



# Chatham County, NC

## Meeting Minutes

### Board of Commissioners

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Monday, August 16, 2021

6:00 PM

Historic Courthouse Courtroom

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

**Present:** 5 - Chair Mike Dasher, Vice Chair Diana Hales, Commissioner Franklin Gomez Flores, Commissioner Jim Crawford and Commissioner Karen Howard

#### **INVOCATION and PLEDGE OF ALLEGIANCE**

*Chair 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**

*Chair Dasher called the meeting to order at 6:04 PM.*

#### **APPROVAL OF AGENDA and CONSENT AGENDA**

*A quasi-judicial public hearing request was added to the Agenda so that the applicant could request a postponement. The Chatham County Finance Office item was moved to the September meeting.*

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

**Aye:** 5 - Chair Dasher, Vice Chair Hales, Commissioner Gomez Flores, Commissioner Crawford and Commissioner Howard

[21-3985](#)

Vote on a request to approve the June 21, 2021 Work and Regular Session Minutes and the July 19, 2021 Regular Session Minutes.

**Attachments:** [Draft Minutes 06.21.2021](#)

[Draft Minutes 07.19.2021](#)

**A motion was made by Commissioner Howard, seconded by Commissioner Crawford, that the Minutes, 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 Gomez Flores, Commissioner Crawford and Commissioner Howard

[21-3960](#)

Vote on a request to approve grants to recreation agencies recommendations.

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

**Aye:** 5 - Chair Dasher, Vice Chair Hales, Commissioner Gomez Flores, Commissioner Crawford and Commissioner Howard

[21-3964](#)

Vote on a request to approve a Resolution Celebrating Chatham County Cattle

**Attachments:** [Cattle Celebration.doc](#)

**A motion was made by Commissioner Howard, seconded by Commissioner Crawford, that this Resolution #2021-28 Celebrating Chatham County Cattle, 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 Gomez Flores, Commissioner Crawford and Commissioner Howard

[21-3983](#)

Vote on a request to approve a Resolution Proclaiming September 2021 as Senior Center Month

**Attachments:** [2021 Resolution for Senior Center Month.doc](#)

**A motion was made by Commissioner Howard, seconded by Commissioner Crawford, that this Resolution #2021-29 Proclaiming September 2021 as Senior Center 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 Gomez Flores, Commissioner Crawford and Commissioner Howard

[21-3965](#)

Vote on a request to approve the naming of two (2) private roads in Chatham County

**Attachments:** [Macys Place Petition](#)

[MACYS PLACE MAP](#)

[MACYS PLACE AREA MAP](#)

[Oldham Estate Drive Petition](#)

[OLDHAM ESTATE DRIVE MAP](#)

[OLDHAM ESTATE DRIVE AREA MAP](#)

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

**Aye:** 5 - Chair Dasher, Vice Chair Hales, Commissioner Gomez Flores, Commissioner Crawford and Commissioner Howard

[21-3966](#)

Vote on a request to approve the re-naming of one private road in Chatham County

**Attachments:**    [Colibri Lane Petition](#)  
[COLIBRI LANE MAP](#)  
[COLIBRI LANE AREA MAP](#)

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

**Aye:** 5 - Chair Dasher, Vice Chair Hales, Commissioner Gomez Flores, Commissioner Crawford and Commissioner Howard

[21-3972](#)

Vote on a Request to Approve the FY 2022-2023 Budget Calendar

**Attachments:**    [FY23 Budget Calendar](#)

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

**Aye:** 5 - Chair Dasher, Vice Chair Hales, Commissioner Gomez Flores, Commissioner Crawford and Commissioner Howard

[21-3973](#)

Vote on a request to approve Tax Releases and Refunds

**Attachments:**    [July 2021 Release and Refund Report](#)  
[July 2021 NCVTS Pending Refund Report](#)

**A motion was made by Commissioner Howard, seconded by Commissioner Crawford, 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 Gomez Flores, Commissioner Crawford and Commissioner Howard

[21-3975](#)

Vote on a request to approve competitive bid exemption for standardization and sole source for the Urban Investment Strategies Center of the Kenan-Flagler Business School

**Attachments:**    [Chatham County Minority Entrepreneurship Needs Assessment \(4 June\)](#)

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

**Aye:** 5 - Chair Dasher, Vice Chair Hales, Commissioner Gomez Flores, Commissioner Crawford and Commissioner Howard

[21-3977](#)

Vote on a Request to Approve the Proposed Amendment to the CAM Site DOT Grant Memorandum of Understanding to Expand Allowable Uses of Developer Funds and allow the County Manager to execute the agreement.

**Attachments:**     [FIRST AMENDMENT - CAM DOT Grant](#)

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

**Aye:** 5 - Chair Dasher, Vice Chair Hales, Commissioner Gomez Flores, Commissioner Crawford and Commissioner Howard

[21-3981](#)

Vote on a request to reappoint Jim Crawford to the CCCC Board of Trustees

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

**Aye:** 5 - Chair Dasher, Vice Chair Hales, Commissioner Gomez Flores, Commissioner Crawford and Commissioner Howard

### **End of Consent Agenda**

### **SPECIAL PRESENTATION**

[21-3962](#)

Vote on a request to adopt a Resolution Recognizing Wednesday, September 15, 2021 as Chatham County's United Way Day of Service

**Attachments:**     [United Way Res.doc](#)

*Chair Dasher introduced United Way's Finance Officer Alane Coore and Outreach Coordinator Shelley Smith. Alane Coore thanked the Board for endorsing Chatham County's United Way Day of Service. She mentioned the decrease in volunteer support over the last year and expressed her hope that the event will encourage the connection between those who can help and those who need help.*

*Chair Dasher read the resolution into the record.*

*Commissioner Crawford used a Point of Privilege to encourage residents to give their time and effort to United Way organizations and to emphasize the importance of leaning in.*

*Chair Dasher presented Alane Coore with the Resolution.*

**A motion was made by Commissioner Howard, seconded by Commissioner Crawford, that this Resolution #2021-30 Recognizing Wednesday, September 15, 2021 as Chatham County's United Way Day of Service, 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 Gomez Flores, Commissioner Crawford and Commissioner Howard

[21-3963](#)

Vote on a request to approve a Resolution Proclaiming Chatham County to be a "Breastfeeding Family Friendly Community"

**Attachments:**     [Breastfeeding Res.doc](#)

*Chair Dasher invited international Board-certified lactation consultant and Chatham County WIC registered dietician Charlotte Zuber Patton to deliver the special presentation. A video was played. Upon completion of the video, Ms. Zuber Patton stated that Chatham County is a diverse community, and that equity is always an important consideration. She stated that, with the approval of this proclamation, Chatham County is taking the first step in demonstrating support for every personal journey with breastfeeding.*

*Chair Dasher read the resolution into the record and presented Ms. Zuber with the proclamation.*

**A motion was made by Commissioner Crawford, seconded by Vice Chair Hales, that this Resolution #2021-31 Proclaiming Chatham County to be a “Breastfeeding Family Friendly Community”, 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 Gomez Flores, Commissioner Crawford and Commissioner Howard

[21-3982](#)

Vote on a request to approve a Resolution Proclaiming Hispanic Heritage Month

**Attachments:**     [Hispanic Heritage Proclamation Chatham Co. 2021 English.pdf](#)  
                              [Hispanic Heritage Proclamation Chatham Co. 2021 Spanish.pdf](#)

*Chair Dasher invited Ilana Dubester, the Executive Director of the Hispanic Liaison, to deliver the special presentation. Ms. Dubester thanked the Board for their support and for this recognition of the contributions made by the Hispanic Latinx community have made and continue to make to Chatham County. She took a moment to recognize Hispanic Liaison staff members Selina Lopez, Janet Ramirez, and Bryant Parroquin who were present in the audience. Ms Dubester also reminded the Board of the postponement of the annual Hispanic Heritage Fiesta due to Covid. The organization will instead be hosting a Covid 19 health fair.*

*Commissioner Gomez Flores read the proclamation into the record in Spanish and in English.*

*Commissioner Gomez Flores presented Ilana Dubester with the resolution.*

**A motion was made by Commissioner Gomez Flores, seconded by Commissioner Howard, that this Resolution #2021-32 Proclaiming Hispanic Heritage 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 Gomez Flores, Commissioner Crawford and Commissioner Howard

[21-3984](#)

Vote on a request to approve a Resolution to Improve Student Learning Conditions

**Attachments:**     [Improve Student Learning Res.doc](#)

*Commissioner Gomez Flores read the resolution into the record.*

*Commissioner Crawford emphasized his support of this Resolution, particularly with regards to the points on transparency and equivalency.*

**A motion was made by Commissioner Gomez Flores, seconded by Commissioner Crawford, that this Resolution #2021-33 to Improve Student Learning Conditions, 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 Gomez Flores, Commissioner Crawford and Commissioner Howard

### [21-3979](#)

Recognition of the Chatham County Finance Office for receiving the GFOA's Certificate of Achievement for Excellence in Financial Reporting for the county's comprehensive annual financial report for the fiscal year ended June 30, 2020.

*This item was postponed to September 20th.*

## **PUBLIC INPUT SESSION**

*Daniel Amero said that his property had been trespassed upon and littered on by a developer. He asked the Board, with all the development in Chatham County, what assurances can be made by developers to ensure that issues like this do not occur during future developments and during land clearing. Mr. Amero said that developers in the County should be held to a higher standard. He said there should be a code of conduct or etiquette. Mr. Amero stated that he had hoped the developers that caused damage to trees on his property would make it right and that they had had every opportunity but had not done so.*

*Commissioner Crawford asked Mr. Amero how many trees were taken down. Mr. Amero responded that they were not large trees but rather, groundcover from an old timber road. Mr. Amero said that, despite addressing the boundaries of his property with the developer, the farmhand "had the bulldozer down in the creek." He further clarified that hundreds of small saplings were lost. He said that one large tree from his property was also felled and landed on the adjoining property. He said that, if he had the money, he would deal with it.*

*Commissioner Crawford inquired about the value of large trees. Mr. Amero responded that he did not know, maybe a couple hundred dollars, but that the value to him was that nothing was done about it.*

*Commissioner Crawford asked if \$750-1,000 would make Mr. Amero whole. Commissioner Crawford said he was trying to establish a price so that in the future, others would not do this. Mr. Amero said he did not know the price and did not want to know the price because the developers should know.*

*Mr. Amero reiterated that the value of the trees is sentimental to him and that he does not feel this is fair. He then inquired about the Unified Development Ordinance. Chair Dasher said it was being developed and that it may very well address some of the concerns raised by Mr. Amero. Chair Dasher also said that it was civil matter. Mr. Amero said the government should still be able to make matters right when something is done wrong. Commissioner Crawford said that it is a civil matter but if Mr. Amero could give a price for a nice sized tree here in this public forum, that it would be established for everyone going forward. Mr. Amero said \$5,000. \$10,000.*

**PUBLIC HEARINGS**[21-3968](#)

A quasi-judicial public hearing for a request by the Conservancy Real Estate Group LLC for a Special Use Permit to allow a public golf course and driving range to also include an internal clubhouse and maintenance facility on approximately five acres of the 231.67 acre proposed conservation subdivision located off New Elam Church Rd and Rush Rd, Cape Fear Township.

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

*County Manager Dan LaMontagne stated that the quasi-judicial hearing request by the Conservancy Real Estate Group LLC for a Special Use Permit was noticed as being on the August 16th agenda, but staff removed the item from the agenda because the applicant requested a postponement. Mr. LaMontagne said that, because the item had already been noticed, it should have remained on the agenda. He then called on Nick Robinson, the attorney for the applicant, to make a request to the board to postpone the hearing.*

*Nick Robinson approached the podium and requested an indefinite postponement of the public hearing on behalf of the applicant based on some revisions made to the property that is subject to the application. Mr. Robinson said that, when it does come back up, it will again be re-noticed by mail and posting and advertising.*

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

**Aye:** 5 - Chair Dasher, Vice Chair Hales, Commissioner Gomez Flores, Commissioner Crawford and Commissioner Howard

[21-3969](#)

A legislative public hearing for a request by Congruus LLC for a map amendment to the Chatham County Compact Community boundary map specifically Section 6.1, p 3-4 for an expansion of the CCO map to include an additional 184.04 acres off Parker Herndon and Morris roads, Baldwin Township.

**Attachments:** [More information from the Planning department webpage](#)  
[Planning Board Congruus Document](#)

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

*Ms. Plummer noted some inconsistencies with the information given to the Planning Department and posted online and the copies given to be distributed to the Planning Board. She then invited the applicant to clarify as well as to deliver a PowerPoint (presentation attached.)*

*The applicant relayed to Ms. Plummer that she was unable to provide an answer regarding the aforementioned inconsistencies. Ms. Plummer said that she would email the document that was submitted to the Planning Department to the members of the Planning Board.*

*Isabelle Mattox spoke on behalf of Congruus, LLC, applicant. They have a large development team, Randy Voller, David Clark, John Foley, Lee Bowman, Randy Moore, Adam Mcyntire. They are requesting the boundary be extended to include the whole of Fearington Preserve. Tonight, we are only here for one thing, to extend the boundary of the CCO. The CCO is a great development tool. The original boundaries may not have been as precise as it could have been. The boundary goes through tax parcels.*

*John Foley submitted the following comments and gave additional testimony: Good Evening Commissioners, as many of you know I have a passion for helping people and working on the issue of affordable housing. I have spent some time working on the concept of Fearington Preserve over the past two years and have spoken with a number of neighbors and property owners. What interests me about this project is the potential for getting some much needed affordable housing units built between Fearington and Briar Chapel. The developer supports this idea and wants to see affordable housing built in Fearington Preserve and with input from me and others their planners have already studied and created areas where units can be built and occupied. The vehicle for this to occur of course will be planning and the utilization of the County's Compact Community Ordinance or "CCO". The first step for this to occur will be the extension of the current CCO map to include the entirety of all parcels that encompass Fearington Preserve. I support the proposed text amendment extending the existing CCO Boundary to the south and west which would add approximately 185 acres to the larger existing CCO District, and I sincerely hope that this will lead to affordable housing units becoming available sooner than later for the people in our community who are running out of housing options.*

*In response to Mr. Foley's part of the presentation, Vice Chair Hales inquired about the level of need that will be supported by the proposed affordable housing units, noting that there is a great range. She asked if there were proposed units intended for low-income housing or working-class housing. Mr. Foley responded that a significant portion of the county is an "affordable housing desert" and that this project is "built for affordable housing." Ms. Mattox followed up on this by saying that she could not say exactly what the target would be because establishing a viable affordable housing community involves going through the North Carolina Housing Finance process and is contingent on several factors. Ms. Mattox did say that her client has made a commitment to making affordable housing a part of this project. Vice Chair Hales said that she would like to think that Habitat for Humanity might be a player because a lot of affordable housing is multi-family.*

*Chair Dasher reminded those present that this is a public hearing for expanding the boundary of the CCO.*

*Commissioner Crawford stated that, in his seven years on the Board, this was the first private developer to bring affordable, work-force housing into the conversation at this point in the process and that he takes that seriously.*

*At the conclusion of the prepared comments, Ms. Mattox opened the floor for questions. Commission Hales inquired about a potential 20 acres to be closed on that Ms. Mattox mentioned and asked what the effect would be on the boundary. Ms. Mattox said there would be no effect.*

*Commissioner Hales stated that she would like to think Habitat would be a player here. A lot of affordable housing is multifamily.*

*Commissioner Crawford commented that there are people in the county that have held*



land for many years and now have the opportunity to sell to newcomers. He said that here we had people that were proximate to an established community that seek to add onto a pattern that is already known and can be handled. He stated that development is the future of the 15-501 corridor. He said that the Board needed to establish some rules as well as a subcommittee to look at the 15-501 corridor and to do the front-end load of the UDO work. He emphasized the importance of establishing formal guidelines to be applied to the 15-501 corridor and ultimately the US 1 corridor.

Brandon Moore reviewed some of the planning and design benefits of the CCO. It allows them to provide a higher quality of development. There are also environmental benefits. It allows them to address community concerns on a larger scale.

Isabel Mattox reviewed some comp plan goals that they feel this application meets. Will allow compact walkable areas. This is one of the more urban areas of the county. All of this property is in or near a village center. Affordable housing. Allow multimodal transportation. Diverse housing types.

They believe they can improve the wastewater situation, not make it worse. This is just a text amendment, so they are not even allowed to get into more details until this is approved. They will have to come back with rezoning and then subdivision submissions as well.

Adam McIntyre, owner of Water and Land Solutions in Raleigh. He has been in the restoration bus for about 23 years. They have been working with Congruus for a couple of years now. He hopes county residents realize that the Pokeberry creek is one of the most complex systems in the state. We were excited when Congruus approached us about restoring those streams and wetlands back to what they were. The CCO will allow a planning opportunity. He emphasized to residents that this is a huge opportunity and the CCO will allow them to do it.

David Clark submitted the following comments:

Dear Commissioners: My name is David Clark and I reside at 2003 Liberty Drive in Greensboro, NC. I grew up in Greensboro where my father was an attorney for many years after clerking for Supreme Court Justice Hugo Black. I am a commercial broker with VRC, Ltd. in Pittsboro and work from the Triad to the Triangle and I am in favor of the County extending the limits of its CCO map to include the approximately 185 acres that Congruus LLC owns as well as the properties that the Vickers Bennet Group has requested to add and the properties adjacent our application immediately to the east to 15-501 and south to Morris Road. This just makes good sense and is in line with county planning documents that I have read. I got involved with this project after working with a long time friend on locating potential properties to build and develop single family detached and attached homes. One day I called the "for sale sign" at Morris Road and 15-501 and chatted with the representative. This began my personal odyssey researching and getting to know the area between Briar Chapel and Fearrington. I personally worked with Becky and Dan Howard as well as the Parker family to broker the sale of some of their properties on Parker Herndon Road to Congruus. (The Howards and the Parkers are cousins.) The Sellers were well aware of the concept of Fearrington Preserve and were pleased to hear that a well planned community of homes would be built on their property. In addition, they knew that the boundary for the CCO would need to be extended by text amendment to include their property in the CCO map. I spent a lot of time working with Owen Parker and his sisters to subdivide their property and accomplish their personal goals. This included a lot of work and expense to ensure that one of the sisters, Claire Wilson, received surveyed and subdivided properties that met her goals to sell a portion of her land

*separately in the future. Ultimately, Congruus purchased 12 acres from Owen Parker and the remaining 24 acres stayed with his sisters. After we closed escrow in July, Owen Parker wrote to our firm and this is what he said: Randy, Thank you again for all your help and patience in closing on this land. You definitely more than lived up to your end of the deal and you have my permission to use either of those draft letters. Sincerely, Owen Parker. The following is what Owen was referencing: "My family sold a piece of property to Congruus, LLC and they followed through on the contract we executed as well as their promises." Owen Parker "I was very pleased with the patience, problem solving and service my family received from David Clark and Randy Voller and their firm VRC, Ltd. They worked with me to guide my family through a challenging process and I was happy with the final result. I would recommend them to potential clients looking to buy or sell real estate." Owen Parker*

*Isabel Mattox thanked all of the people that spoke for the applicant. She knows the board has to focus on tax revenues. They believe this project will bring in more revenue than both Briar Chapel and Fearington Village.*

*The Chair opened the hearing.*

*Rose Krasnow submitted the following comments:*

*My name is Rose Krasnow and I reside at 594 Woodbury in Fearington Village. Professionally, I am an urban planner who served three terms as the Mayor of Rockville, Maryland. Now I am Vice President of the Fearington Homes Association and Chair of the Wastewater Management Task Force. Both of these groups are very concerned about the Congruus proposal to expand the limits of the Compact Community Ordinance (CCO). When the CCO was created, density was capped at 2650 units. Its stated purpose was to allow some pockets of density throughout the County while still preserving Chatham's rural character. Continuing to allow more properties into within the CCO is not in keeping with this intent. Even more important is that there is no means to manage the wastewater that would result from these dense developments. The Comprehensive Plan states that "it is likely that distributed private and public systems will be needed to meet environmental and economic goals" and that the development of Property under the CCO could and should allow coordination with existing development along 15-501 to create a regional sanitary sewer solution. Congruus says it agrees that a regional approach is needed, apparently because they do not want to build their own treatment plant. Rather, they have implied they will simply connect to either the Briar Chapel or the Fearington Village plants. No! This is not acceptable. These plants were built to serve their particular communities and should not become regional plants. We have already seen the problems that Briar Chapel has been having with their own wastewater plant. Numerous sewer spills and odor problems have resulted in the assessed value of properties closest to the plant actually going down. Thank goodness the state agreed that the interconnect between Fearington Village and Briar Chapel was a bad idea. Yet now we are facing the possibility of another interconnected system. The existing FV WWTP does not have the capacity to handle the wastewater generated by Fearington Preserve. Our approved capacity is only 270,000 gallons a day. Moreover, the applicant has not considered either the cost or the disruption to FV of building a three mile long interceptor sewer line and the pumping stations that would be required. We have looked at the approximate route of such a line, and there is a 100 foot increase in elevation just to reach 15-501 from Pokeberry Creek. Moreover, the cost could easily reach five million dollars, which would have to be recovered from rate payers like myself. The applicant stated that stakeholders of the community have been contacted. We are unaware of any effort to speak to residents of the Village or to the Fearington Homeowners Association. The Chatham County Government set a precedent for a*

*regional approach to water management years ago when they applied for and were granted the withdrawal of water from Jordan Lake. The same regional approach should be considered for wastewater management. We urge you not to approve expansion of the CCO boundaries. Rather, we ask you to put together a study commission that can come up with a solution to this ongoing wastewater management issue. The problem will not go away on its own. Please don't cave to the developers.*

*Shelley Colbert submitted the following comments:*

*Honorable Commissioners, I'm Shelley Colbert and I live in Baldwin Township. I won't be able to cover all my objections to this proposal in three minutes, but I urge you to reject it. It is bad public policy and bad precedent to amend the CCO in an ad hoc, piecemeal fashion to benefit a single private interest, leaving a patchwork of parcels that push high population density development against established, low-density neighborhoods like Parker-Herndon, and that will disrupt and destroy their rural character. It will exacerbate existing problems with traffic infrastructure in adjoining areas, including along Andrews Store and Parker Herndon, roads that were never intended to carry the current volume, let alone the additional volume that this development will dump into the surrounding areas. The developer acknowledges that wastewater treatment infrastructure is problematic, and appears to be proposing to shift that infrastructure burden to either Briar Chapel or to Ferringington Village, though the developer failed to name the known providers. Both systems' capacities and operational shortcomings pose environmental threats to the existing communities and should not be expanded to become regional providers. The most recent NCDEQ Notice of Violation for Briar Chapel was issued due to an unauthorized irrigation discharge of 345,000 gallons that discharged on Briar Chapel property and into Pokeberry Creek from July 11 to July 14, 2021- just about a month ago. Another deficiency in the application- the wastewater infrastructure is but one illustration- is the lack of adequate details and sufficient disclosure from the developer in support of the proposal, in addition to all other objections that can only be inferred from limited information provided. I note for the commissioners that mere assertions are not the same as facts. The application appears to suggest additional commercial development and multi-family housing outside the 15-501 frontage corridor, in an area without public transportation or the foreseeable likelihood of public transportation. It's not walkable, it won't be walkable, and it won't draw from surrounding areas except by private vehicle through inadequate feeder roads. While I applaud the notion- without details, that's all it is- of affordable housing, it's hard to see how that fits into the current proposal or is justified through a CCO amendment. In addition, we cannot continue to rely on obsolete models for commercial and retail development, as the location of this proposal appears to suggest. The scope of this application and the location of the additional parcels it proposes to add is inappropriate for inclusion in the CCO and would set a horrible planning precedent. It should be rejected as a matter of policy because there are better alternatives. At a minimum, I request that the commissioners continue the public hearing on this matter for a month, to allow residents to provide additional, detailed objections for the commissioners' consideration. This is especially important for homeowners in Briar Chapel adversely affected by the wastewater treatment problems. The service list shows that no homeowners in Briar Chapel received notice of this hearing. The developer likely was not required to do so, but as a matter of equity, the commissioners can, and should, grant a continuation of the public hearing to allow affected residents additional time to formulate their objections.*

*Catherine Washburn submitted the following comments:*

*I am Catherine Washburn and live at 2081 Great Ridge Parkway, Chapel Hill, NC. I am here as a Board Member and Treasurer representing the Board of Directors of the Briar Chapel Community Association and on behalf of our community. The homeowner*

association for our community is approximately 2200 current homeowners in Briar Chapel. I am here to express our concern over a suggestion in the "Utilities and Public Services" section of the JUSTIFICATION FOR PROPOSED AMENDMENT TO THE COMPACT COMMUNITIES ORDINANCE by Congruus LLC, that the Briar Chapel wastewater treatment plant may be part of a "regional sanitary sewer solution". Our sole objective is to caution Congruus LLC and the Chatham County Board of Commissioners that the Briar Chapel Community Association is strongly opposed to any suggestion that wastewater from any development outside the current boundaries of Briar Chapel be treated within Briar Chapel. BCCA and its members have been deeply engaged in efforts to improve the wastewater services provided to our community by Old North State Water Company (ONSWC). BCCA's current collaborative efforts with ONSWC and the developer of Briar Chapel, NNP-Briar Chapel, resulted from an agreement among the three parties as spelled out in the Binding Tri-Party Agreement, signed October 19, 2020 and shared with the Board of Commissioners. The Agreement accomplished several things, including the elimination of an effort to make the Briar Chapel plant a regional wastewater treatment facility through a four-fold expansion of the capacity and by bringing wastewater from Fearrington Village and other developments to Briar Chapel for treatment. It also set up a Tri-Party Council, made up of senior officials of the utility, developer, and members of the BCCA Board of Directors to keep the parties informed of the plans and concerns of the other parties and to provide a forum for discussion of issues and joint efforts to make progress on our mutual goals. The arguments that BCCA made against regionalization in 2020 are the same now as then. The Briar Chapel plant is located in the heart of a densely populated residential community. It shouldn't have been located there, but it was, and we're doing our best to eliminate the spills and odors associated with its location and operation. The Tri-Party Agreement allowed us to work together with the utility and the developer toward fixing what was wrong, as well as upgrading the plant and expanding its capacity to be sufficient for Briar Chapel's needs. We are cautiously optimistic that the causes of the spills have been corrected and that new odor mitigation measures will result in a better living experience for our residents. What we don't want are any further proposals to bring wastewater from other locations, contiguous or not, to Briar Chapel. We've suffered enough. But, we are making progress on solving our problems ourselves and we will vigorously oppose any efforts to add any other development's waste water to our already problematic facility.

Henry "Rusty" Field submitted the following comments:

My name is Rusty Field and I am speaking on behalf of StopChathamNorth, an incorporated nonprofit representing homeowners within Briar Chapel. We are voicing opposition to the current requests from Fearrington Preserve and Vickers Village to extend the compact community map originally designated for Briar Chapel. Our main concern with these proposals is they attempt to utilize the Compact Community Ordinance in ways that Chatham County never intended and will result in a large, densely populated zone in NE Chatham County without an adequate wastewater solution for this part of Chatham County. The Compact Community Ordinance (CCO) was developed to provide Chatham County some control over large-scale, dense development, by capping the size of these communities. We support smart growth, but compact communities were meant to be few and far between to protect the rural character of the area. It was never intended to be utilized by developers to create clusters of multiple compact communities that essentially overwhelm a region of the county. Fearrington Preserve and Vickers Village are seeking to extend the compact community map to allow them to propose their developments under the CCO. We have another developer (Herndon Farms) who already falls within the compact community map and is also proposing a compact community. All of these proposals are for property contiguous to Briar Chapel. Briar Chapel is already approved for 2,649

residential units. Approving these requests will basically negate the sizing cap for compact communities in Chatham County. Vickers Village plans include a wastewater (WW) facility for their development. Fearington Preserve has not yet finalized their plans for wastewater but hopes to request a contiguous service area extension to connect to Briar Chapel's WW system and if that fails, Fearington Village's WW system. As you well know, both the Briar Chapel and Fearington Village WW systems have significant issues and do not have the capacity to extend service to Fearington Preserve. What is needed is a long-term plan for wastewater. Members of StopChathamNorth and residents of Briar Chapel have recently met with the Chatham County Commissioners and the County Manager, Dan LaMontagne, to urge formation of a Study Commission to develop a comprehensive plan for wastewater in NE Chatham County. We need to get ahead of this issue by developing an agreement on a sustainable approach to managing wastewater in this part of Chatham County.

Alan Julich submitted the following comments:

Good Evening Commissioners. Thank you very much for the opportunity to speak about this agenda issue. My name is Alan Julich. I'm a board member of a community group working to build a special neighborhood. Our group is called The Triangle Traditional Music and Dance Retirement Society. We are a North Carolina 501(c)(3) and we would like to add our support for amending the Compact Communities Ordinance (CCO) boundary proposed by CONGRUUS, LLC, for its Fearington Preserve development. Our members are residents of Chatham and surrounding counties. We are working to create an intentional community based on an abiding devotion to and lifelong participation in the arts, music and dance. Properties located in the proposed CCO expansion area are under consideration as a location for our community. Amending the CCO boundary to include the properties under consideration for our project would allow for the higher level of planning that is required, rather than the ad hoc development now available to those properties. This coordinated planning would facilitate amenities deemed essential by our members, which include: diversity of housing types, including multifamily buildings as well as detached and semi-detached housing to meet an array of needs and financial abilities; a community center for participatory arts, music and dance; community dining; an adult care home; coordinated recreational areas for walking, running, biking, exploring nature; environmental preservation and protection. To help create this kind of neighborhood community the Triangle Traditional Music and Dance Retirement Society expresses strong support for extending the Compact Communities Ordinance boundary under consideration at this time. We also understand that for years, private wastewater operations in northeastern Chatham have been undermined by water treatment system failures. As potential residents of Fearington Preserve, it is our expectation that the water/sewer infrastructure would be environmentally sound. Thank you for your serious consideration of this text amendment.

Nigel Sullivan - does not support the text amendment.

Anne Kachergis - does not support the text amendment.

Marjorie Hudson submitted the following comments:

I am writing as an adjacent landowner and representative for another adjacent landowner in my family, Miriam Hudson. I have some thoughts and concerns about the proposed rezoning of the CONGRUUS property across Morris Road from us. Our property is part of a century farm, in continuous family ownership since 1914. The family has built one house on the property since 1980, and an earlier small farmhouse was just given Historic designation. The land remains in timber, open hayfields, and pasture, giving a sense of the historic purposes of Chatham County land. The land is

also a significant source of Native American artifacts and contains old ponds and field berms to protect neighboring land from flooding. Being unpaved in any part, it protects local streams from flooding, especially Pokeberry Creek, a significant tributary to the Haw River. We have enjoyed the benefits of having the natural areas of the Fearington property on Morris Road as a neighbor, and we have walked the property many times, keeping an eye on it for absent owners. I understand that if the new proposed zoning change goes into effect, it will lose the R-1 Zoning and change to a Compact Community Ordinance zoning. Here are our questions and concerns.

**Flooding** - We've observed that a large part of the property across Morris Road is prone to flooding, and in fact most of it is wetland. During the last heavy rains in Hurricane Michael, a raging flood cut a 35 foot gap in the roadbed, and at least 25 feet deep, taking out the bridge. DOT workers told us it was not just the Hurricane, it was the holding ponds in Briar Chapel that had overflowed. Water came up to the level of the road, making for treacherous shoulders, near Pokeberry Creek and near our pond property at the other end of the Fearington holding. I have a video. Holding ponds and hard surfaces in this section of the Fearington Preserve would obviously exacerbate the problem. Climate change will likely bring us more extreme storms. To my eye, not having surveyed the property myself, very little of the former Jesse Fearington property is actually on high land. It seems to me that this area would be best remaining in R-1 designation, with fewer houses. If you go to CCO designation, I strongly urge you to require the owners to plan for a lower housing density in this flood prone area.

**Traffic** - The traffic on this road is usually sparse, making it a haven for bike riders and walkers. However, there are blind curves at either side of the current entryway. Drivers weave over the line without being able to see whether there is oncoming traffic. There is a school bus stop at Auburn Lane just after one of the blind curves. Increased traffic there could be disastrous. An entry with increased traffic load would be dangerous on Morris Road where the current entrance is located. Moving the entrance would be difficult, as most of that side of the road is prone to flooding. So, I recommend limiting both housing and traffic there to a lower density than is proposed.

**Dark Sky and lighting** - One of the treasures of rural Chatham County is the night sky, and we and our neighbors love watching stars. My husband, when he was growing up here, remembers the experience of nights "so dark you couldn't see your hand in front of your face." We see far fewer stars now. Lights from new development, especially gas stations and ball fields, but also housing, leave a clouded night sky perpetually pale pink. Whether the zoning remains R-1 or changes to CCO, I strongly urge you to strictly invoke the full cutoff ordinance for night lighting, for street lights and porch lights alike. Best case: street lights are footlights, set near the ground.

**View Buffer** - The CC ordinance requires a 100 foot natural buffer, but allows for waiving that buffer. The property on Morris Road contains many mature, beautiful trees that we have enjoyed for years – tall pines, poplars, and even mature magnolia trees—and extraordinary bird life and wildlife: Turkeys, foxes, Indigo Buntings, Warblers, Bluebirds, Orioles, Pileated Woodpeckers, hawks, and nesting owls. We have even seen bald eagles. We strongly urge you to: Preserve the mature trees along the road and as many interior as you can. If CCO passes, strictly enforce the 100 foot buffer, preserving mature trees as part of that. Wouldn't that be a signal that the Fearington Preserve lives up to its name?

**Affordable Housing** - We very much support the CCO provisions for affordable housing and if you go that way for all or part of this parcel, we would like to see actual Habitat for Humanity Houses included and built on the property. There are fewer and fewer areas where workers and families can affordably live near us. We need workers, school teachers living in our district.

**Sewer** - What are the alternatives for sewer? We are opposed to spray fields in the "smellshed" of our farm. We would be in favor of state of the art sewer technology. We are opposed to spray fields in the "smellshed" of our farm. If the designation is R1, we strongly urge limiting septic in the land bordering Pokeberry Creek, a major tributary to the Haw River / Jordan Lake. In other words, the

developer themselves should limit housing density in the Morris Road parcel. Energy Opportunities - Our farm has successfully used modified house design, low-E windows, solar panels, and geothermal heat to reduce our energy footprint. What if the Preserve actually used these elements and aimed for low carbon housing, low impact development? In my vision, a development called the Preserve, if it truly lived up to its name, would be an attractive resource for the county and for the future. For example, Briar Chapel worked with award winning local architect Alicia Ravetto to generate LEEDS certification housing. This next generation of housing should reach beyond that. Placement of Commercial Development - The plans have not yet been drawn for review, as I understand it. Our preferences: Walkable "town center / Fearington village / Southern village style" commercial development in the interior if the owners gain CCO designation. I understand that approval of final plans by the county commissioners is no guarantee that a plan will be followed. Commissioners approved the Briar Chapel plats with village-style planning for the interior, but these plans were overridden by the next generation of commissioners, who approved commercial placement directly on the highway. Frankly, I was appalled. It seemed a real betrayal to the character of North Chatham. Briar Chapel friends say they can't even get a cup of coffee inside residential Briar Chapel, except at the Club House. We do not want commercial development directly across from our historic farm. Thank you for taking the time to look at these concerns. I look forward to hearing more details as the developer goes through the planning approvals.

John DiMiceli submitted the following comments:

Chatham County Board of Commissioners: In the past, I've attended public hearings and submitted testimony in opposition to the use of Briar Chapel's wastewater treatment plant as a regional wastewater treatment facility. I applauded and was grateful for the County's decision not to allow Fearington Village's wastewater to be transferred to Briar Chapel for treatment. I speak again to object to the Fearington Preserve proposal for these reasons: (1) A wastewater treatment plant should serve only the community in which it is located. It should never be expected to serve the needs of other communities, or any commercial activity, simply because they share a common boundary as that places an unfair burden on the community in which the plant is located. The "home" community assumes all the risk for the plant including leaks, spills, odors, or other system failures that would be isolated incidents for regional sewage treatment plants in other parts of the state that have been cited apart from residential areas, or kept local to communities required to construct and operate their own plants. (2) Those who benefit most from sending their wastewater to Briar Chapel are the developers of the entities (communities, businesses) that border Briar Chapel. They are spared the expense of building their own wastewater treatment plants. This amounts to a subsidy by the residents of Briar Chapel to those developers, but not of their own volition, rather granted by Chatham County. (3) The economy of lower sewer rates often argued as a benefit to the residents of Briar Chapel as a result of other entities connecting to Briar Chapel's wastewater plant ignores the fact that those other entities, and the people they serve, are also receiving that benefit without bearing any of the costs for the wastewater plant including the disturbance to land, native species, and vegetation from construction, future maintenance, and the variety of system failures that may occur. The Fearington Preserve proposal and petition to Chatham County to connect to Briar Chapel's wastewater treatment plant is inherently unfair to the residents of Briar Chapel, places an undue burden upon them, and is the equivalent of a subsidy to the developer of Fearington Preserve who cares nothing about Briar Chapel or its residents. Please deny this request. Thank you.

DeeDee Laurilliard submitted the following comments:

My husband and I have been residents of Chatham County since April of 2001.

*We have also been actively involved with a group of people interested in creating a community living situation centered on Music, Dance and Art. The working name for this group is The Triangle Traditional Music and Dance Retirement Society. As part of that group we would like to add our support for amending the Compact Communities Ordinance (CCO) boundary proposed by CONGRUUS, LLC, for its Fearington Preserve development. We are working to create an intentional community based on active participation in the arts, music and dance realm. We are also interested in creating opportunities for people to age in a more home like atmosphere. Properties located in the proposed CCO expansion area are under consideration as a location for our community. Amending the CCO boundary to include the properties under consideration for our project would allow for the higher level of planning that is required, rather than the ad hoc development now available to those properties. This coordinated planning would facilitate amenities deemed essential by our members, which include: diversity of housing types, including multifamily buildings as well as detached and semi-detached housing to meet an array of needs and financial abilities; a community center for participatory arts, music and dance; community dining; an adult care home; coordinated recreational areas for walking, running, biking, exploring nature; environmental preservation and protection. To help create this kind of neighborhood community my husband and I (and Triangle Traditional Music and Dance Retirement Society) strongly support extending the Compact Communities Ordinance boundary under consideration at this time.*

*Alan Vincent submitted the following comments:*

*We oppose the rezoning of the CCO Map Expansion Section 6.1, p. 3-4. Concerned about building noise street traffic/noise, road noise and eventually neighborhood noise if the expansion is allowed. Very concerned about the sewage issue by adding such a large community to the area. Concerned for the environmental impact it will have on our property due to silt and chemical runoff from their property onto ours as our property is downhill on two sides from theirs. Not opposed to progress but we moved here six years ago to be in the country. We are avid shooters and I hunt on our 7.2 acres of property; concerned that this will hinder our ability to do so.*

*Donnie Thompson submitted the following comments:*

*To Chatham County Board of Commissioners: I strongly voice my opposition to the proposal by Congruus to extend the Compact Communities map to include additional property from Fearington Preserve and to allow them to propose the development under the Compact Communities Ordinance. Approving Congruus's request would be a major mistake for Chatham County. Allowing building of dense communities such as Fearington Preserve is obviously ruining the rural nature of NE Chatham, something very dear to thousands of residents in the area. But just as important, Compact Communities such as Fearington Preserve will result in a large, densely populated zone in NE Chatham County without an adequate wastewater solution. The solution is for the Chatham County Commissioners, first, to restrict dense growth in the area, and, if a county-owned wastewater facility is not feasible, second, they must hold Congruus responsible for building their own high quality wastewater treatment facility. Expecting neighboring communities with poorly designed, overtaxed, and/or antiquated wastewater treatment plants to assume something Congruus itself should shoulder is shockingly audacious and suggests poor planning. Wastewater treatment is not the only infrastructure that will be negatively impacted by the proposed, almost unrestricted growth the Chatham County Commissioners seem to be hell bent on allowing. Traffic on 15-501 is already deadly. Schools are overcrowded. Who is going to pay for road improvements, new schools to serve a large community like Fearington Preserve or for necessary law enforcement, drinking water, and many other services provided by the County? Us, the taxpayers, not Congruus. Jordan Lake must also be*



considered. Where is storm water run-off going to go? Either through Fearington, into Bush Creek, and then into Jordan, or into Pokeberry Creek and then into the already threatened Haw River. Remember that run-off from Bush Creek will carry silt (in particular Chapel Hill gravel from an old mine) into the Lake, not a desirable contaminant for unhealthy Jordan Lake. I beg you to have a conscience, show some backbone, and say NO to Congruus's application, no matter the pressure put on you. Ask yourselves who will ultimately benefit, the existing citizens of NE Chatham or a handful of wealthy investors in Congruus.

Rosalyn Robitaille submitted the following comments:

We understand that the Board of Commissioners will address and possibly vote on a request from a proposed development, (called Fearington Preserve, I believe) to connect to the Briar Chapel Wastewater Treatment plant. I am totally opposed to using the Briar Chapel plant as a regional wastewater treatment plant for this new development and any other development outside of Briar Chapel. Chatham County has allowed the recent development of numerous residential, commercial, and mixed-use developments throughout the northeast section of the county, with a hodgepodge of sewage treatment systems, many of which are failing or at capacity. Chatham County needs to look into the planning and construction of a regional wastewater treatment system that is not in the midst of a dense housing development. If the County is to prosper in the long run and adequately provide for the health and welfare of its citizens, this must be a top priority.

Ellen Lohr-Hinkel submitted the following comments:

Dear Commissioners, As long-time residents of and property owners in Chatham County (District 2) since 1986 and as long-time members of the Triangle Traditional Music and Dance Retirement Society (a North Carolina 501(c)(3)), we are adding our voices in support of amending the Compact Communities Ordinance (CCO) boundary proposed by CONGRUUS, LLC, for its Fearington Preserve development (Agenda File #: 3969). For quite some time, our members have been hoping to locate property that would lend itself to creating an affordable, inclusive, intentional community, based on our commitment to and lifelong participation in the arts, music, and dance. At the same time, we envision that our community would be of benefit to the greater community/county by creating an environment where the arts are celebrated and nurtured. Our society is inclusive, and the arts and protecting the environment are important to us. Approving the text amendment would make our community possible, and our community would, we believe, benefit the tax base and Chatham County overall. Thank you for your consideration.

Kristen Swenson submitted the following comments:

To the Committee & Board & interested parties, I am voicing my opposition to any future development attempts to connect, use, extension into Briar Chapel's private Waste Water Treatment. My husband and I bought our home in 2020. We were told that BC had it's own WWT. We were unfamiliar with this plan because our former home had a city / county run system. During the past year and a half we have witnessed the many spills, odors and over watering in the spray fields. This has been so devastating to not only our health but the health and well-being of the surrounding forest ,rivers and all wildlife. Expanding upon a system that is already failing is not in any way wise. BC was concerned about the damage and poisoning of our own neighborhood and was writing to our Congressman looking for help. Who is responsible? Mr John McDonald gave us his word all pipes would be fixed and improved upon, but when ? No further expansion should be permitted, especially when what is currently utilized is broken! Also, the county needs to be extremely concerned about the dangers of adding more traffic onto the very narrow Andrew's Store Road.

*These are our concerns as homeowners in Briar Chapel and Chatham County.*

*Virginia Penley submitted the following comments:*

*I have lived in Chatham County for approximately fifty years. I can remember when Bill Smith of later Crook's Corner fame opened the first iteration of the Cat's Cradle and Tommy Edwards and the Blue Grass Experience anchored the establishment. Chapel Hill was still a university village and when I first moved to the Mann's Chapel area there were more dirt and gravel roads than paved roads and many households still used the old "party lines" for phone service. I moved to my current location off of Mann's Chapel Road over thirty-five years ago. When Briar Chapel was first proposed, I was against the development. Like many neighbors and locals I did not want to see the area around my home change and I frankly did not look forward to additional people living in North Chatham nor the potential new traffic. Now that Briar Chapel has been developed and thousands of new people have moved there I have come to appreciate and value my new neighbors and fellow Chathamites. I can clearly see their contributions to the community and the value of Briar Chapel. Today I hope that Briar Chapel and its CCO area will be utilized by our policy makers as a foundational building block to add services that the oldtimers like me and our heirs need such as county water, sanitary sewer, more transit and a diversity of housing including access to affordable living options. The 15-501 quadrant from Mann's Chapel Road to Morris Road is entirely different than the area I lived in as a student at UNC over fifty years ago. It is now a more dense "urbanized zone" as the 2020 US Census indicates. I support the proposed text amendment extending the existing CCO Boundary to the south and west which would add approximately 185 acres to the larger existing CCO District. In addition I support the idea of extending the CCO District to the corner of Morris Road and 15-501 as well as the suggested extensions from other property owners such as the Vickers Bennett Group. This would eliminate the issue of the current CCO district that cuts unevenly through several properties and would likely make for better long term planning and implementation.*

*Mariana Fiorentino submitted the following comments:*

*I write to support the text amendment extending the CCO Boundary. Your affirmative vote means there can be creative forward thinking development, providing for economies of scale, diverse housing types and prices, shared amenities, greater protection of the environment, well thought out traffic flows - in essence better planning for the highest and best use of this land. The area in question is not out in the country. It is in proximity to existing neighborhoods that provide housing and recreational amenities and schools. It is urban. There is a greater need for much more of it. Approving the text amendment will insure a greater housing diversity, meaning that more people will have the opportunity to choose the housing type that suits their needs and meets their budgets. Offering affordable and workforce housing options are sorely needed now more than ever. I am working with a group very interested in bringing a community of retirees to live together creating an environment where the arts are celebrated. Their vision is inclusive. Neighboring communities would benefit from their presence. They would be a resource for the schools, not a drain on them. They are protectors of the environment and creators of music and dance experiences which would be shared with the greater communities. Approving the text amendment will make this community possible. In general, you will be offering much needed housing diversity while increasing the tax base. You will be protecting streams, assuring smart traffic flow and making the best use of resources currently in place and adding to them. You will make it possible for this creative community to be part of Chatham County's commitment to welcoming and appreciating its retirees. There is certainly a place for one and two acre lots that would need 3000+Square foot homes to support the acreage prices. That is not what this area needs. That is not what many people*

*need and can afford. That is not what can make the creative retirees' community happen. It would be a waste of this precious finite land that has far much better use than developing it for large lots and high end housing. Thank you for your consideration.*

*Scott Radway submitted the following comments:*

*Dear Commissioners: I am writing in support of the proposed text amendment extending the CCO Boundary to the south which would add about 185 acres to the existing CCO District that is much larger. The current boundary of the CCO district cuts unevenly through several properties in an area where zoning lines co-terminus with property lines seem to be a better land use management situation. The properties proposed to be re-zoned provide a very logical extension of the existing CCO in that they all have independent access to public roads and would be an appropriate form of "infill". The existing subdivisions and lotting patterns to the east and south enclose the proposed rezoning. As a City Planning Director in two municipalities, and presently a city planning & development consultant, I have watched the development of Briar Chapel over the past 15 years and have friends living in very different types of neighborhoods in Briar Chapel that are completely the result of the CCO structure that promotes "community planning" with a healthy mix of public and private facilities and resources. The alternative – stand-alone large lot subdivision developments - are the opposite of what is needed for the creation of communities with diverse families – families of different sizes, ages, and cultural interests. Proximity to community amenities, both private and public, a range of housing types and prices, and the ability to weave valuable open space through these compact communities and neighborhoods provides the best opportunity to create lasting places of value. I know you will hear from many who support this proposal and those who do not support it – perhaps in unequal quantities. I urge you to consider the interests of all who participate in the process. As a consultant to many local governments over the past 25 years, the question I am often asked is "How do we create community and successful neighborhoods and not just subdivisions?" Were that question asked of me by the Chatham County Commissioners, my answer would be: "The CCO you have already put in place does that very well. Extending that opportunity via this zoning amendment will let you continue the process of community building rather than the promotion of piecemeal/leapfrog development with all its attendant complications."*

*Ellen Cohen submitted the following comments:*

*As a Chatham resident I would like to voice my strong opinion against the addition of Fearrington Preserve land and Vickers Village land to the Compact Communities Ordinance area. The reason I moved to Chatham County was because I wanted to live in a quieter, more natural, rural area with a lower population and less congestion. Unfortunately, Chatham Park is moving along, already changing the nature of our area, acres of trees have been leveled for more and more construction - even in north Chatham, and now developers are asking for more land to pack with homes. Besides drastically changing the look and feel of our county, the whole environment is negatively impacted as more development happens. Traffic, which is already problematic, will increase exponentially bringing with it more pollution and noise. The number of accidents that we already regularly see will also escalate. High on the problem list with more density, is the septic/sewer issue. As is widely known, Chapel Ridge has had an abundance of failures and toxic spills with its waste system, and Fearrington Village is operating with an old and inadequate/polluting treatment system. Do we really want to add to these problems? As more homes, cars and people are incorporated into the area, there will be more pollution from all sources. Our already impacted air, water and soil will continue to be increasingly strained as we continue to build. And of top priority: Most people overlook the importance of trees to the*

*environment and to life itself. In my estimation, one of the very deepest concerns with all of this "construction on steroids", is the loss of more trees as the infrastructures are put in place and then homes, businesses, schools, roads, offices, etc get packed in. We need to be clear that trees are a huge part of how the earth cares for itself. Trees provide food, shelter and habitat for the creatures of our ecosystem. They're nature's means of moderating sun, rain and wind. They're responsible for taking water from heavy rains into the soil and preventing flooding, for insuring water supply, for holding onto soil and preventing erosion. Trees keep temperatures down in the summer with their shade, they insulate us from the cold in the winter and from winds during storms. They have a direct impact on climate locally and globally, altering the air currents and weather patterns. One cannot help but notice all the floods, droughts, fires, mud slides, storms, extreme heat, extreme cold, water contamination and pollution - ongoing destruction all around us! And we can't continue to pretend that we are not, in large part, responsible for it all by the way we ignore how our environment works. Trees are critical for filtering all sorts of toxic pollutants and CO2 out of the air, and for giving us the oxygen we breathe. In this day and age we know that we are at all responsible for reversing climate change. We need to take in and understand the impact of statistics like: 1 acre of trees absorbs 6 tons of CO2 and puts out 4 tons of oxygen per year. Do we really want to continue cutting down the acres of trees that we are blessed with at the current frantic pace or will we be able to see that money and growth aren't what matter here?? It's time to take a more comprehensive look at our little piece of earth - the microcosm that we are directly responsible for, as well as our part in global problems. We need to start acting in a more educated manner, to manage our surroundings in more intelligent ways. We need to ask ourselves, "who will benefit from pushing more high density development, and who will benefit from saving the trees and our natural environment and helping mother nature keep the balance?"*

*Thanks for your time*

*Blair Reeves submitted the following comments:*

*I am writing with some brief remarks regarding the public hearings coming up next week on the Fearrington Preserve and Vickers Village proposed developments. As a Briar Chapel resident, I am strongly in favor of both of these developments, and I urge the board of commissioners to permit their construction with no undue delay. We moved to Briar Chapel, and this part of Chatham County itself, with the eager anticipation of accelerated development in the area. We want more neighbors. This new density will not only bring added amenities and jobs to our community, but also add to the county tax base, which badly needs the revenue to support top-notch schools. As you know, there is a coordinated effort among a small, vocal minority of local residents to oppose these developments, and most all others as well. The grounds for this opposition change like the wind, because NIMBYs oppose all development, and then invent a rationale afterward. I urge the Board not to allow the NIMBYs to strangle our community's growth.*

*Anthony Durniak submitted the following comments:*

*Dear Commissioners: I and my wife moved to Chatham County in 2015 and settled in the Briar Chapel community. A major attraction for us was the county's forward looking and comprehensive design of its Compact Community Ordinance. The ordinance strives for sustainability by balancing house building with the maintenance of native green spaces. The zoning requests before you now present an opportunity to take a fresh look at how best to encourage development in the northeastern section of the county while preserving the rustic character of the county and minimizing the environmental impact. An essential component of this review must be an examination of how wastewater is treated, and water reclaimed. Simply amending the existing Compact Communities Ordinance does not adequately deal with the wastewater issue.*

*The facility in the original CCO now serves Briar Chapel and it is not located nor designed to serve the needs of buildings beyond the original community. For this reason, we recommend that the Commissioners postpone action on the requests from Fearrington Preserve and Vickers Village, and any other new development proposals, until a complete review of the wastewater treatment options has been done. There are four reasons why this is important: The regulation of wastewater facilities in North Carolina is done in a disjointed manner. Only the county looks at these plans from a macro level, county-wide perspective. Having a robust approach to water reclamation will allow Chatham County to compete more effectively with neighboring counties for development and the property tax dollars it brings. The creation of a county level wastewater treatment and water reclamation project can be shown to be beneficial to all of Chatham County. Let me explain. The regulation of wastewater treatment and water reclamation is done on a disjointed basis. The design of wastewater facilities is under the control of the North Carolina Department of Environmental Quality, Division of Water Resources. They look at each proposal as a self-contained project. They do not appear to take into consideration the facility's location relative to the surrounding existing neighborhoods, nor the potential for future development in the vicinity of the plan. And they rely on the assurances of the applicant that the noise and odors generated by the plant will not be a nuisance to surrounding residents. Similarly, the North Carolina Utilities Commission looks at each request for a utility franchise and the approval of rates on a case-by-case basis. And the request to start operating as a utility and charging customers is only processed once the facility is built and ready to start operations. Once again, the commission relies on the assurances of the applicant that the plant is operating properly in accordance with the permit granted by the NC DEQ. Only the county is in position to look at these projects as they relate to each other and the county as a whole — both now and in the future. Because builders and developers must come to the county for building permits and zoning variances, it is uniquely positioned to understand on a macro level the impact these projects will have on each other and the county as a whole. Only the county can bring the various parties together to negotiate to coordinate their various projects. Having a robust approach to wastewater treatment and water reclamation will allow Chatham County to compete more effectively for development and the property tax revenue it brings. The nearby municipalities of Cary, Durham, and Raleigh all have large, government owned and operated regional wastewater treatment facilities. And these competitors for development dollars brag about the water reclamation opportunities their plants provide. Because of their size these utilities have a volume that lets them operate more efficiently and provide on-site supervision of the operations 24 hours a day, 7 days a week, year round. Because of these economies of scale they can keep their rates to customers reasonable. The creation of a county level wastewater treatment and water reclamation project can be shown to be beneficial to all of Chatham County. One reason cited for why the county does not want to consider a county facility is because it will not benefit all county residents. On the contrary, the availability of a centralized water reclamation facility allows more densely situated residential development than is possible with individual independent septic systems for each house. This reduces the pressure of urban sprawl on the more pristine western parts of the county and supports the agricultural industry in North Carolina. And it can provide an economically attractive option for existing houses faced with the need to upgrade or replace their aging individual septic systems. It is in the county's best interest to build a new facility designed and located in a place that lets it serve the forthcoming development without putting a burden on existing communities. Thank you for the opportunity to comment on this important issue.*

*Vice Chair Hales referred to a request made by Ms. Colvert about continuing this public hearing in September and asked if anyone from the Board would be interested in making a motion to grant this request. Vice Chair Hales expressed her concern that*

*the Briar Chapel community specifically was not contacted regarding this public hearing. Vice Chair Hales made a motion to continue the hearing and Commissioner Howard seconded the motion. Chair Dasher asked if these concerns could not be addressed at the Planning Board level. Commissioner Crawford stated that the request was made to continue this hearing prior to going to the Planning Board. He then said that this is where Chatham is at and these issues have been coming to a head for 15 years. He said that, while he appreciates that the Briar Chapel wastewater system is leaky and stinky, and had it been afforded the opportunity to work with the Ferrington's old system it might have been different but that train has "left the station." He said that, as the pressure regarding these issues continues, it is necessary to establish a committee that will look at the entire corridor and look at these issues frankly and fully with the purpose of establishing policy that can be applied to US 1. He also said that he was aware that some of his constituents would be upset but wastewater management can be improved through engineering made possible by funding from private entities.*

*Chair Dasher said that he would not support the motion made by Vice Chair Hales. He said that all the concerns raised are issues that need to be discussed but at a later hearing.*

**A motion was made by Vice Chair Hales, seconded by Commissioner Howard, that this public hearing be continued to September 20 2021. The motion failed by the following vote:**

**Aye:** 2 - Vice Chair Hales and Commissioner Howard

**No:** 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Crawford

**This Agenda Item was referred to the Planning Board.**

### [21-3970](#)

A legislative public hearing for a request by the Vickers Bennett Group LLC for text and map amendments to the Chatham County Compact Community Ordinance specifically Section 6.1, p 3 for an expansion of the CCO map and text amendments to support the expansion of area request.

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

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

*Vice Chair Hales said she was not sure she was understanding. Ms. Plummer clarified that the only changes being proposed were those in red. Vice Chair Hales asked if there was anything concerning if you have a parcel in a compact community and you acquire a parcel next door to it, it doesn't automatically get drawn into the compact community. Ms. Plummer said no. She then invited Attorney Nick Robinson to the podium. Mr. Robinson invited Antonio McBroom to the podium to talk about his team and the project. Mr. McBroom said his partners Warren Mitchell and Wade Barber and Mark Ashness are also present. Robinson stated that they will be presenting in the second public hearing the plan for the community. This hearing is just about the map.*

*Mr. McBroom asked Mr. Robinson to return to the podium at the conclusion of his segment of the presentation.*

*Vice Chair Hales asked Mr. Robinson to confirm that there was not a contiguous area, but rather a small 24-acre piece. Mr. Robinson clarified that it is a 14-acre piece but*

otherwise, correct. Commission Hales asked if an orphan can be mapped like this, with space in between. Mr. Robinson said yes. She said that, with other land use, when something becomes an orphan, it can be a serious problem. She then asked if there is a use planned for this particular area. Mr. Robinson said that this question would be addressed in the second public hearing. Mr. Robinson then said, regarding the orphan question, the discussion is not about rezoning. Rather, it is about putting everything that has already been put into the compact residential zone owned by Mr. Robinson's client into the map to allow for a compact community so it is not going to be any different than any other land in that area. He also reminded the commissioners that Briar Chapel had a lot of property that was non-contiguous that was part of its compact community, so that is something that is allowed.

Mr. Robinson gave further clarification on the proposal in reference to the first question from Vice Chair Hales.

Vice Chair Hales then stated, there are a lot of parcels in between those two sections. She asked if Mr. Robinson's client would be seeking to acquire those parcels. Mr. Robinson said no but if they did, they would have to come back before the Board and ask to have them added to the compact community map.

Commissioner Crawford stated that, if this goes forward, he hopes that the intervening parcels have communicating sidewalks. He then said that he would like to advocate on behalf of the public for a northbound 20'x20' bus stop to help facilitate use of public transit and help with the challenge of fossil fuel footprint. Mr. Robinson said that the later presentation would include a segment on the transit stop already planned for the development. He said that he had met with Anna Testerman of Chatham Public Transit and she was 100% on board. Commissioner Crawford said he was glad to hear it.

The Chair opened the hearing.

Shelley Colbert submitted the following comments:

Honorable Commissioners, I'm Shelley Colbert, and I am a resident of Baldwin Township. I oppose the expansion of the CCO in the manner proposed through text and map revisions in the Vickers- Bennett application. The proposal(s) is premature, it is inadequate in its analysis, and it will create an inconsistent patchwork of parcels with negative consequences for other residential properties in the area. In addition to five parcels which already are within, or partially within, the current CCO boundary, the applicant proposes to add fourteen parcels, including a 12 acre orphan parcel that isn't contiguous with any other portion of the current CCO, nor is it contiguous with the applicant's other parcels within the current CCO boundary (AKPAR 18636). I strongly urge the commissioners to scrutinize the parcels at issue using the 2021 aerial images available on the County's GIS mapping on the Chatham County Land Records Viewer (arcgis.com). The actual parcel images present a far more compelling description of the physical incongruities and limitations, and the potential scope of negative impacts to adjoining neighbors, than suggested by the applicant's Exhibit C, which is a two-color graphic of the parcels lacking the detail and nuance of actual conditions subject to amendment. As a matter of public policy, one-off, piecemeal requests to amend and expand the CCO, which benefit only a single private interest to the detriment of other property owners, defeat the purpose of comprehensive, strategic planning. A comprehensive CCO is necessary for compact communities to coexist successfully with neighboring communities, while preserving the rural character of Chatham County. If the current version of the CCO again warrants reassessment, then let's do that in a comprehensive fashion, while being mindful of those neighboring interests that exist outside of the CCO, and let's revisit obsolete definitions of "mixed

use” that fail to take into account demonstrable changes to the manner in which goods and services are provided since the original CCO in 2004, almost two decades ago. Commissioners, we have got to learn from prior development mistakes, and demand better information and justification from developers at the very beginning of the process. The applicant has not even remotely demonstrated that its proposals merit further consideration based on what is available in the public record, and the request goes far beyond what might be reasonably necessary to adjust the CCO boundary for a very limited number of parcels “bisected” by the current map. I have previously detailed my objections to the commissioners on the poor quality of information and lack of persuasive evidence presented to the county, and its citizens, by some applicants seeking to change existing zoning. I do so again- please reject this.

Susan Rodman Delaney said her comments would be better served at the next hearing.

Erin Louise Carter said her comments would be better served at the next hearing.

**This Ordinance was referred to the Planning Board.**

### [21-3971](#)

A legislative public hearing for a request by the Vickers Bennett Group LLC for a Conditional District Rezoning from R-1 Residential to CD-CCO Compact Community being approximately 101.8 acres located off US 15-501 between Vicker’s Rd and Jack Bennett roads, Williams Township.

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

Zoning Administrator Angela Plummer reviewed the specifics of the request.

Vice Chair Hales said she had missed the number and asked Ms. Plummer to confirm that she had said 111 townhomes and asked how many single-family units were being proposed. Ms. Plummer responded 70 for a total of 181. Vice Chair Hales stated that there were not any multi-family units. Ms. Plummer said no. Commissioner Howard asked where the single-family homes were. Ms. Plummer pointed out the various units on the map. Mr. Nick Robinson further clarified.

Vice Chair Hales asked about the conserved area. Ms. Plummer said she would turn the presentation over to Mr. Robinson to expand on that.

Chair Dasher asked if, in the CCO, there was a relationship between the amount of residential units and the square footage of commercial space. Ms. Plummer responded that the CCO does call for a percentage of area that has to be dedicated to commercial and that they are limited to 24% developed area. She said that, even though they are in a watershed district that would allow for up to 36%, compact community limits them to 24%.

Mr. Robinson approached the podium and invited Antonio McBroom to return to the podium. (comments attached)

Mr. Robinson reapproached the podium to give the Board a timeline on how this proposal arrived at the point it is at today.

Mr. Robinson then asked Mark Ashness to review the site plan.



Vice Chair Hales asked Mr. Ashness if there would be sidewalks. Mr. Ashness responded that there would be sidewalks on both sides of the street.

Chair Dasher asked if the additional 14 acres was envisioned as having trails on it as well. He asked how it was intended to be used. Mr. Ashness said that really it was intended not to be utilized. He stated that it is detached from the project itself and that there are some adjoining property owners amassing land to put into conservation but including it in this process made the most sense.

Commissioner Crawford asked for further clarification on the traffic light and traffic pattern situation in the commercial portion of the project and proposed an amendment. Mr. Ashness responded that they had proposed a similar pattern to the DOT but were told that it was not viable.

Vice Chair Hales said she would like to know where the wastewater treatment plant would be. Mr. Ashness indicated to the proposed spot on the map. Vice Chair Hales then asked if the facility would require holding ponds. Mr. Ashness responded that it would. He said that this facility would be at most a 50,000 gallon per day facility. Vice Chair Hales asked if, on the map, stormwater was signified by dark blue, and the wastewater was signified by light blue. Mr. Ashness said that was correct and offered some additional information regarding the different streams and where the tributaries meet.

Vice Chair Hales asked if they planned to do land application. Mr. Ashness said yes, it would be a spray system. Vice Chair Hales asked where that would be. Mr. Ashness indicated the proposed locations on the map. He said the spray system would allow them to use reclaimed water for irrigation rather than Chatham County water.

Commissioner Crawford asked if this meant that water that would otherwise leech into the septic system will be spread out. Mr. Ashness said this was correct. He went on to describe in further detail this process and new state level permitting stipulations. Vice Chair Hales said that she assumed there was a formula for how much acreage is needed for spray irrigation. Mr. Ashness said there was and that different parts of the county have kinds of soil. He said that there is testing done by professionals and modeling done by hydrogeologists to determine loading.

Commissioner Crawford stated that some of his constituents had noticed that this land has been timbered and commented that there is a state mandatory waiting period of two to three years prior to developing timbered land. He asked if this waiting period had been or will be observed. Mr. Ashness said he thought it was five years. Someone from his team said that it has been six years since being timbered. Mr. Ashness said that his team did not own the property at the time of timbering but amended the statement because the land was owned by one member of the team.

Vice Chair Hales asked about a small, kidney-shaped, pink area on the map and its intended use. Mr. Ashness said it was a gathering area for recreational activity. Vice Chair Hales said, so a park? Mr. Ashness said yes, a park.

Chair Dasher asked about the balance between commercial and residential. Mr. Nick Robinson returned to the podium to respond to Chair Dasher's inquiry. Mr. Robinson said that the way the Compact Community Ordinance is written, compact communities are required to have 100,000 square feet of commercial space. He said that they are requesting a modification because the development is smaller and there is already a lot of nearby commercial area. He said it would not make sense to cram 100,000

square feet of commercial land onto 100 acres. He said they are instead requesting a minimum of 20,000 square feet.

Chair Dasher said he thought it might make sense for commercial space in future mixed-use projects to be determined based on percentage. Mr. Robinson said he agreed, or maybe tied to the amount of acreage.

Commissioner Crawford said that it's not a formal matter before the Board, but that what was being proposed was merely a change for this development, not for the CCO in general.

Mr. Ashness returned to the podium to continue his review of the details of the project.

At the conclusion of Mr. Ashness's presentation, Mr. Robinson returned to the podium to review the five findings required for the rezoning.

Vice Chair Hales asked if they anticipated having a vendor such as Aqua handling the wastewater, rather than the developers themselves. Mr. Robinson said that yes, it would be Aqua.

Mr. Robinson distributed a table showing 12 different goals and objectives to the Board to review (attached).

Mr. Robinson invited Judge Barber to further discuss the elements of the CCO wherein modifications are being requested.

When Judge Barber concluded his segment, Mr. Robinson returned to the podium to share some emails he had received in support of the project.

The Chair opened the hearing.

Susan DeLaney submitted the following comments:

Thanks for allowing me to speak before the Chatham County Commissioners tonight. My name is Susan DeLaney and I am a property owner at 630 Vickers Road in Chapel Hill. First, I do want to thank the developers for their compromise with adjacent landowners and making a few changes to their original plans. And secondly, I want to encourage both the developers and the County Commissioners to "do the right thing" and work together to make this project more environmentally safe for the residents to be and for the community at large. In this process of working together with other community members I have learned that some developers in this county have not kept their commitments, not fixed the problems they have created and continue to expand when there is an agreement not to do so. I understand that the county does not have the financial or personnel to take these developers to court, leaving the public left with issues that they must now remediate or suffer under forever! Here is a list of the environmental concerns from the adjacent property at Briar Creek. The wastewater record at Briar Chapel consists of 33 sewage spills with a total of 89,000 gallons of sewage spilled and 72,000 gallons spilled into Pokeberry Creek; 23 notices of Violation issued by the NCDEQ in the past 18 months, 526 resident complaints; and of these complaints 390 were for odor surrounding the waste water treatment system. These are real concerns for their community but more importantly they are issues of public health concern to me and up front we must work to prevent them from occurring in the new proposed development of Vickers Village. I have concerns about the location of the wastewater treatment plant and the holding lagoons for the processed sewage being so close to the proposed housing. Typically, what is know as a spray

*field is just that, a large field located in an agricultural area. Here it is right beside the housing and is even being used in the yards of the residents. Of concern to me is "we don't know what we don't know and that is concerning the bacterial and viral content of the treated sewage which is then being aerosolized in the yards close to homes of adults and children. Currently UNC is tracking outbreaks of Covid by examining the contents of the sewage from each dormitory. And they are finding the covid virus. Could that potentially be sprayed on the grounds on these home owners and cause illness? And what about other viruses and bacteria, common ones like hepatitis, flu and shingles? Then these waters also contain hormone disruptors and other medications that people flush down their toilets. This is especially of concern to me due to the high density of housing. With 180 units plus 15 condos above the commercial areas, totally 196 units. Multiply by 3 that's 588 people in a very small area. That doesn't include people visiting the area or doing commercial business. THAT's a lot of "POOP" to be recycled and sprayed on a small area. Such a high density makes sense in a city where services can transport the sewage far away and be treated properly and then discharged. But this high density will create a problem for this community without really making sure we are doing the right thing. You only have to look across the road at Briar Chapel, and they have much more land and space, to see what the future WILL look like at Vickers Village. In closing I am not opposed to this idea in general as I support the development of affordable housing for people in this county. It is the environmental concerns that should make us all pause and say we need to get this right, BEFORE we build it and create more environmental problems for the community. We all will suffer as a result of unsafe and unsound development practices, which do not adequately treat the environment as an important aspect of our health and well-being. Thanks for listening.*

*Erin Carter submitted the following comments:*

*Hello everyone! My name is Erin Carter, I am an adjacent property owner and Vickers Road resident of 12 years. I oppose the amendments and rezoning due to a lack of regulatory control by Chatham County and the NC Division of Water Quality for Compact Communities and an overwhelmingly negative history of nearby neighborhoods' wastewater treatment plants; the irresponsible location of wastewater treatment plants within communities; the county's fixed and polluted water supply; and the slow process toward urban sprawl created by adjacent poorly buffered compact communities. Briar Chapel Compact Community has essentially provided a test case to determine the viability of the high-density development approach for Chatham County. The wastewater and storm water facilities of Briar Chapel are the same proposed to serve the Vickers Village project, and these have proven to be beyond the control of NC Division of Environmental Quality and Chatham County. The Briar Chapel wastewater and stormwater systems have created extensive public health risk and environmental degradation resulting in major community and county dissatisfaction. Cities have not and do not locate their wastewater treatment within the community for the obvious reasons noted by the citizens of Briar Chapel: smelling the waste of their neighbors as they try to enjoy outside dining and other recreation. However, this wastewater treatment location approach has become standard for large-scale community wastewater treatment and reuse systems. The nuisance odors and aerosols that carry disease-causing bacteria and viruses decrease the quality of life of the citizens of Chatham County and threaten public health. The lives and health of Chatham citizens should be of greatest concern to the Council. Additional high-density development as proposed will create increased risk for the citizens of Chatham County since climate change and associated drought are now better understood. Our fixed water supply is already polluted and therefore unreliable. The citizens of Chatham County are at risk by a water supply allocation process that favors economic development at the cost of long-term security of water resources. Vickers Village or*

any other project that proposes to use the Compact Community Ordinance to support its application must ensure the public and environmental health damages that occurred at Briar Chapel will not be repeated. Adjoining Compact Communities without extensive buffers represent a gradual transition to one Large Community of miles of urban sprawl as successive smaller projects combine functionally. Think Cary, but minus the necessary municipal regulation and infrastructure. Significant financial commitments are needed before any additional Compact Community Ordinance projects can be considered for approval. One solution is for Chatham County to use a targeted and proportional tax approach to earmark a portion of the current taxes received from communities that use the wastewater and storm water technologies currently in question. This approach is not additional taxes but will create budgetary resources from the users of the technologies to support potential litigation and create salaries for employees to monitor the Public Health aspects of the existing and additional projects of note. Reference additional details submitted to the public record through email by Dr. Halford House.

Caroline Hudson submitted the following comments:

Good evening everyone! I will stick to my notes so I don't get off track and long winded, as I can easily do when I feel strongly led about a matter, such as the Vickers Village development. My name is Caroline Liles Hudson, and I am a resident of Siler City. I am a born and raised Chatham County native. From Bennett Elementary to Chatham Central High School. I took a Teaching Fellow Scholarship to UNC-Wilmington, and when offered the position at my internship, I turned down beach living because I knew I'd be homesick for Chatham County. I've spent the last 10 years teaching at Virginia Cross Elementary and Jordan Matthews High School. My fellow educators are excited about growth in numbers and school facilities in our county, and I look forward to seeing what my former principal accomplishes at the new Seaforth High School! Since teaching, I've been working in the office at Liles Plumbing and Heating in Siler City. I've witnessed how changes and decisions within our community impacts my family's business. We've been involved in plumbing the new Mountaire Processing Plant, the Chatham County Agriculture Center, and CORA addition, the City hall and Paul Braxton upfittings, downtown Siler City revitalizations, and renovations of the former Henry Siler School to meet housing needs. I've observed firsthand how small business benefits when our county adapts to its demands, while preserving its history and charm. Lastly, as an active Realtor, I've seen the direct need for Vicker's Village. Even with excitingly low interest rates, buyers are discouraged and struggling to find anything available that also meets their needs. I have several clients looking for this exact living concept. Driving them across county lines to meet their housing needs frustrates me! I won't share confidential information, but I do want you to hear the circumstances of my clients. One young professional begins working at UNC Hospital full time as a nurse. She would like to be close to work, own a townhome, with low maintenance landscape, close to restaurants, and shopping. Single income, looking for moderately priced living. Vickers Village meets her needs. A young family of 3 needs something move in ready, in Pittsboro, no fixer uppers, as they aren't the do-it-yourselfers type of couple. Median Income. Vickers Village meets their needs. Lastly, A recent widower, looking to leave Wake County, and downsize. In her words, she is too young for assisted living, but too old for a large house and yard, and needs to be close to family in Chatham County. Vickers Village meets her needs. As a Chatham County resident, former educator, realtor, and small business employee, I see how Vickers Village serves our housing needs yet preserves land for generations to come. With housing on barely a quarter of the 102 acre site, this protects 70 acres of hardwoods, open fields, and trails to inspire those residents to get out outdoors and enjoy the nature and scenery that Chatham County offers. Thank you all for hearing my stance tonight. I hope you feel the excitement and passion I have for

*this, but most importantly, I hope you see the need for Vicker's Village.*

*Karen Veltri*

*Concerned about environmental impacts. happy to see affordable housing even though it is only 10 houses. Concerned about how much is being put in this small area. She agrees with Jim's idea of a subcommittee on the 15-501 corridor.*

*George Chestney*

*Retired army 1st sgt and retired businessman. Lived here since 1962 and loves Chatham County. Supports the rezoning request. He thinks this development is what Chatham needs and will be a big benefit to the residents. It is beautifully designed. Looking forward to moving into one of the townhouses.*

*Robert Waldrop*

*Thanks to the board for still being engaged in the discussion at this late hour. Not opposed but not necessarily in favor either. Hope it stays in the hands of the current developers. Request developer maintains a 100 foot buffer on Jack Bennett Rd.*

*Commissioner Crawford referred a question to Planning Director Jason Sullivan. He asked if this project is approved under these terms and were to change hands in terms of ownership, would the owners still have to come to the Board for any kind of change.*

*Mr. Sullivan stated that we cannot make assurances on future uses for future owners. Mr. Nick Robinson approached the podium to offer some additional insight in response to Commissioner Crawford's inquiry. Mr. Robinson said this is not a conservation subdivision, but they are willing to make a recorded perpetual declaration of conservation for the 14 acres in question a condition of approval. Sullivan stated that there would be a question of enforcement weather it is the responsibility of the HOA or the county.*

*Mr. Crawford said, so it needs to attach to a deed but who knows who holds the deed? Chair Dasher said it is like putting land in conservation. Mr. Robinson stated, anybody who bought it would be subject to the declaration in the record. He said, if the County would like to own it subject to the declaration, they could give the tract to the County to enforce it. He clarified to say that what he means is that anyone who purchases it will find the declaration in their chain of title, a perpetual declaration of conservation.*

*Sheena Mikell submitted the following comments:*

*Good Evening Commissioners & Chatham County Leaders and Residents. My name is Sheena Mikell and I am a proud resident of North Chatham County. Specifically, I now live in Laney Village, a minor subdivision created by these developers, Vickers Bennett Group & Antonio McBroom. I've worked my career at McDonalds both in Orange and Chatham County, and I am here in full support of the Vickers Village Compact Community. Working with these developers has genuinely changed my life and changed the life of so many already. Before, I used to live at 345 Jack Bennett Rd. My property taxes and mortgage were through the roof on this land, and I also had to use easements to get to my lot, and my lot was an odd cut out shape. I had to go through my aunts property to get to mine and we didn't even have clear title on her property and this brought about a lot of stress to me. Once I met Antonio I at first was scared and skeptical; but every step of the way they did exactly what they said they would do to make sure I ended up with a better homesite free & clear to past down to my son in the future, to make sure my new lot was set up perfectly with privacy and a beautiful yard, and that the village community they would create between Vickers Rd and Jack Bennett Rd would be something that my family and I could use one day. I've*

*always had to drive so far for work; I'm excited that as my son gets working age there may be business and commercial opportunity so close he can walk or bike to it. And it's also going to have amenities, trails, and natural areas right in my back yard that we can camp or exercise at. One thing COVID has taught me is how great it is to be outside and we need more places like this that the public can use safely. I also think it would be good to have a neighborhood like this close by because it may bring public transportation close by, and it will also bring even more diversity to our area so it's not just black people on their family land and white people on their family land, but have it where there's people of all colors and backgrounds living together in this area. While I don't want to see the property taxes skyrocket, I also think it will help raise the overall value and appeal of my neighborhood so the home that I worked my whole life for will create multi-generational security. Thank you for giving me time to speak today. hope this community is able to get approved and come to life because it will mean a lot to more people than you know. Have a blessed evening.*

*Thomas Marsh submitted the following comments:*

*Thomas Marsh talked about his work with the USPS prior to retiring in 2004. He remembers Pittsboro growing very rapidly. In addition, Fearington grew very rapidly and in the early days of the development, relied heavily on the Postal Service. He said that one of the main issues was that many people in the Fearington development wanted it to be a separate city, Fearington Village which they ultimately worked out with the Post Office. He said it was hard to keep a supervisor and a postmaster here because of the growth. He said he was offered the position but was in Bear Creek and wanted to stay there. He stated that he is here to represent the West side of Chatham County. He said that he and the other residents of the area always felt like the stepchild. He stated that, fifty years ago there was no ordinance. They were trying to build houses and get loans and it was hard. He said that the families that owned large properties had to sell them, so now the developers are building cul-de-sacs on these properties. They buy 10-20 acres of land, build five big homes on the plot and they have a sewage system set that they must get pumped. He said the seniors he had talked to were so saddened that nothing is going there. He said, ride through Siler City at the wrong time of day and it smells bad. He said that he would tell anyone at Fearington that the County needs to do more and we need the revenue. He thanked the Board but said that he hoped they would keep everyone in mind because it will provide jobs and maybe eventually, the western part of the county will get a water system and sewage system. He said the young are leaving. He said that when he was younger, he sometimes had to commute 125 miles a day to get a decent job and worked two jobs most of the time. He said his wife was a teacher and Antonio's mother was a teacher as well. He said Antonio is an absolute genius and a native of the county. He said, let's make sure all the rules are followed and make them accountable. If they are not, go to Siler City and make them accountable because that restricts the growth over there. He said they are starting to build, and he is glad of it because change is needed. He said we must be able to finance the county and the only way to do that is by letting people have affordable housing. He said people ask where he is from, and he says Bear Creek. When people ask where that is, he says it's where the Lord comes to rest. He said he has never hated a day living in Bear Creek. He said 421 used to be the main road. He said that used to be the way to the beach. He said that hwy 64 and 15-501 had been pointed out. That 421, and the ordinance only gives commercial outside of that or right on it. He said you rezoned some property he had that he had been using for commercial to residential and he finally had to sell it. He said he paid for it and had the idea and was able to operate until it was rezoned. He said he is out of the system now, but he was very active in helping Headstart here too.*

*Sherry Andrews submitted the following comments:*

*My name is Sherry Andrews, and I was raised in Chatham County, attending Pittsboro Elementary, Horton Middle School, and Northwood High School. After graduating from North Carolina State University, I began working at Chatham Middle School teaching both language arts and history. From there, I taught English and various social studies at Northwood High School. Once I completed my graduate work at NCSU in counseling, I transferred to Chatham Central High School to serve as the school's only school counselor for 27 years, which is where and how I come to know Antonio McBroom. To simply say I am invested in Chatham County would be an understatement. After retiring in 2013 (having completed a total of 33 years in education), I started a college planning business based in Chatham. I am proud to tell anyone and everyone that I am from Chatham County. I first met Antonio McBroom when he was in the 8th grade. I was immediately impressed with his maturity, intelligence, and deep determination. Even as an 8th grader, I knew he was headed for greatness. As Antonio matriculated through Chatham Central High School, I witnessed a young man of integrity and passion grow and develop into a wise and prolific individual. He earned not only the Morehead Scholarship from UNC Chapel Hill, which he accepted, but also numerous other scholarships, such as the Park Scholarship at NCSU (he turned it down), the Discover scholarship, and gained national recognition from the Coca Cola Scholarship – just to name a few. He is who he says he is: a man of his word, a young man from humble beginnings with big dreams, and a man who's handshake is as good as his word. For the past four years, I have served on Antonio's advisory team. I have watched him develop the Vickers Village project from its very beginnings. The residential and commercial development planned for this Chatham County land is well thought out and determined with living accommodations, work aspects, shopping, and recreation facilities. In the current climate, it is the exact type of family living that is sought by families of all ages. Having lived in the North Chatham area for many years, I am certain the success of this village. Based on my readings of the plan for Vickers Village, it is evident that Antonio will maintain the environmental integrity of the area as well as develop its buildings in a way that compliments its surroundings. Vickers Village will be an asset to northern Chatham. What is most important to me in this letter is to express that I am certain, without any reservations that Antonio will do exactly what he tells you he will do in the construction of this project. He has always been upfront and honest with me, and I have a great deal of respect for him and his family. Knowing Antonio for the last twenty plus years has given me an insight to his character that few individuals will have. Thank you for the opportunity to share my thoughts.*

*Halford House submitted the following comments:*

*I oppose the amendments and rezoning due to: (1) our extremely negative history and the lack of regulatory control by Chatham County and the NC Division of Water Quality for Compact Communities; (2) the irresponsible location of wastewater treatment plants (WWTP) within communities and the associated public health risk; (3) the high risk posed by the county's fixed and polluted water supply; and (4) the insidious process toward urban sprawl created by adjacent poorly buffered compact communities. Potential County Actions: (1) Targeted Existing Taxes, (2) Amend NCDEQ regulations, (3) Amend the CCO to include transect approaches, (4) Provide Conditional Uses, (5) Develop a county driven regional plan for Integrated Water Management. Oppositions Explained: Briar Chapel Compact Community (BCCC) has essentially provided a test case to determine the viability of the high-density development approach for Chatham County. The wastewater and storm water facilities of BCCC that are the same proposed to serve the Vickers Village project that have proven to be beyond the control of NC Division of Environmental Quality (NCDEQ) and/or Chatham County. The BCCC wastewater and storm water systems have created extensive public health risk and environmental degradation resulting in major*

community and county dissatisfaction. Cities have not and do not locate their WWTPs within the community for what are obvious reasons as noted by the citizens of Briar Chapel smelling the waste of their neighbors as they try to enjoy outside dining and other recreation. However locating the WWTP within the community has become the standard for large-scale community wastewater treatment and reuse systems. The nuisance odors and aerosols that carry disease causing bacteria and virus both decrease and threaten the quality of life of the citizens of Chatham County. Additional high-density development as proposed will create increased risk for the citizens of Chatham County since climate change and associated drought are now better understood. Our fixed water supply is already polluted and therefore unreliable. The citizens of Chatham County are at risk by a water supply allocation process that favors economic development at the cost of long-term security of water resources. Vickers Village or any other project that proposes to use the CCO to support its application must insure the citizens of Chatham County that the public and environmental health damages that occurred at BCCC will not be repeated. Adjoining Compact Communities without extensive buffers between represent a gradual transition to one Large Community of urban sprawl as successive smaller projects combine functionally and detrimentally. Potential County Actions Explained - Targeted existing tax approach that earmarks a portion of the current taxes received from communities that use the wastewater and storm water technologies currently in question. This approach is not additional taxes but will create budgetary resources from the users of the technologies to support potential litigation and create salaries for employees to monitor the Public Health aspects of the existing and additional projects of note. Employ the USEPA through the Clean Water Act to critique NCDEQ Regulations. Contact Congressman Price to ask for his assistance to have the USEPA critique the NCDEQ Water Regulations using the Clean Water Act as the controlling policy tool. Amend the CCO to Include the Transect Concept or Other Development Concepts. Since current CCO amendment requests do not envision a substantial "green buffer" around the proposed projects, amend the Compact Community Ordinance to include the transect concept, which regards land uses as a continuum from wild lands to high-density. Create Conditional Uses to manage potential poor design, implementation, and maintenance of wastewater and storm water systems. Develop a Chatham County driven regional wastewater management plan that focuses on Integrated Water Management (IWM). IWM is the process of planning, designing, implementing, and maintaining the combination of diverse water sources such as surface, groundwater, potable water, rainwater, storm water, and "wastewater" into a coordinated and efficient network. The IWM process should provide economic, ethical, and environmental solutions to conserve and reuse water, a finite and critical resource. In addition, the IWM Chatham Plan should locate wastewater treatment functions remote from residences, avoid discharge into our surface waters, and since agriculture is the biggest use of reclaimed water in the world, explore the potential for distribution of reclaimed water from the eastern portions of the county to the western agricultural areas (United Nations 2010). Five Findings for Vickers Village - Conditional Use Permit Request Must Show How the Request Satisfies the Following Five Findings: The area defined for the project is not acceptable for the district since it is outside of the area defined to meet the stated Purpose of the CCO. The critical Purpose of the CCO is to prevent one compact community adjacent to another through the use of buffers from neighboring properties and roadways. Compact communities adjacent to each other are a recipe for urban sprawl and associated negative impacts. Historical, regional and current evidence suggest that this potential expanded CCO area, if approved will again be subject to expansion by future development applications reviewed by future county boards as a loss of institutional memory ensues. The endpoint of this gradualism is urban sprawl with all of its negative impacts of increased traffic, environmental degradation, increased negative fiscal impacts and the decrease in quality of life of the citizens of



Chatham County and the surrounding area. The CCO defines a specific area for the potential implementation of development projects within the district. The current application seeks to expand the area that may be regulated by the CCO. Chatham County must resolve how to protect the welfare of the citizens of the district from this and similar projects as Briar Chapel prior to approval of additional CCO based projects. The proposed project is not essential or desirable for the public convenience or welfare. The current residences in the district have been and continue to be well served by public utilities, roads, schools, fire department, police protection, recycling centers, grocery stores, parks, and miscellaneous shopping and entertainment resources. The recent need for additional schools have been nicely addressed by Chatham County and the private sector. All of the noted services are available within a 5-10 min drive of everyone in the district and in many cases replicated. The proposed project does not provide anything that the district does not already have in abundance. However the proposed project will add additional traffic, noise, cost, air, water, and light pollution. In addition, residential development does not pay for itself through tax revenues and therefore the neighbors and existing long-term citizens of the county will end up subsidizing the project. The proposed project therefore is not essential or desirable. Based on the negative experiences with Briar Chapel's storm water and wastewater systems, the current proposed project will likely be detrimental to the health, safety or welfare of the community. Recent history of both the lack of proper wastewater and storm water management at Briar Chapel clearly document detriments to the health and safety of the citizens of the community. The wastewater record at Briar Chapel consist of 33 sewage spills with a total of 89,000 gallons of sewage spilled and 72,000 gallons spilled into Pokeberry Creek; 23 Notices of Violation issued by NCDEQ in the last 18 months, 526 resident complaints; of these complaints, 390 were for odor conditions surrounding the wastewater treatment system (Personal Communication. Stop Chatham North 2021). The houses of Briar Chapel residents, their vegetable gardens, and children's play areas have been sprayed with wastewater. Wastewater contains nearly every disease causing virus and or bacteria witnessed from around the world including COVID (USEPA 2018). "North Carolina Public Health is community health. Disease prevention, health services and health promotion programs protect entire communities – not just individuals – from untoward outcomes such as communicable diseases, epidemics, and contaminated food and water. We work daily to reduce the impact of chronic and oral diseases. All North Carolina citizens benefit from protections like safe food and water, adequate waste treatment and sanitation, infectious disease control, immunized children and adults, and emergency preparedness. One essential service is to diagnose and investigate health problems and health hazards in the community" (NC Department of Public Health 2019). Briar Chapel development was required by the CCO to provide as built designs and monitoring reports of the wastewater system operation that have not been supplied by Briar Chapel or obtained by Chatham County (CCO 2004). Inadequate storm water control has resulted in extensive stream erosion and loss of environmental function within Pokeberry Creek that flows through Briar Chapel. Stream restoration costs are estimated in the millions of dollars (Personal Communication, Stop Chatham North 2021). The standard location of the WWTP during the design and implementation of community systems in Chatham County has been within the community. For obvious reasons, Pittsboro, Chapel Hill, Durham or any other city of note, has not located their wastewater systems within the community. Such locations create a near definite occurrence of nuisance odor and transport of disease containing aerosols into the living space of the associated community residents. "Emerging pathogens may exhibit fate and transport characteristics that provide for atypical transmission pathways or higher exposure concentrations than natural transmission sources (e.g., human-to-human transmission, fomite contamination from infected individuals). Given the significant health threat posed by some emerging pathogens (e.g., Ebola virus

*[EBOV], severe acute respiratory syndrome [SARS]), exposure to emerging pathogens in a wastewater system could result in potentially serious health outcomes" (USEPA 2018). In a study of downwind drift from a wastewater spray field using ponded chlorinated effluent, "estimated mean bacterial die off was 52% at 21 to 30 m and 77% at 200 m. Median aerodynamic particle size was 2.5 to 2.8 µm, with 66 to 78% of particles between 1 and 5 µm, the reported range of efficient pulmonary deposition" (JWPC 1983). The Briar Chapel developer, Newland has failed to meet several Purposes of the CCO even though they are well funded and a capable developer with a substantial track record of residential projects. The current applicants do not have the extensive experience of Newland and therefore can not ensure that the following additional CCO Purposes will be met: These include "Ensure sustainable water provision and wastewater treatment in a way that does not create a future economic burden for the taxpayers of Chatham County; and Protect Chatham County's water quality and water resources, minimize its energy use, and protect its air quality (CCO 2004). The requested permit is not consistent with the objectives of the Land Conservation and Development Plan (LCDP 2017). The recognition that the LCDP is "aspirational" and provides a framework for long term planning of Chatham County and is not responsive to short term development feedback that is more suitable to ordinances is very important for the evaluation of the Vickers Village application. In addition, the LCDP plan anticipated high quality and well managed projects that based on BCCC have not occurred. (LCDP 2017). In addition, since the plan was created, the known impacts of climate change have increased dramatically; therefore a more conservative development approach is warranted. Poorly planned high-density development puts increased demand Plan Elements noted in the plan such as Land Use, Health, Natural Resources, Resiliency, Utilities and Public Services. The removal of existing vegetation impacts both air quality by decreasing carbon sequestration and wildlife populations by removing food and cover. (LCDP 2017; Woody Harrelson. 2021. Kiss the Ground, Netflix). Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities are uncertain. Chatham County has a fixed water supply that is significantly polluted. The combinations of decreased water quality, uncertain supply due to potential drought, and increased demand for drinking water suggest a more conservative approach to managing future growth rather than increased high-density development. Although the proposed site is supplied with a 12 inch water main to potentially provide potable water from Jordan Lake, the actual water supply both quantity and quality are in question. Jordan Lake is polluted with both traditional pollutants such as nitrogen, phosphorus, and those of emerging concern such as endocrine disruptors and other biologically active compounds. Jordan Lake is receiving wastewater discharges from Chapel Hill and Durham, non point source pollution from storm water runoff of the surrounding region. The citizens of Chatham are now drinking diluted wastewater from other communities (NC DEQ 2019). "From January to June 2018, staff from the NC Division of Environmental Quality (NCDEQ) collected samples for 1,4-dioxane, bromide, and 23 different per- and polyfluoroalkyl substances (PFAS) at six in-lake locations and seven river/stream locations. Analytical results indicated the presence of 1,4-dioxane and at least one PFAS compound in the Haw River arm during every sampling event, with some evidence of backflow to other portions of the reservoir" (NC DEQ 2019). North Carolina has had 7 droughts since the early 20th century, the latest occurred from 1998-2002. Jordan Lake was nearly dry and the Haw River flow was 70% treated wastewater. Use is dependent on dilution of pollution that is not present during drought. As the citizens of other communities around the country have observed that just because you have the pipe does not mean you will get the water. Chatham County has a fixed supply with a decreasing quality and a proposed increased demand based on high-density growth. The combination of Climate Change and a fixed and polluted water supply require that a more conservative approach must be developed to manage future growth (USGS 2005; NCDEQ 2019; IPCC 2021).*

This Resolution was referred to the Planning Board.

## **BOARD PRIORITIES**

### **21-3967**

Vote on a request to approve a request by Zachary Fuller, PE on behalf of Swain Land & Timber, LLC for subdivision **First Plat** review and approval of **McBane Park Conservation Subdivision**, consisting of 149 lots on 161.97 acres, located off Old Graham Road, SR-1516, parcel #85448.

**Attachments:**     [More information on the Planning department webpage](#)  
[McBane Image](#)

*Planning Administrator Kimberly Tyson reviewed the specifics of the request.*

*Vice Chair Hales stated that she believed all the Planning Board recommendations were satisfied. Ms. Tyson confirmed.*

*Commissioner Crawford said he would like to point out that this proposal is for roughly the same number of residences as discussed in the earlier hearing but there are no neighbors present. He said this area is in his backyard and in Vice Chair Hales' district. He said that this is the future. He said large developments are going to come in and if there are established neighbors, they are going to raise objections. He said that the folks that move into these lots are going to raise a protest when the lots down the road get developed. He stated that Chatham County is in the "hot zone" on the eastern seaboard and to expect this to go forward. He said that the Board is discussing a project of similar impact but that on Old Graham Road there are no stoplights. He said it does not go directly into Chapel Hill, it goes to Chicken Bridge Road first, then Crawford Dairy, then Jones Ferry, which are already feeders, but they are going to become bigger and more heavily trafficked. He noted that there had been an hour and a half of comment on the previous proposal and this one was going to go through with no public comment whatsoever. He stated that this is Chatham County.*

*Chair Dasher responded that it is interesting that there is such controversy surrounding development on 15-501 whereas projects in the rural parts get very little interest.*

*Commissioner Crawford said this development may not fill out; he said they may have trouble filling these lots. He said there are "zombie subdivisions" on the same road. He stated that platting is one thing but filling in is another. He said that 15-501 is where the focus is, however, tonight the Board is going to vote on this request.*

*Mr. Nick Robinson approached the podium and informed the Board that he represented the developer in this proposal. He said that he wanted to make sure that he and Ms. Tyson had the language of the third condition exactly right. He said that, based on his understanding of what occurred during the Planning meeting, a note stating 200-foot dry creek natural space shall follow the regulations of the 100-foot Riparian buffer was originally proposed to be added to the plat. He said that his group requested that "with the exception of construction and the location of stormwater ponds three and four as shown on the plat" prior to the original note and the request was approved by the Planning Board.*

*Vice Chair Hales said that she believes that this subdivision is pretty close to another*

subdivision down the road that Mr. Robinson was involved with.

Ms. Tyson responded that Lower Ridge was right across the street. Vice Chair Hales asked if that was another one hundred and thirty something homes. Ms. Tyson said no. Chair Dasher said it was smaller. Ms. Tyson said these requests came in a couple months for Lower Ridge 1b and 2b. Chair Dasher asked if these were some of the zombie subdivisions Commissioner Crawford was referring to. Commissioner Crawford said no, those were further down.

**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:** 5 - Chair Dasher, Vice Chair Hales, Commissioner Gomez Flores, Commissioner Crawford and Commissioner Howard

[21-3980](#)

Vote on a request to approve Chatham County Non-Discrimination Ordinance

**Attachments:** [nondiscrimination.pdf](#)

County Manager Dan LaMontagne introduced this item and turned it over to the County Attorney Bob Hagemann to review the specifics of the ordinance.

Vice Chair Hales asked how it worked out in Charlotte to make changes based on federal law, just applying these provisions to business with under 15 employees.

Mr. Hagemann said he had been monitoring that situation closely. He said this issue was a hot topic at the state and city attorneys conference he recently attended. He explained that, ultimately Charlotte opted to include all employers regardless of size with an express statement that they would likely defer to the EEOC for matters regarding businesses with more than 15 employees.

Commissioner Crawford said that this was something he could sign onto. He said the complainant or plaintiff may seek to pursue the matter in the federal courts but in the absence of that, local government will be involved. He said this is an acknowledgement of the federal government's preexisting statement.

Mr. Hagemann noted that, as he understands it, the County Manager's position is that the County does not take the lead when it comes to enforcement in larger employment cases.

He also noted that EEOC complaints and subsequent investigations are not public records whereas any complaint of this nature investigated by local entities will be public record. He said that it is his recommendation that any complaint form developed include a disclosure notifying the complainant that their complaint and any response from their employer will become a public record.

Commissioner Crawford noted that this works the other way as well, in that it gives people an avenue to pursue the process in a way that is open and public.

Mr. Hagemann commented that the ordinance would not create a private cause of action. He explained that the federal and state governments are empowered to sue on behalf of the complainant but if they choose not to, they can issue a right to sue letter. He said that this ordinance does not give someone who feels they were discriminated against the right to sue their employer or a place of public accommodation. Rather,

*this ordinance gives the County the authority to bring enforcement action.*

*Vice Chair Hales asked for clarification on who would be empowered to bring enforcement action. Mr. Hagemann said that the enforcement is to go into civil superior court to seek a court order, a process which requires a lawyer. He said that initially staff would conduct the investigation and work on conciliation. If staff felt that it warranted referral to the County Attorney for enforcement, it would be brought to the County Attorney and in coordination with the Manager and likely the Board, it would be determined whether it was appropriate to bring the lawsuit and the Attorney would seek a court order.*

*Commissioner Howard thanked Mr. Hagemann. She said that the County is lucky to benefit from his experience and relationships. She said it is important to her that protections be broadened to account for the nuance and diversity of people today. She said she is grateful to Mr. Hagemann and to the Board for engaging and being as progressive as this is. She says she wants to county to be a place where people are treated fairly, equally, and equitably.*

*Commissioner Crawford commented that conceivably, future Boards will have cases come before them and it is not going to be easy. He said that this is an area of public concern and in the absence of state and effective federal presence the County is establishing the standard of equal opportunity employment. He said he wholeheartedly approves but knows this means that the Board will inevitably have some hard cases.*

*Commissioner Howard commented that she did not think it was an inevitability just because society is moving into a phase of diversity and broadness of participation in these spaces. She says things like gender and hairstyle may not be an issue soon, but she is proud that it is being brought to the table so that someone who feels discriminated against feels that they have recourse.*

*Commissioner Crawford said he hoped Commissioner Howard was right but wanted to reiterate that if the case does come up, this is the Board that will establish the community standard.*

*Vice Chair Hales asked if it needed to be said that this applies to Chatham County residents. Commissioner Howard said it should be based on where the discrimination occurs and not where the complainant resides.*

**A motion was made by Commissioner Howard, seconded by Commissioner Crawford, that this Ordinance, 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 Gomez Flores, Commissioner Crawford and Commissioner Howard

## **CLERK'S REPORT**

*Nothing to report.*

## **MANAGER'S REPORT**

*Nothing to report.*

## **COMMISSIONERS' REPORTS**

*Vice Chair Hales said she was glad to be able to attend NC Association of County Commissioners meeting.*

*Commissioner Howard seconded Vice Chair Hales' comment.*

*Commissioner Gomez Flores said he would be meeting with Commissioner Howard later this week. He also said he wanted to touch on the 15-501 subcommittee mentioned by Commissioner Crawford earlier in the meeting.*

*Chair Dasher said he had had some conversations with the Chair of the Planning Board about the UDO generally. He said that he and County Manager LaMontagne could further discuss the specific makeup of a subcommittee at a later date.*

## **ADJOURNMENT**

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

**Aye:** 5 - Chair Dasher, Vice Chair Hales, Commissioner Gomez Flores,  
Commissioner Crawford and Commissioner Howard