

NORTH CAROLINA

CHATHAM COUNTY

SECOND AMENDMENT TO AGREEMENT

This Second Amendment to the Agreement (this "Second Amendment") is made and entered into this 16th day of June, 2022, by and between Chatham County, North Carolina, a body politic and corporate of the State of North Carolina (the "County") and Smith & White, LLC (the "Contractor"). Either the County or the Contractor may be referred to herein as a "Party" or collectively as the "Parties".

RECITALS

- A. The County and the Contractor entered into the original Agreement effective September 10, 2021.
- B. The County and the Contractor approved the First Amendment to the Agreement modifying the Compensation and extending the Term of Agreement on the 18th day of April, 2022.
- C. The County has requested that the Agreement be amended to change the Scope of Service to add the additional work set forth in Appendix 1.
- D. The Contractor has requested that the Compensation be amended to include an additional sum of \$79,420.00.
- E. The Parties have agreed to amend the Agreement as requested.

NOW, THEREFORE, in consideration of the mutual covenants and the conditions contained herein, the County and Contractor agree as follows:

1. The Scope of Service is amended to include the services shown in Appendix 1.
2. The Compensation is amended to include an additional sum of \$79,420.00.

AGREEMENT TO REMAIN IN FULL FORCE AND EFFECT. Except for the amendments set forth, the original Agreement effective September 10, 2021 shall remain in full force and effect.

CHATHAM COUNTY

BY: 

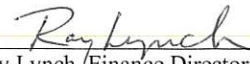
Bryan Thompson, Assistant County Manager

ATTEST:

BY: 

Lindsay K. Ray, NCCCC
Clerk to the Board

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.


Roy Lynch, Finance Director

CONTRACTOR

BY: Tyson Smith

PRINT NAME: _Tyson Smith_

TITLE: Shareholder, Principal

APPENDIX 1

TIP East

Countywide Assessment and Moncure Area Plan

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Generally

Background

On March 29, 2022, Governor Roy Cooper announced that automaker VinFast selected Chatham County as the location of its first North American assembly plant for its electric vehicles – the first major automotive plant in North Carolina’s history. The plant is planned for development on a portion of the Moncure megasite in Southeastern Chatham County, now known as Triangle Innovation Point (TIP) East. TIP East is situated on the east side of Pea Ridge Road.

In anticipation of this historic project, the Board of Commissioners is initiating a wide-ranging planning effort to assess countywide impacts of the VinFast project, to prepare an action plan to address those impacts, and to develop an area plan for the County lands expected to be most directly impacted by the development of TIP East. It should be noted that significant changes are also being planned at “TIP West” and other nearby properties that are not part of this study.

This scope of work outlines the currently anticipated steps and tasks to be undertaken in each phase. However, based on discussions between White & Smith, VinFast representatives, County staff, and other agencies, flexibility is required, and the final scope will reflect County needs as they develop during Phase One.

A Two-Phased Approach

It is critical that the County act quickly to respond to the VinFast announcement, even as details of the project and associated infrastructure improvements continue to emerge. Therefore, the BOC will develop the *“TIP East: Countywide Assessment and Moncure Area Plan”* in two phases.

The abbreviated first phase will involve initial background research, fact finding, project assessment, and the development of an “action plan” to be executed in the second phase. Phase One should be completed within a few months and is necessary in order to plan the longer-range County process of planning and public outreach in response to the site’s development.

The second Phase of this project will be the County’s formal planning initiative in response to the March announcement. We anticipate it to include not only a full assessment of countywide impacts, but also an action plan for responding to the development and its impacts.

1.0 Phase 1: Project Assessment and Action Plan

County staff and the Unified Development Ordinance (UDO) consultants have responded quickly to the announcement of the VinFast plant in March. The objective of Phase 1, however, is to create a formal, transparent, and informed framework to coordinate planning and zoning matters related to the development of TIP East over time.

The goal is to ensure that as things develop, there is a clear chain of coordination and expertise in place to respond efficiently and effectively in order to protect County interests and the interests of those affected by this project.

Phase 1 is estimated to be completed within three (3) months of contract approval, though the final timeframe will depend on factors addressed below, including a number of still developing factors.

1.1. Information Gathering, Lines of Communication, and Roles and Responsibilities

In Task 1.1, the Team will complete its initial information gathering and will assist staff in setting up internal file sharing sites and protocols to establish an organizational framework for the project.

In addition, we will assist staff in setting up points of contact and a list of relevant stakeholders and decision-makers, along with an articulation of the role each will have in Phase 2 of the project. For example, some agencies, like the NCDOT, will be a day-to-day partner throughout the process, given its role and jurisdiction. Others may not have approval jurisdiction but will nonetheless be impacted by the development of TIP East, such as adjacent local governments. Other stakeholders include jurisdictions like the City of Sanford, that will provide key infrastructure, but which are outside of Chatham County.

And, of course, there are many community members, residents, and business owners – within Chatham County and outside it – who will be impacted by or will be involved in the development, whose roles need to be defined, and input received and responded to.

Finally, we will assist the County in defining the roles its staff and officials can and may play as the TIP East project progresses. This may also involve clarifying the responsibility others outside the County are anticipated to have in relation to those of the County. These may include:

- County Staff & Administration
- Board of Commissioners
- Planning Board
- Advisory Committees
- Consultants and Subject Matter Experts
- External Stakeholders and Agencies

1.2. Establish & Convene TIP East Technical Committee

In Task 1.2, we will work with staff to establish a technical committee to steer the project and to be comprised of County staff, consultant team members, and representatives from other agencies impacted by or with jurisdiction over the TIP East development.

The goal is to ensure that as issues evolve, the Board of Commissioners and County management remain aware of who is handling what aspects of the project and the process for doing so.

We anticipate convening an “introductory” meeting of the Technical Committee during Phase 1.

At this time, it is anticipated that the Technical Committee would remain in place to oversee both Phases One and Two. However, its role will be defined and clarified during Phase One, based on the input of County staff, the Administration, and Commissioners.

1.3. Permitting and Development Timeline

We will establish a matrix outlining anticipated steps in the approval and development process for the TIP East site, including construction phasing, transportation and other improvements, and approvals by County, state, and other agencies. The matrix will be an important organizational tool for County staff and officials and a resource to ensure the County remains up to date as this rapidly developing project progresses and is aware of the necessary roles and responses over time.

1.4. Identify Related Plans and Projects

We will establish a list and library of plans, policies, regulations, and projects that are impacted by the TIP East development, or which may need to be revisited at some point. Clearly, one of the biggest projects impacted by the VinFast announcement has been the development of a UDO for Chatham County. However, in addition, the development will greatly impact the findings and objectives in 2017's *Plan Chatham* and other planning initiatives. Phase 2 may include revisions to County plans or projects, depending on the findings in Phase 1.

1.5. Define County Interests Related to Development of TIP East

Task 1.5 marks a key step and substantively defines the Chatham County interests related to TIP East's development as an automotive manufacturing plant. This will lay the foundation for the *Countywide Assessment and Moncure Area Plan* completed in Phase Two.

Among the County interests we anticipate addressing in Phase 2 are:

- Fiscal Impacts
- Economy and Markets
- Land Use, Planning, Design, and Community Appearance
- Natural Resources & Environment
- Watershed Protection, Erosion Control, and Stormwater
- Transportation
- Utilities, Public Services, and Infrastructure
- Housing and Schools

There may be others. Each will be discussed in Phase 1 to determine whether to address it in Phase 2. Also, the Task 1.9 report and action plan, below, will include recommendations, if applicable, of additional in-house or external expertise required on the County's behalf.

In addition, we also will evaluate the relevance of regional impacts to County interests and the degree to which the County can or has an interest in these considerations beyond its boundaries.

1.6. Area Vision and Input Workshop with Board of Commissioners

During Phase 1.6, we will conduct a brief workshop with the Board in order to outline alternatives relevant to the County's role and interests related to the development of TIP East to ensure Phase Two reflects the Board's desired approach and level of involvement for the County regarding the VinFast site.

We also anticipate discussions with the Board related to several key County policies impacting or impacted by the new plant, including countywide growth objectives, watershed and stormwater policies, and master planning activities in the Moncure community, particularly those most proximate to the VinFast site. The Team may work with the Board to define its vision and guiding principles with respect to the Moncure community as TIP East develops in the coming years.

1.7. Define Project Study Area and Subareas

Based on the findings and results from Tasks 1.1-1.6, we will identify and map the project study area – and any subareas – to be considered during Phase 2.

While TIP East's development is certain to have impacts countywide (and beyond), others will be more immediate to the parcels being developed. For example, study areas and subareas may include lands adjacent to VinFast, the Moncure Community, the Cape Fear watershed, directly impacted transportation corridors and natural features, or the county as a whole.

The geographic areas relevant to the Phase 2 assessment and area plan will be defined largely according to the scope of County interests identified in Task 1.5 and the initial Board feedback received in Task 1.6.

1.8. Develop *Preliminary* Public Awareness/Outreach Plan

We will work with the County to develop a preliminary public outreach plan to ensure community members, residents, business owners and others within identified Study Area(s) remain informed of progress on the VinFast site, the status of the *Countywide Assessment and Moncure Area Plan*, and of opportunities to provide input and perspective to the County as the project proceeds.

At this time, we understand that representatives of VinFast are likely to begin their own public outreach effort in the coming months, which will of course be relevant to the nature and scope of any outreach efforts the County undertakes.

Additionally, Phase 2 will necessarily include opportunities for the County to adjust the preliminary outreach plan to respond to developments and issues as they arise. Nonetheless, in Phase 1, we will begin outlining how the County's outreach process may work in both short- and long-term timeframes.

Finally, we will discuss options with staff for establishing either a separate website or a page on the County's website to facilitate outreach and awareness during the development of TIP East.

1.9. Prepare Phase 1 Report, Action Plan, and Timeline

The principal deliverable for Phase One will be Task 1.9's report and prioritized action plan, which is anticipated at a minimum to include the following:

- Executive Summary
- Description of TIP East Project and Known Impacts
- Prioritized Step-by-Step Phase 2 Implementation Plan
- Defined Phase 2 Outcomes and Deliverables
- Estimated Phase 2 Timeframes and Resource Requirements
- Conclusion

In short, Task 1.9 will include a road map for the County's formal planning effort related to VinFast: Phase Two's *Countywide Assessment and Moncure Area Plan*.

The goal is not only to position the County well with respect to the development of TIP East, but also to define a public process for addressing the impacts resulting from the VinFast development on County residents, agencies, and business owners, and, in particular, the Moncure community.

1.10. Staff Meetings and Coordination

Members of the consultant team will be available to meet by phone, teleconference, and videoconference with County staff, other agencies, and VinFast representatives throughout Phase One (see assumed time allocation in estimated budget).

We will offer input and direction as requested by staff related to Phase One of this scope of work, as well as the ongoing UDO effort to the extent relevant to the TIP East development.

In addition, we will hold face-to-face meetings with staff, in accordance with COVID protocols, during meetings scheduled in Pittsboro, as part of Task 1.11 or other meetings associated with the UDO project.

1.11. Meetings with the Board of Commissioners

In order to receive input and direction directly from the Commissioners and to keep the Board informed of our Phase 1 progress, we anticipate meeting in-person or virtually with the Board two (2) times during Phase One. The dates and subject matter for each meeting will be determined following discussions with staff and County administration.

However, a key meeting will be held in Task 1.6 to receive preliminary input and direction from the Board as provided above. We then anticipate a second meeting to present Task 1.9's report and action plan for Chatham County's *Countywide Assessment and Moncure Area Plan*.

2.0 Phase 2: Countywide Assessment and Moncure Area Plan

The specifics of Phase Two will be developed during Phase One's project assessment process. As noted, Phase Two represents the County's formal planning effort regarding the establishment of VinFast's operations and related impacts in the community, both countywide and in the Moncure area.

At this time, and pending Phase One's findings, Phase Two is anticipated to include a full evaluation of TIP East's impacts on the County – including the preliminary listing in Task 1.5 above – means of responding to those impacts, and an area or master plan for lands designated by the Board around TIP East. The timing of these two components will be established during Phase One. Specifically, we will work with staff and the Board to determine whether both elements of Phase Two should occur concurrently or sequentially.

