in conjunction with this declaration and our phones are ringing off the hook. Annually, CARE spays and neuters between 300-500 dogs and cats. We do that through our Lilly's fund targeted spay neuter program for Chatham County residents, we do it through our community cat program, and through our dog and cat foster program. I want to close by thanking you for our new shelter, we are eagerly awaiting groundbreaking and I understand we'll be hiring a new animal services supervisor soon, so thank you and let's all keep up the good work.

Martha Girolami submitted the following comments:

I oppose the Planning Board's proposal to add Oil and Gas exploration, development and production and compressor stations to every zoning district in Chatham.

I support adding to Heavy Industrial zoning with CUP in 10.13 Table 1:(1) oil and gas exploration, development, and production, (2) compressor stations, and (3) Gas and Petroleum Processing.

I also support adding the new section 17.9 (suggest deleting the last line). No other changes are needed at this time. Please don't rush this decision! Adding Oil and Gas exploration, development and production and compressor stations to every zoning district in Chatham with CUP, including residential, will do the following:

1. Cripple the concept and authority of zoning and zoning protections.
2. Will betray Chatham citizens who consider zoning as protection from heavy industrial uses in residential zoning districts.
3. Will violate the intent of the Chatham Land Use Plan which aspires to preserve rural character.
4. May lead to lawsuits by non oil and gas industries demanding the same zoning privilege as oil and gas. It may establish a precedent and open the door for lawsuits by noxious industries to be sited county wide.

Chatham lands east of and close to Jordan Lake which are now zoned as Very Low Density Residential and Low Density Residential under the Chatham-Cary Land Use Plan will lose zoning protection. These types of zoning districts were given to these lands in the Cary- Chatham land Use Plan to protect Lake Jordan water quality. Are these zoning protections now eliminated for Lake Jordan?

Cary has not annexed many areas that will be affected by this rezoning amendment but the town is actively expanding in Chatham and will eventually build into these areas. This will place areas zoned for Oil and Gas industries next to Cary subdivisions. Has Cary been notified? Are all Chatham citizens aware of this loss of zoning protections from this heavy industry? I am not aware of any effort by the Planning Department to publicize and educate County residents including Cary

residents on this major zoning amendment.

The Planning Board and the Planning Department, I think, acted out of fear of a pre-emption hearing and judgment by the O&G Commission in making the recommendation to add such a heavy industry to all zoning districts with CUP. This has led to an unproven, mistaken belief that the Conditional Use Permit process and an additional study requirement will control the siting of fracking in the County and avoid a pre-emption hearing before the O&G commission. Since I have attended almost all of the original MEC meetings and all of the current O&G Commission meetings, I know how this commission thinks. I am certain that the chair and majority of O&G members with careers and vested interests in O&G will accept any complaint by frackers as grounds for a pre-emption hearing against Chatham County ordinances.

The decision by the O&G commission to overrule Chatham County Ordinances and allow Oil and Gas exploration, development and production and compressor stations will be based on the character and politics of the members of the O&G commission. The majority of O&G commissioners believe that fracking health effects are minimal; that fracking can be done without irreversible damage to the environment and groundwater; that its wastewater is not toxic; that natural gas is the best fuel for our future; that methane impacts on global warming and the Chatham economy are not imperative for them to consider, etc. The character and politics on the O&G Commission are beyond the County's control.

Chatham County must be prepared to stand up for what it believes is right and protective for its citizens and not surrender in advance by allowing fracking heavy industry in all zoning districts. Changing our zoning ordinance to allow compressor stations and oil and gas development in all zoning districts is high-risk, unproven and a breach of trust.

John Wagner submitted the following comments:

Good evening and thank you for giving me a chance to talk tonight. I actually have two completely separate issues. One is, I'd like to follow up on the promise I made several meetings ago that I would give you each a copy of the third graders suggestions for how to deal with the New Orleans Confederate monument. I have a copy for each of you and I encourage you to read them and think about how are youth and our schools and our children can help us deal with this issue because they came up with some great ideas in New Orleans and after you look at it, I encourage you to give it to your children, grandchildren, or school children that you know. Thank you.

On to another issue, I'm still researching this zoning change that you're proposing. I completely supported the county-wide zoning and I appreciate the efforts that all of you made to protect the county but I'm really concerned about the permitted uses change that you're talking about for all of the county for fracking and compressor stations. I know that the conditional use permit does provide some protection and quasi-judicial hearings are an important step but I feel like this issue is way too serious, doing a county-wide change for permitted uses for something as dangerous as fracking, it shouldn't be rushed. And I really encourage you to hold off on the decision and research this further and get more input from the community. Thank you.

Jeannie Ambros submitted the following comments:

A preemption law that was passed at 4:06 AM by the NC Senate and then six minutes later by the House clearly was intended to block local governments from objecting to any heavy industry impacting the health of its community, natural resources, infrastructure, fiscal resources and services. In effect, under SB 119/SL 2015--264, local government is hampered in its already limited ability to introduce reasonable and innovative controls to protect its people and natural resources. [Note that since 2015, even more potential health and environmental risks and costs are documented in states with a history of oil and gas activities.]

On Nov. 16, 2015, the motion [of the CC BOC] asked staff to prepare a zoning map and ordinance extending zoning classifications to unzoned areas. To that end, the countywide Comprehensive Land Use Plan, based on public input from specific parts of the community on areas that should be zoned commercial, industrial or residential, was prepared as a guide. Countywide zoning in Chatham County was considered to be a positive step. Opening up all the zoning districts, listed in the CC Table of Permitted Uses, to Conditional Use Permits for oil and gas operations and compressor stations was not what our communities had in mind.

Allowing the entire County to be considered for certain high impact land uses is repurposing the countywide land use plan for industrial development. This undermines any trust in our local government to work in our best interest. A Conditional Use Permit application that is denied or granted with conditions does not prevent an applicant from appealing to the Oil and Gas Commission for preemption proceedings. We can't foresee what might trigger a preemption ruling.

With the fracking moratorium extension expiring at the end of January, 2019, the Chatham County Board of Commissioners is preparing tonight to vote on the proposed planning recommendations to include Oil and Gas Exploration, Development and Production, Compressor Stations, and Gas and Petroleum Processing as new land uses. Permitting of oil and gas--related operations and compressor stations for conditional use in all zoning districts gives this extractive industry preferential treatment over all other industries. Oil and gas--related operations and compressor stations should be allowed only as conditional use in the Heavy Industrial zones--just like Mining and the proposed Gas and Petroleum Processing in the CC Zoning Table. It is unclear to me that the proposed ordinance text changes--no matter how well intended by the Planning staff and Planning Board--will prevent preemptions from occurring. At this time, DEQ has not received any Drilling Unit Applications. Please take more time to consider the merits of other zoning options to safeguard the health of our people and the natural resources we value. Thank you for the opportunity to provide public comments.

PUBLIC HEARINGS

[19-2895](#)

A Legislative public hearing for general use rezoning request 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](#)

Zoning Administrator Angela Birchett reviewed the specifics of the request.

The Chair opened the hearing.

No one signed up to speak.

Commissioner Howard asked if there are residences near the area being rezoned. Ms. Birchett stated Mr. Brooks lives next door and the rest of the area is raw land.

The Chair closed the hearing.

This Agenda Item was referred to the Planning Board.

[19-2896](#)

A Legislative public hearing for a general use rezoning request 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](#)

Ms. Birchett reviewed the specifics of the request.

The Chair opened the hearing.

Patrick Bradshaw, attorney for applicant, addressed the Board.

The Chair closed the hearing.

This Agenda Item was referred to the Planning Board.

[18-2894](#)

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

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

The Chair administered the oath to those wishing to speak on this item.

The Chair opened the hearing.

Ms. Birchett reviewed the specifics of the request.

Richard Veno, applicant, addressed the Board.

Ms. Birchett: So this is a facility on US 64, Mt. Gilead American Self Storage. It's been there for over twenty years and had different variations come through over the years the last one that you would be familiar with is when they put in those two large buildings, the climate controlled inside storage units there. This property is currently under notice of violation with two departments. Our department being one because the pod units were placed out there on the property without the benefit of an approval from the Board or a revision to their conditional use permit or their site plan. They are also under current notice of violation with the Watershed Protection Ordinance because in the process of putting the units out there, the stream area to the east of the property, they got into the undisturbed buffer and cleared some of that, took some fencing

down, but they are about 75% complete, from what I understand, getting that restored so they have been working with Watershed Protection and been great.

They've done everything that they've been asked to do as far as that goes and as far as we are concerned as well, I don't have any issue. So what they're proposing to do is add 21 pod storage units. The plan you have before you is different than the one in your application because during our TRC Meeting, our technical review committee meeting, the fire marshals had concern there were originally two buildings in between the big buildings, that fire was going to be a problem, the fire rating could not be obtained sufficiently on those pods so they had agreed to relocate those and that's why you see a little bit of a different configuration on that back side, on the back side of the cell tower. Still 21 units, still the same number they're applying for, they just, they had to shift those around because we weren't going to allow them between the buildings. So that's the site plan you have before you tonight. It is posted online for others to see as well.

Vice Chair Hales: So where were these, (inaudible) we're looking at the hatch little squares.

Ms. Birchett: That's correct, that's what they're adding.

Vice Chair Hales: And where were they in the buffer? They were located - -

Ms. Birchett: No. No, the buffer back here, they had taken a fence down and disturbed that 50 foot buffer, in preparation for these buildings. Were there ever buildings over there? There were buildings there and they had to remove those.

Vice Chair Hales: And where were those...which direction are...

Ms. Birchett: They were back here on the back side where that stream is, see my mouse moving? They were back here.

Vice Chair Hales: No I'm not seeing your mouse moving.

Ms. Birchett: Well I don't know how to make it any more...

Vice Chair Hales: They were back there, along that.

Ms. Birchett: When they disturbed that 50 foot buffer, that put them in violation and they had to move, they've already moved...

Vice Chair Hales: Okay.

Ms. Birchett: They will be getting it all finished, like I said they're about 75% complete with that violation.

Mr. Crawford: Are these pods that will be sent to folks' houses for use?

Ms. Birchett No.

Mr. Crawford: So this is temporary or they're there for (inaudible).

Ms. Birchett: They're there as storage units.

Mr. Crawford: More or less permanent storage units.

Ms. Birchett: Yes, yes. And Mr. Veno is here, and he can explain in more detail about that when he comes up. This property is located in WS4 protected area of Jordan Lake watershed. Because the majority of the site was developed prior to us adopting regulations in 1994, they're about 70% impervious surface. By law, they're allowed to be. These units will not be increasing the impervious surface, they're using existing impervious surface to set them off so there's no additional increase in what they already have. They're proposing no new lighting. They did have a community meeting, that was one of the concerns one of the neighbors had, was about runoff and light pollution. They're not proposing any new pole lighting, they will be having some wall packs that we will ensure comply with the lighting regulations and be full cut-off. And no additional signage. They've also met with the Appearance Commission, those minutes are also posted online, I don't know if they made it in your packet or not but they are online and they have proposed some changes to the property on this US 64 side to try to beef that up a little. It is a little bit challenging because there is an embankment there where DOT widened 64, took a lot of that property away so they do have some challenges but they, them and the appearance commission, have come up with a pretty decent plan to make it a little more aesthetically pleasing to the passersby.

Vice Chair Hales: So you said no additional lighting or they're in compliance with...

Ms. Birchett: No additional pole lighting but they may have some wall packs that they have to put on the entrances down to the building areas that will have to comply with cut-off features. There, the runoff issue was resolved because they're not disturbing any new land. They're using existing gravel or concrete to secure the units. With that, I will turn it over to Mr. Richard Veno.

Mr. Veno: Thank you for your presentation on this. Richard Veno, acting on behalf of Robert Kapp and Brian Maginnis, owners of the property, with Horvath Associates and the 21 buildings like Angela said are going to be placed on existing impervious surface. The wall packs will be intended above doors only, they're not going to be put on the back of the building to just add more light to the property. The neighbor with the concerns over lighting and additional water was the neighbor to the north and Mr. (inaudible) and after speaking with him, he was acceptable over the phone and the issue was pole lighting, he didn't want more of that and understood wall packs would be used at the entrances only and not more than they need to, just used to facilitate the lighting at the entrance. The units are roughly twelve by twenty, with ten foot separations in there for access between the units as you see them, we've maintained a twenty foot access down through the drive aisles in the west, and the gate for the wireless telecommunication facility is (inaudible) in the thick black line on there as well, it would be not be blocking that either so they'd have access to their facility. Other than that I'm here to...well I guess I'll address the Appearance Commission, what we came up with in a little more detail and agreement. They were looking more for screening that would be in the twelve to fifteen foot range, we agreed on a, I think on a, I believe minimum twelve foot range for them not intended to be large evergreen trees but there are going to be evergreen understory trees. The spacing was determined to be placed so that when they hit maturity, they will be at a spacing where the edges of the plants, edges of the understory trees, will grow together to apply almost a continuous screen, understanding that their vegetation may grow irregular as well. The overall intention, correct me if I'm wrong, I believe is for a class P buffer to have that appearance of a Class (inaudible) buffer from the area of the gate up by the new buildings all the way to the east end of the pavement area.

Vice Chair Hales: A question, so there's only one point of access?

Mr. Veno: That's correct.

Vice Chair Hales: And that is on Mt. Gilead?

Mr. Veno: Yes ma'am.

Vice Chair Hales: Okay so people are going to come in and they are going to have to drive all the way to those little storage units.

Mr. Veno: Yeah so currently the access comes in off Mt. Gilead and it turns to the right and goes to the right of the bi-level, the new bi-level building, between the between the bi-level building and US 64. That is the controlled gate access there and then they can access all the storage units within the facility.

Vice Chair Hales: Okay. So are there, you said there's twenty foot between each of the strings of these little buildings, correct?

Mr. Veno: No, ten feet.

Vice Chair Hales: Oh just ten feet?

Mr. Veno: Ten feet between the buildings where the doorways will be.

Vice Chair Hales: So ten feet is pretty narrow...so this driving?

Mr. Veno: There would be no intention of vehicle access between those buildings, it would be for people to carry boxes. Again the units are, the buildings are ten, sorry twelve by twenty, and they may have four units per building, three units per building, they can vary with each building. So as far as truckloads, they're not large storage areas.

Vice Chair Hales: I'm sorry, I couldn't...

Mr. Veno: As far as truckloads, they're not large storage areas. Typically with the twenty foot length, you're looking at five foot doors on them and they could be, maybe, up to a ten foot door.

Vice Chair Hales: But the alleyways between these sets is twenty feet.

Mr. Veno: No the aisle-way between the proposed buildings where the doorways would face each other, would be a ten foot separation.

Vice Chair Hales: So this is twenty or ten?

Commissioner Crawford: That's just ten, this one's twenty.

Vice Chair Hales: Oh, I see. Okay.

Commissioner Crawford: So you drive here and have to carry it around, unless you're my brother, then you drive in the ten foot and can't open your doors.

Mr. Veno: I apologize, I guess I didn't see where you were going with the twenty foot. The twenty foot is for the existing drive aisle headed down along the existing building.

Vice Chair Hales: The outer edge.

Mr. Veno: Yes.

Vice Chair Hales: Okay and I was talking about that inner alley between the set of these.

Mr. Veno: Between the existing building and the proposed buildings.

Chair Dasher: Where is the, and this is kind of a random question, where is American Self Storage? Where are they out of? Is that...

Mr. Veno: As far as like, corporation?

Chair Dasher: Yeah.

Mr. Veno: They don't really have a... I don't think he has a corporate office. Formerly he was...the property was registered to Knightdale. He's having...transferring over, and having things moved over to a Cornelius, North Carolina address.

Vice Chair Hales: How hard was it to pick up these buildings and move them?

Mr. Veno: From my understanding, it is...you have a large enough forklift or heavy equipment would be required to move them, yes. They could be moved, essentially though. They're pre-fab structures and they sit, they essentially sit on a type of platform, like a skid.

Vice Chair Hales: Okay. And they haven't been moved yet?

Mr. Veno: They have not been moved yet, until the resolution...

Vice Chair Hales: Right, they're under notice of violation where they're sitting right now.

Mr. Veno: Correct.

Vice Chair Hales: Okay.

Mr. Veno: And we're working with watershed as Angela stated, we're roughly 75% complete with the plans to remediate that area that is going to be disturbed. The buildings were set on top of gravel as well, just for a little more detail (inaudible) the sub-base of the gravel. We removed the area to be remediated and planted per remediation specifications.

Vice Chair Hales: Okay. So that will be returned to a regular ground situation, no gravel.

Mr. Veno: Correct. Yes, the remediation is going to be re-vegetation. It's going to be in the sum. The numbers are like 320 stems per acre, is the way they measure. That also entails that for the next five years it can require annual reports and maintenance of those areas to ensure that invasive vegetation doesn't take up and what you plant is surviving. If it's not surviving it gets replaced. Both annual reports are required to be

submitted to watershed.

Vice Chair Hales: Alright. Cause, are you by a water feature there also?

Mr. Veno: Yes, to the east of the site on the parcel there is an intermittent stream, based on US GIS maps.

Ms. Birchett: I just have one other thing; I'm going to let Janie Phelps talk to you about as far as the cell tower in the fall-zone. She's trying to learn how to do this, so y'all be nice to her.

Ms. Phelps: So the other thing that came up with the placement of buildings that was being shown, (inaudible) so some of the buildings that are already there...these existing climate storages are within the 60 foot fall-zone and they were originally proposing more in that fall-zone but they're supposed to be getting a letter from American Tower, who owns this area, to say that the new buildings within this fall-zone are going to be okay.

Vice Chair Hales: And the outside circle is the fall-zone is that right?

Ms. Phelps: Yes, the outside circle is the 60 foot radius and then Mr. Veno put this inner ring in to show the closest climate storage that was within the fall-zone. So currently these four buildings actually up here are already there and the remainder are in this buffer area.

Chair Dasher: Is American Tower any relation to American Self Storage? Anyone know? I'm just curious.

Ms. Phelps: No.

Chair Dasher: Not the same...just happen to have a similar name.

Vice Chair Hales: So.

Ms. Phelps: Actually I think all these buildings are there.

Vice Chair Hales: So, yeah. So what's...is it going to get an exception from the cell tower owner or what is he getting?

Ms. Phelps: I'm not sure, I sent them an email originally of the previous site plan he had where the other two buildings were over on the side and they had stated that right here there was a building which I think is in your packet, and they said it was too close to the access gate and I have forwarded that on to Mr. Veno and so this is what he has resubmitted.

Vice Chair Hales: I see.

Ms. Phelps: And they are supposed to be issuing a letter saying that the buildings that are within the fall-zone will be okay.

Vice Chair Hales: What if he doesn't submit that letter?

Ms. Birchett: Well we don't have anything in our wireless telecommunications ordinance that says you can't have an unoccupied structure within a fall-zone, so we

need to get the letter from the tower company saying they're okay with it. I guess push come to shove, it would probably wind up being a civil matter between them and the tower company because we don't have any...we would just really like to have this so we have security in our file that says they know those buildings are there and they're okay with them being there. So that's why we're asking for the letter from the tower company.

Vice Chair Hales: So you were asking for that?

Ms. Birchett: Yes we are.

Vice Chair Hales: The County is, okay.

Commissioner Crawford: It's a good thing they have a nice large septic field because they won't even be able to put an outhouse on this parcel after...

Ms. Birchett: No, no it's quite full. Is that correct, pretty much correct from what they told you?

Commissioner Crawford: I mean, it's packed.

Mr. Veno: I forgot to add earlier, again Richard Veno here for people online, that the units to the north of the tower facility and the units to the south as well currently right there, there is outdoor storage. So, RV, boat storage, things like that. So it's...there's more of a demand for the indoor storage, covered storage, than the outdoor so that is one of the driving reasons behind this, to expand the, the contained storage, secured storage. The letter from the tower, the American Tower Company, the tower leases from the property, so they don't own anything there. They have a lease agreement and so I've written to them and asked them to confirm that they have...they don't have any strict rules about what can be done in and around their, or I should say around, their facilities, whether it be up against the fence, a certain separation from the fence or within the fall-zone. So those are the answers I'm looking to get from them and upon confirming that, from the conversation I've had so far, we're going in the direction that, I believe, they will be allowed in those areas.

Commissioner Crawford: Just to play devil's advocate, let's say they want to replace or remove that tower. Is there enough room to get a crane truck in there once these pods are in place? Because things are getting awfully tight.

Mr. Veno: Well so...

Commissioner Crawford: I mean, it's not my property but.

Mr. Veno: So the tower facility currently has access, they will have a twenty foot access as well as basically everything contained within the fence of their facility. So, that was the reason for our minimum twenty foot, also as well fire accesses around twenty foot drive aisles. In the past, the owners have worked with the tower facility when they've had to install new equipment. And instead of them renting a very large crane, they had the RVs, they had boats moved in order for them to get right up close to the tower and use a smaller crane to get the job done or not have to use a helicopter to get the job done.

Commissioner Crawford: That's their business, not mine but I was just curious. There will come a day, perhaps where they want to get in there...

Mr. Veno: And that is one feature that I spoke to them about that with their relationship with the owner, again it's a landlord tenant agreement, so it's in both interests to keep a good relationship and with these buildings being on skids, though they may be fixed with hurricane anchors, things like that to make them more of a permanent structure, one push comes to shove, they would be able to be moved in a, you know, if there's an extreme circumstance as long as it's coordinated far enough ahead of time, I'm sure.

Commissioner Howard: So...I was just going to ask, as of right now you don't have an assurance that you will get the letter but you have some comfort?

Mr. Veno: I have comfort but I do not have assurance. I'm dealing with the legal team, as they refer to them, over email to get the confirmation of what is allowed or what is not allowed in those fall-zones.

Chair Dasher: Anything else? Anybody signed up to speak?

Clerk: No one signed up.

Mr. Veno: Thank you.

Chair Dasher: Thank you. Alright, if there's nothing else we will close the hearing and refer this item to the planning board as well.

This Agenda Item was referred to the Planning Board.

BOARD PRIORITIES

[18-2809](#)

Vote on a 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](#)
[1-22-19 PlanningDepartment Comments Oil Gas Development](#)
[PB Chair Planning report to BOC re. Oil and Gas amendments](#)

Planning Director Jason Sullivan reviewed the specifics of the request. (Planning Department comments attached)

Planning Board Chair Caroline Siverson read a statement to the Board on behalf of the Planning Board. (Statement attached)

Chair Dasher asked if the Board is amending four sections of the ordinance. Mr. Sullivan stated the Board would be amending three sections and adopting one entirely new section.

Vice Chair Hales asked if the County singles out oil and gas exploration and allow it in all zones, what is going to happen if a cement plant wants to be in any zone? Attorney Glen Dunn stated oil and gas exploration and development is a natural resource extraction and the reserves might be found anywhere, it is not however a heavy industry. All of this has to be looked at against the Oil and Gas Act. The General Assembly set up a special body of law that specified the preemption process for those activities on local governments. It has already been placed in a special category and that in itself separates it from heavy industry. Mr. Dunn does not believe there is a strong legal argument for other heavy industries to get the same treatment.

Commissioner Howard asked why an industry is designated heavy industrial and why would they not use the same type of screening for this use. Mr. Dunn said the conditional use process allows the Board to do what Commissioner Howard stated. Mr. Dunn said to consider if the Board required this use to be a heavy industry, if someone challenges that and goes to the Oil and Gas Commission, he believes it would be preempted. Commissioner Howard expressed her concern that the process being presented does not protect the county and its residents in the future.

Commissioner Crawford stated this process provides better protection than trying to push the industry into heavy industrial.

Mr. Dunn said Chatham County already has very good environmental ordinances in place. They give the County a good start with protection.

Vice Chair Hales said there are four findings that have to be made by the Oil and Gas Commission and one includes citizens and elected bodies having adequate opportunity to participate in the permitting process. She asked if the quasi-judicial process for a conditional use permit inhibits this versus the legislative process. Mr. Dunn said there is no limit on how many people can speak in a quasi-judicial hearing, they just have to do it under oath. If it inhibits them, that is exactly what a quasi-judicial hearing is meant to do.

Vice Chair Hales said environmental impact assessments are no longer required for less than ten acres. The pads for these sites usually require less than ten acres so there is no environmental impact assessment required. She asked if Section 11.3 would apply to someone with more than ten acres when the state application doesn't require one. Mr. Dunn said the ordinance allows an environmental impact to be required for anything over ten acres. The proposed amendments allow the County to require studies for less than ten acres.

Vice Chair Hales asked if Section 11.2 would apply in all zoning. Mr. Dunn said yes.

Vice Chair Hales asked if the UDO process would be a time to look at the structure of the County's environmental impact assessments. Mr. Sullivan said that is a topic staff is already considering and will be considering with the UDO.

Vice Chair Hales raised concerns about Jordan Lake and Harris Lake and asked if the County could prohibit oil and gas drilling in those areas. Mr. Dunn said Duke Energy has stated they would have to get the NRC's permission to allow fracking close the plant.

Commissioner Howard stated the moratorium will expire in a couple of weeks and the County does not yet have the standards worked out. She asked if the Board could extend the moratorium while they work through these details. Mr. Dunn stated the

Board could extend the moratorium. He said the moratorium has already gone on longer than what is typically considered an acceptable length for a moratorium. The extension of the moratorium might invite a challenge. Mr. Sullivan stated that the Board could not extend the moratorium tonight. It would have to schedule a public hearing and go through the process again.

Chair Dasher asked what reasoning was behind the two no votes from the Planning Board. Ms. Siverson said one member did not really give a reason but the other just could not accept the allowance of the oil and gas industries in the residential areas.

Chair Dasher commended Mr. Dunn, Mr. Sullivan, the Planning Board and the Planning Staff for all their hard work on this item.

A motion was made by Commissioner Crawford, seconded by Commissioner Petty, that Resolution #2019-08 Adopting a Consistency Statement for the Approval of Zoning Text Amendments to Add Additional Standards for High Impact Land Uses, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

No: 1 - Commissioner Howard

A motion was made by Commissioner Crawford, seconded by Commissioner Petty, that this Ordinance Amending the Zoning Ordinance of Chatham County for Text Amendments to Add Additional Standards for High Impact Land Uses, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

No: 1 - Commissioner Howard

Commissioner Howard asked the Board to consider extending the moratorium for another six months while staff works on the standards. Vice Chair Hales asked if six months gave staff enough time. Mr. Sullivan said staff has not developed the final plan of how this will be rolled out but it could take at least a year.

Chair Dasher asked what happens in the interim period if an applicant comes in with an application. Mr. Sullivan said staff and the Environmental Review Advisory Committee would have to hurry up and figure out what the standards are. There is a lot that goes into a conditional use permit application and the applicant will need time to gather information before the application can be submitted to the County.

Mr. Sullivan said the attorneys will need to advise on this matter. If the Board wanted to hold a hearing on extending the moratorium, that would be just for oil and gas exploration. Now that they have approved eighteen other uses, will they need to broaden that moratorium to cover the additional uses? The County Attorney said there are legal issues that will have to be looked at regarding extending the moratorium. He said they would be happy to look into it and get back to the Board at the next meeting.

Commissioner Howard made a motion to extend the moratorium for one year. Vice Chair Hales seconded the motion.

Commissioner Howard stated her request is just to extend the moratorium relating to

natural gas, not the additional uses. Vice Chair Hales asked if it would actually be an extension or would it be a new moratorium. The County Attorney stated it would be a new moratorium because the existing moratorium expires January 31st. Chair Dasher argued that the moratorium should include all eighteen uses.

Mr. Dunn said the commissioners should ask themselves if they are really concerned about all the other uses to the extent that they would want to call for a moratorium on each of them. It could make them more of a target.

Commissioner Crawford made a motion to postpone the vote on extending the moratorium until the County Attorney comes back with more advice.

Commissioner Howard and Commissioner Crawford both withdrew their motions. Commissioner Howard asked the County Attorney to come back to the Board with legal advice about extending the moratorium. The Board agreed by consensus.

MANAGER' S REPORTS

Mr. LaMontagne reminded the Commissioners that Duke Energy would be holding an open house on January 31, 2019, to update residents on the happenings at the Cape Fear Plant. Chatham County received gold designation from SolSmart.

COMMISSIONERS' REPORTS

Vice Chair Hales reviewed a couple of the NCACC legislative goals like the expansion of broadband and revenue sources (like the lottery). They are also working to eliminate the law that lets school boards sue commissioners.

ADJOURNMENT

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

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