



Chatham County, NC

Meeting Minutes

Board of Commissioners

Monday, November 20, 2023

3:00 PM

Agriculture and Conference Center

Work Session - 3:00 PM - Agriculture and Conference Center

Vice Chair Dasher let those in attendance know that Chair Howard would be joining the Board a little later in the evening.

Present: 5 - Vice Chair Mike Dasher, Commissioner David Delaney, Chair Karen Howard, Commissioner Franklin Gomez Flores and Commissioner Katie Kenlan

PUBLIC INPUT SESSION

Gretchen Smith gave her support of the Haw River Trail Study. She has been advocating for more trails in Chatham County for many years. It is great the study is finally complete, however, completing the study does not mean the work is done. It is just the beginning. The County will continue its commitment to implement all of the near-term, mid-term and long-term projects in this Hall River Trail study. They are supportive of land and paddle trails along the Haw River corridor and for the land acquisition and trail easements needed to create that trail network. The County is fortunate to have Ben Rippe as the trails and open space planner, and he is doing an impressive job. Let us keep the momentum going with this Haw River trail study and Ben's assistance. She is unable to attend this evening's CIP public hearing and is also submitting written comments in support of all the trail projects included in the recommended fiscal year 2025 through 2031 CIP.

Joy Hewett thanked the Board for creating the trails and open space planner position and hiring Ben Rippe. She also thanked the Board for starting farmland preservation. We need to protect natural areas in this still beautiful county of ours. If there is any way to set aside funds for more land conservation, please do it now. You don't need a list of the benefits of farmland pastures or greenery and carbon sequestration to the restoration of our souls with a walk in the woods to know it's important. However, the importance of protecting what land you can to help mitigate the negative impacts of human-made climate change can't be overstated. Whether it is purchasing land to stay green and grow or providing trail easements and buffers along our rivers and streams, and this time of development overtaking hardwood forests with farms going for sale as housing or multi-use developments. Conservation of land to meet our goal of protecting 30% of our county's natural resources in the comprehensive plan of 2017 will be a challenge. The CIP contains a list of parks and trails that need to be fulfilled. She hopes the Board can find ways to fund some of these capital improvements. She hopes the Board will prioritize land conservation in the budget. The Reeves farm across the road slipped through their fingers because there weren't funds available to buy it. If the County, Triangle Land Conservancy, and towns could work together to protect farms and forests before they're gone, please find a way. She asked if there was any way to encourage Ed Holmes and his development group to preserve the acres where the pond, pastures, and farm buildings sit across Hwy 64 from her property. She hopes something can be done to save part of that rural icon so close to Pittsboro's downtown and this Agricultural Conference Center. It

might require coordination with the town's planning or parks departments. The beautiful land between Silk Hope and Siler City and land in other parts of Chatham have working farms intact. Our rivers and streams need protection. Studies have been funded and completed. Now it's time to fund projects that will preserve some of the bucolic landscape and natural resources that make our county so wonderful.

BOARD PRIORITIES

[23-5029](#)

Receive Environmental Review Advisory Committee Annual Report

Attachments: [ADVISORY COMMITTEE SUMMARY ANNUAL REPORT](#)
[ERAC Annual Report 2022-2023](#)

Chair of the Environmental Review Advisory Committee Elaine Chiosso gave a presentation to the Board. ERAC Vice Chair Alicia Koblansky was also present.

Commissioner Kenlan asked if there is anything the Board can do to strengthen what ERAC is able to do as far as impacting how they evaluate applications or engaging more in County processes. The county is seeing so much development. Ms. Chiosso asked if the Board gets to see the reviews they do of the environmental impact applications (EIA). She knows the Board has so much information coming to them but she suggests the Board look at those reviews.

Commissioner Delaney asked if there are things that have come to mind where ERAC either expected the Board to look for more or hoped it would look for more. Ms. Chiosso said looking at industrial contamination or sedimentation issues are ongoing are examples of things they could explore further. Commissioner Delaney said if there are specific things ERAC thinks would be helpful for the Board to know about then please let them know.

This Agenda Item was received and filed.

[23-5004](#)

Vote to adopt the Haw River Trail Feasibility Study and its findings and recommendations.

Attachments: [Haw River Trail Study BOC adoption request](#)
[Haw River Trail Study Report Final low res](#)

Ben Rippe gave a presentation to the Board. (Presentation attached)

Commissioner Delaney asked when Mr. Rippe needs the Board to think about funding needs over a near-term or a longer-term time frame. Mr. Rippe said staff have submitted a number of projects for the CIP. Some are more near-term and better developed but other projects are more long-term and identified as future projects. Because this is a state trail, the County had to submit Chatham's five-year plan for the State Parks to adopt.

Commissioner Delaney encouraged Mr. Rippe, if he hasn't already, to have something that maps out the total costs, whether CIP or operating budget things that helps the Board see across the spectrum of current state to completion so the Board can help staff get success in a good way.

Commissioner Kenlan said she recognizes the challenge of intersecting private land ownership and public land ownership. She asked if Mr. Rippe had more information on how staff will approach that process. Mr. Rippe said they have to work with state

parks to get those projects going through their processes in terms of private landowners. He has been meeting with Nolan Carter who is the Alamance County coordinator up there. They have a really successful program of landowner outreach. They've been doing this for a while. They have a subcommittee of the Haw River Steering Committee that is working on land and easement acquisitions, and part of that work involves coming up with a plan essentially for how the County is going to handle landowner outreach and working through all the processes.

A motion was made by Commissioner Kenlan, seconded by Commissioner Delaney, to adopt the Haw River Trail Feasibility Study, its findings, and recommendations. The motion carried by the following vote:

Aye: 4 - Vice Chair Dasher, Commissioner Delaney, Commissioner Gomez Flores and Commissioner Kenlan

Absent: 1 - Chair Howard

[23-5009](#)

Receive presentation and vote to adopt a resolution by the County of Chatham to direct the expenditure of \$40,000 in opioid settlement funds to support naloxone distribution

Attachments: [MOA-Spending-Authorization-Resolution-Chatham](#)

Chair Howard entered the meeting at 3:32 pm.

Sheriff Mike Roberson, Public Health Director Mike Zelek, and Opioid Overdose Prevention Coordinator Jordan Culver gave a presentation to the Board. (Presentation attached)

Sheriff Roberson said 126 lives have been saved by administering Narcan in Chatham County.

Commissioner Gomez Flores asked how much naloxone \$35,000 will purchase. Ms. Culver said it will take some time to figure out what our community need is but \$35,000 will buy 3,000 kits.

Chair Howard asked if the kits expire. Ms. Culver said yes, but not for three years. Chair Howard asked if this is one of the things staff can measure the effectiveness of and report back. Ms. Culver said what they measure now is how many kits they give out, where and who they distribute to, etc. Chair Howard asked if the supply is meant for the public to be used after attending training. Ms. Culver said they also have hopes of holding training sessions for the public. The nasal formulation is very easy to use and an individual does not need any training to be able to use it. Chair Howard asked if an individual needs to know that the person definitely overdosed. Ms. Culver said in training they go through how to identify signs of an overdose but luckily there is no danger of anyone being given Narcan. Chair Howard asked if there was a risk of distributing naloxone or any restrictions on distribution. Ms. Culver said there are no parameters under who can administer naloxone and anyone who administers it is protected under the Good Samaritan Law.

Mr. Zelek said he has been through the training, and he now carries Narcan. The Health Department is more than willing to hold training for the commissioners or others they feel would benefit. Commissioner Kenlan said she also carries Narcan because of the great staff at the health department.

Commissioner Kenlan asked if more information could be shared about the post-overdose response team. Ms. Culver said counties that have these response

teams have a lot of partnerships but are very effective. Staff are exploring it for Chatham but are in the beginning stages. Sheriff Roberson said they have people that come to jail that go through not having the drug while they are there and when they get out, they don't have the same tolerance. Narcan is needed post-incarceration as well. Mr. Zelek said some of these strategies are big, but they are looking at what they can do to get started and he believes this is a good strategy. The funds roll over and that is a positive thing since it will be 18 years of funding.

Commissioner Gomez Flores asked about the method of analyzing which communities are more at risk of an overdose. Ms. Culver said there is a good resource that allows law enforcement and first responders to enter in information about overdoses, and she can access it to gather some of that information to make sure they are prioritizing the right folks in the right areas.

Commissioner Delaney asked geographically where the problem exists. Should we be aware of schools as locations of the problem as well as the resolution? Sheriff Roberson said it is not one community that has it and one that doesn't. He is not aware of fentanyl episodes in the schools, but Narcan was used once. Vaping is just as dangerous. Commissioner Delaney asked if collectively they have a good plan for distributing or is this going to be a trial and error period? Sheriff Roberson said he doubts their plan is all-inclusive. He wants to target the families of those at risk of overdose and death. Pre trial release is another great opportunity.

Commissioner Delaney said they need to talk about these issues from a public health perspective. Ms. Culver said the state health department has a naloxone kit and they have illicit evidence-based locations they know are at a higher risk. Mr. Zelek agrees a public health perspective is needed. Chair Howard said it comes back to health in all policies.

A motion was made by Commissioner Delaney, seconded by Commissioner Gomez Flores, that this Resolution #23-58 by the County of Chatham to direct the expenditure of \$40,000 in opioid settlement funds to support naloxone distribution, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 5 - Vice Chair Dasher, Commissioner Delaney, Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

CLOSED SESSION

[23-5025](#)

Vote to go into closed session pursuant to G.S. 143-318.11(a)(3) in order to consult with an attorney in order to preserve the attorney-client privilege and to consider and give instructions to an attorney concerning the handling or settlement of a claim.

A motion was made by Commissioner Kenlan, seconded by Commissioner Gomez Flores, to go into closed session pursuant to G.S. 143-318.11(a)(3) in order to consult with an attorney in order to preserve the attorney-client privilege and to consider and give instructions to an attorney concerning the handling or settlement of a claim. The motion carried by the following vote:

Aye: 5 - Vice Chair Dasher, Commissioner Delaney, Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

RECESS

End of Work Session

Regular Session - 6:00 PM - Agriculture and Conference Center

Present: 5 - Vice Chair Mike Dasher, Commissioner David Delaney, Chair Karen Howard, Commissioner Franklin Gomez Flores and Commissioner Katie Kenlan

INVOCATION and PLEDGE OF ALLEGIANCE

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

CALL TO ORDER

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

APPROVAL OF AGENDA and CONSENT AGENDA

Commissioner Delaney requested the addition of a resolution honoring American Indian Heritage Day after the subdivision first plat agenda items.

A motion was made by Commissioner Delaney, seconded by Commissioner Gomez Flores, that the Agenda and Consent Agenda be approved as amended. The motion carried by the following vote:

Aye: 5 - Vice Chair Dasher, Commissioner Delaney, Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

[23-4925](#)

A legislative public hearing requested by the Chatham County Board of Commissioners to consider amendments to the Chatham County Subdivision Regulations; amend Sections 4 Types of Subdivisions; 5.2 Major Subdivisions; and 5.3 Minor Subdivisions.

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

A motion was made by Commissioner Delaney, seconded by Commissioner Gomez Flores, that the amendment to the Subdivision Regulations, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

Aye: 5 - Vice Chair Dasher, Commissioner Delaney, Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

[23-4928](#)

Vote to approve a legislative request by Drafting and Design Services on behalf of Darryl Knight dba Knight Landscaping Supply to rezone Parcel 9808, located at 14959 US 421 S, Gulf Township, from R-1 Residential to Conditional District Regional Business for a landscaping supply, grading, and outdoor storage to include boat and RVs business.

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

A motion was made by Commissioner Delaney, seconded by Commissioner Gomez Flores, that this Resolution #23-59 approving a consistency statement and statement of reasonableness for Drafting and Design Services on behalf of Daryl Knight, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 5 - Vice Chair Dasher, Commissioner Delaney, Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

A motion was made by Commissioner Delaney, seconded by Commissioner Gomez Flores, that this Ordinance amending the zoning map for Drafting and Design Services on behalf of Daryl Knight, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 5 - Vice Chair Dasher, Commissioner Delaney, Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

[23-4929](#)

Vote to approve a quasi-judicial request by the Chatham County Parks and Recreation Department for a Special Use Permit for new county-owned park on Parcel 5809, located at 994 Pea Ridge Rd, Cape Fear Township.

Attachments: [More information from the Planning department website](#)
[Parkers Ridge Joint Public](#)

A motion was made by Commissioner Delaney, seconded by Commissioner Gomez Flores, that this Resolution #23-60 approving a special use permit for Chatham County Parks and Recreation, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 5 - Vice Chair Dasher, Commissioner Delaney, Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

[23-5001](#)

Vote to approve the Hazen and Sawyer Task Order #7 in the amount of \$118,000.00 to assess the current water metering infrastructure

Attachments: [FY24 Hazen - Task Order 7 - AMI Assessment](#)

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

Aye: 5 - Vice Chair Dasher, Commissioner Delaney, Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

[23-5002](#)

Vote to approve Letter of Agreement #1 Amendment 2 for the Program Manager Project for the Western Intake Partnership.

Attachments: [WIP - HDR Letter of Agreement #1 Amendment 2 -](#)

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

Aye: 5 - Vice Chair Dasher, Commissioner Delaney, Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

[23-5003](#)

Vote to approve the naming of one private road in Chatham County

Attachments: [Gracehope Lane Petition](#)
[Gracehope Lane map](#)
[Gracehope Lane area map](#)

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

Aye: 5 - Vice Chair Dasher, Commissioner Delaney, Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

[23-5005](#)

Vote to approve contract renewal with OpenGov for permitting software

Attachments: [County of Chatham NC - 2024 OpenGov Renewal - 1.1.2024.xlsx - Google Sheets](#)
[Please DocuSign OpenGov and Chatham County S](#)
[County of Chatham NC - 2024 Budgetary Quote](#)

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

Aye: 5 - Vice Chair Dasher, Commissioner Delaney, Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

[23-5018](#)

Vote to approve Tax Releases and Refunds

Attachments: [October 2023 Release and Refund Report](#)
[October 2023 NCVTS Pending Refund Report](#)

A motion was made by Commissioner Delaney, seconded by Commissioner Gomez Flores, 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 - Vice Chair Dasher, Commissioner Delaney, Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

[23-5019](#)

Vote to approve the amendment to the billing service agreement with SouthData for print services for the Tax Department with an automatic renewal at the end of three years.

Attachments: [SouthData - Amendment 1 - Billing Service Agreement](#)

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

Aye: 5 - Vice Chair Dasher, Commissioner Delaney, Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

[23-5020](#)

Vote to approve the contract amendment with Key Energy for the collection and recycling of used cooking oil.

Attachments: [Key Energy First Amendment](#)

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

Aye: 5 - Vice Chair Dasher, Commissioner Delaney, Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

[23-5021](#)

Vote to approve the contract with USA Lamp and Ballast, Inc (Dbá Cleanlites Recycling) for the collection and disposal of household batteries, lead-acid batteries, and mercury-containing items and authorize the county attorney and county manager to negotiate and execute the agreement.

Attachments: [Cleanlites Contract Draft December 2023](#)

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

Aye: 5 - Vice Chair Dasher, Commissioner Delaney, Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

[23-5028](#)

Vote to approve the NC State Extension Memorandum of Agreement between the Board of County Commissioners Chatham County and North Carolina State University.

Attachments: [Chatham County MOA 2023](#)

[Page 1 Chatham MOA Addendum 2023](#)

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

Aye: 5 - Vice Chair Dasher, Commissioner Delaney, Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

[23-5027](#)

Vote to approve the Letter of Support and Commitment for Central Pines Regional Council's application for funding through the US Department of Transportation's Thriving Communities Regional Pilot Program.

Attachments: [Chatham County - Letter of Commitment - CPRC Thriving Community Application - Nov 2023](#)

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

Aye: 5 - Vice Chair Dasher, Commissioner Delaney, Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

[23-5026](#)

Vote to accept the North Carolina Department of Commerce Building

Reuse Grant Award for the Conveyor Tech, LLC/Project Colt and approve the Grant Agreement and supporting documents associated with the same.

Attachments: [2024-004-3201-2587_Award_Letter](#)
 [2024-004-3201-2587_Contract](#)

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

Aye: 5 - Vice Chair Dasher, Commissioner Delaney, Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

End of Consent Agenda

PUBLIC INPUT SESSION

Gustavo Ocoro is the owner of Ocado Enterprises, LLC. His company focuses on deconstructing houses and commercial buildings, to save materials so that they can be reused or recycled and to preserve architectural treasures. His reclaimed materials have been reused at Pink One Wildlife Center, the farm at CCCC, and to create structures for big cats at Carolina Tiger Rescue in Pittsboro. He deconstructed the Griffin White House on HWY 64. It was moved and rebuilt several blocks away, preserving a historic home. He started his business from nothing. Due to illness in his family, he fell behind organizing materials and was found in violation of residential zoning at their Pittsboro home. He took responsibility for finding a suitable facility to carry on his business. He purchased the property and a tractor-trailer from Robert Smith. The property had five loading docks and the infrastructure to carry on a business that loaded and unloaded stored supplies, tools, and parts. He performed maintenance of equipment with a full-time crew. This is how Mr. Smith used the property on Mays Chapel Road.

The Planning Department initiated the rezoning of the property to light industrial. However, when he purchased the property, the Planning Department changed the designation to a storage warehouse at the zoning public hearing. Some of his neighbors have made exaggerated, baseless claims that he would bring trouble to the neighborhood. They claimed people would be at his property at all times of the night, that he would attract vermin, lower property values, and poison the land. They had photos that Val Chadwick of Waste Management had taken years earlier at his residence in Pittsboro. He was told to remove everything inside and out of the buildings and even ordered to remove plantings and mulch he was using to beautify the property. He was told that he could not park his trucks on the property after years of working hard to comply and still function as a business. He is now faced with threats that the County may force him to tear down every warehouse and storage unit on his property. There are neighbors who support him on Mays Chapel Road as well as builders, conservationists, preservationists, and homeowners all over North Carolina who come to him when they need specialized work. These citizens say they support him in asking the Board of Commissioners to help him rezone the property as all other non-conforming properties have been rezoned.

PUBLIC HEARINGS

[23-5023](#)

Public Hearing to receive public input on the Recommended FY25-31

Capital Improvements Plan (CIP).

Attachments: [InitialPresentationToBOC- 2025-2031](#)

*Assistant County Manager Bryan Thompson gave a presentation to the Board.
(presentation attached)*

[23-5011](#)

A legislative public hearing requested by Catalyst Capital Partners LLC to rezone Parcels 2647 (58.03 ac) and 2646 (1 ac) from R-2 Residential to CD-MU Mixed Use for apartments with amenity building and pool and 15,000 sf commercial space located at 11785 US 15-501 N, Baldwin Township.

Attachments: [More information from the Planning department website](#)
[Catalyst Womble Presentation FINAL for PH](#)
[Nov 20 Catalyst_Womble Property_Viridian Holdings_Walt Lewis](#)

*Zoning Administrator Angela Plummer reviewed the specifics of the request.
(presentation attached)*

Attorney Nick Robinson represented the applicant and gave a presentation to the Board. (presentation attached) Mr. Robinson reviewed the five findings.

Commissioner Kenlan asked Mr. Robinson to address the environmental impact assessment (EIA) reviewed by the Environmental Review Advisory Committee (ERAC). Mr. Robinson said the ERAC meeting was held online on November 9, 2023, and they were going to create a Google Doc that showed the elements of the EIA they desired further supplementation but did not want any input from the applicant even though the environmental consultant was present online. ERAC came up with a pretty healthy list of things that either they did not know where the applicant had covered it or they did not know that the applicant was supposed to cover it or they did not know some other action the applicant had taken because the applicant did not really get to say. The applicant received the list last Tuesday and they have worked very hard since then. Today the applicant submitted a redlined version of the EIA addressing all of the issues in ERAC's list. They hope by the time it gets to the Planning Board folks will have had a chance to review it.

Mr. Robinson continued that no one is hiding from the fact that there used to be a LCD dump on this property. They did an environmental impact phase one study that said there was a possibility of a recognized environmental condition there because of the dump and there could be methane or other things. The applicant took that information and hired an environmental consultant and they paid \$150,000 application fee to apply to the brownfields program with the state of North Carolina. Once one is accepted into the brownfields program, NCDEQ will go through the project, and ask the applicant to have all the various inspections required to determine whether there are any vapor issues or groundwater issues. The state mandates certain mitigation to protect the environment on the basis of their recommendations. The applicant plans to work through the brownfields program and correct and perform any mitigation that is required for the site. The only way to uncover an environmental impact is to develop the site and going through the brownfield program is a great way to do that.

Mr. Robinson said with the approval of a development like this, an applicant gets the opportunity to use state resources to correct any issues. A nearby property to the northeast for the Baptist church that used to be a gas station a long time ago. It is not

yet known if there are any underground storage tanks there but that would be discovered and dealt with as part of the brownfields program as well. They submitted a summary of the brownfields program application process with the red lined EIA today from the environmental engineer and he encouraged the Board to take a look at it.

The Chair opened the hearing.

No one signed up to speak.

The Chair closed the hearing.

This Agenda Item was referred to the Planning Board.

23-5012

A legislative public hearing requested by Viridian Holdings LLC to rezone a portion of Parcel 19522 (approximately 21 ac) from R-1 Residential to CD-NB Neighborhood Business for a boat and RV storage facility located at 2649 Farrington Point Rd, Williams Township.

Attachments: [More information from the Planning department website](#)
[Nov 20 Catalyst_Womble Property_Viridian Holdings_Walt Lewis](#)
[Viridian Holdings Presentation v.2 \(FINAL\)](#)

Zoning Administrator Angela Plummer reviewed the specifics of the request. (Presentation attached)

Attorney Tracy Ayotte with Bradshaw and Robinson gave a presentation to the Board on behalf of the applicant. (presentation attached)

Chair Howard asked how far the setback is on Farrington Point Road. Ms. Ayotte said 50 feet with a 20-foot Type B landscaping buffer within those 50 feet.

Commissioner Kenlan said she thought they were looking for the UDO having 200-foot buffers. Planning Director Jason Sullivant said he doesn't believe there have been any discussions on buffers that wide.

The Chair opened the hearing.

No one signed up to speak.

The Chair closed the hearing.

This Agenda Item was referred to the Planning Board.

23-5013

A legislative public hearing requested by Walt Lewis to rezone Parcels 88772 (16.54 ac) and 17696 (4 ac) from R-1 Residential to CD-NB Neighborhood Business for a boat and RV storage facility located at 896 Beaver Creek Rd, New Hope Township.

Attachments: [More information from the Planning department website](#)
[Nov 20 Catalyst_Womble Property_Viridian Holdings_Walt Lewis](#)
[Walt Lewis TEG Storage IV CZ-NB Final presentation](#)

Zoning Administrator Angela Plummer reviewed the specifics of the request. (Presentation attached)

Brady Herman with Brough Law Firm represented the applicant and gave a presentation to the Board. (presentation attached)

The Chair opened the hearing.

Daniel Galvin said his property adjoins Mr. Lewis's property. He is puzzled by the allegations that land that does not perk cannot be used for residential purposes. Their biggest concern is the traffic impact and feel Mr. Lewis's three reasons given to support no impact from traffic conflict.

Elizabeth Fridley said there is no doubt there is a demand for boat and RV storage. But, the traffic has increased significantly since this was last presented in 2016. She is not sure of the impact of fuel storage on groundwater. There are many more subdivisions now and it can take six minutes to get through the light at Beaver Creek Road and Hwy 64.

Lee McGinnis has a boat and has been a client of Mr. Lewis for over ten years. People are going to go to the boat ramps with their boats. He thinks this project makes perfect sense. Between 2001 and 2022 RV ownership has increased more than 60%. He would not want to drive all the way from Wake County with a boat or RV to get to Jordan Lake. He supports the approval of the application.

Allen McConnell submitted the following written comments:

My name is Alan H. McConnell, and I live with my family at 1535 Tody Goodwin Road in Chatham County. I have lived on Tody Goodwin Road for over 31 years. This letter is submitted in opposition to approval by Chatham County ("County") of the proposed Extra Garage Storage IV ("Development") by Mr. Walt Lewis ("Applicant") along a stretch of Beaver Creek Road in eastern Chatham County located within the Jordan Lake State Recreational Area and directly abutting Jordan Lake (the "Project"). The address for the Project is 896 Beaver Creek Road. However, the proposed Project consists of construction of a huge building complex that runs parallel to Beaver Creek Road for .36 miles. If approved, the Development would be the third such storage facility along a short (1.1 mile) stretch of Beaver Creek Road. As such, the Project would result in over 1/2 of a mile of storage areas, the equivalent of a substantial strip mall, to be placed within a short 1-mile stretch of a scenic road, within the heart of a well-established and historically significant R-1 Residential District. The County should not approve the Project.

In order for the Project to move forward, the Applicant has to convince the County to take the very significant step of rezoning 20.54 acres from R-1 Residential District to CD-NB Neighborhood Business. The Planning Board and the Board of Commissioners should not approve the placement of the massive development in the heart of a well-established and historically significant neighborhood for a wide range of reasons including, but not limited to, the following:

1. This exact Project was rejected by the Planning Board and Full Board of Commissioners in 2016. In 2015 the Applicant presented this exact proposal at this exact location to both the Planning Board and Board of Commissioners. On May 3, 2016 the Planning Board voted the proposal down by a vote of 6-1, with one abstention. Subsequently the Board of Commissioners voted the proposal down by a vote of 3-2. The Chatham County Planning Board Agenda notes from the Board meeting on May 3, 2016 include the following Planning staff opinions regarding this

exact

Project at this exact location:

(a) "It is the opinion of Planning staff that the application does not support the standard of need and desirability for additional storage in this area and therefore the standard has not been met."

(b) With regard to the requirement that the requested Project be either "essential or desirable for the public convenience or welfare", "It is the opinion of Planning staff that this standard has not been met due to the already existing approved facilities not yet completed and disruption to neighboring residentially zoned properties. The need for the facility also appears to be driven by boat and RV owners outside Chatham County and therefore is considered non-essential for this area." (emphasis added).

(c) "It is staff opinion this rezoning would have a destabilizing effect on the residential uses in the surrounding area. ... It is Planning staff opinion the use for a boat and RV storage facility is not supported." (emphasis added). Nothing significant has changed since the determination by the County to reject the Project. The only significant change in our neighborhood since 2016 is the construction of a new Hindu house of worship. Rather than "urbanize" our neighborhood, in fact, the addition of a second house of worship strengthens our rural neighborhood. On the other hand, the Project would have a significant disruptive and destabilizing effect as concluded by Planning staff in 2016.

2. Applicant contends that there is a demand for this facility, but demand is not the standard under the Ordinance.

The standard for approval of the Project is the promotion of the public health, the public safety and welfare. Putting this Development in the heart of a residential neighborhood does not in any way promote public health, safety or welfare. Any demand for these facilities is far more from exploding western Wake County than from Chatham County. Demand, largely from outside Chatham County, should not be a criterion for approval. Furthermore, the Applicant certainly CAN build a new storage facility to meet any demand, he just needs to step up and pay the price for appropriately zoned property. I believe that the Applicant paid far less for this property than he would have to pay for appropriately zoned commercial property. The County should not support the rezoning of an R-1 Residential area and approve a non-conforming conditional use in that rezoned area (to the detriment of longtime residents of the area) purely for the Applicant's financial gain when appropriately zoned commercial areas are available.

How is increasing the already numerous number of storage facilities along Jordan Lake, to provide additional service for Wake County residents, necessary to promote the public health, safety, and general welfare of the Chatham County residents that live in the residential area of the Project or, for that matter, anywhere else in Chatham County? Well, it isn't reasonably necessary or desirable. As previously stated, this is the third proposed storage facility in a 1.1 mile stretch of Beaver Creek Road. The standard that must be met under the Ordinance is that changes made to zoning must help ensure the public health, safety and welfare of Chatham County residents. The Project is certainly not "necessary" for anything other than the financial gain of the Applicant and the convenience of Wake County residents. Population growth in Wake County, and the Applicant's commercial desire to construct more RV and boat storage around Jordan Lake, do not justify the Project in this particular location. As I have stated repeatedly, this is the equivalent of the County allowing the construction of a 1/2 mile long strip mall in an area zoned R-1.

3. As demonstrated in 2016, the Project would diminish the value of nearby residential real estate. The Applicant maintained in 2016, and maintains today, that the Project may actually enhance the value of residential real estate. A letter from a

realtor was entered into the record on April 4, 2016 specifically stating that the presence of the Applicant's existing storage facility in our neighborhood devalued a property on Tody Goodwin Road by \$50,000 - \$100,000 at that time. I see nothing new in the record disputing this point. I do see in the record a letter from my neighbor, Tom Colhoun, a realtor, submitted in support of the project. Mr. Colhoun's property in the neighborhood is currently for sale, and I would not expect him to state that the Project would reduce the value of a property his is currently trying to sell. It is telling, however, that after living in the area for only a few years, Mr. Colhoun is now looking to sell his house and move.

4. The Project will increase traffic and congestion in our neighborhood where it is already severe. The Applicant stated in the 2022 community meeting regarding the Project, as he did in 2016, that the Project will have minimal, if any impacts on traffic in our neighborhood. In the 2016 application the Applicant states "This use is not a traffic generator, it only serves traffic that is already at the lake." Page 2 of the EIA from 2016 (updated for the current application) includes the statement: "The Extra Garage has three other locations surrounding the Jordan Lake area. It has been in business since 2007 offering similar services at the other facilities. These facilities draw customers from Raleigh, Durham, Cary, and Apex neighborhoods. Additionally, customers from Angier, Holly Springs, Sanford, Pinehurst, and even Fayetteville utilize the TEG facilities." If these facilities "draw customers" from all of these locations (none of which is in Chatham County) how can the Project not be a traffic generator? The Project will, in fact, be a significant traffic generator, will increase and obstruct the growing traffic on Beaver Creek Road, and for this reason alone should not be approved. Even if it is true that some facility users constitute traffic that is already at the lake, it is not likely such traffic is already on Beaver Creek Road, adding to the frequent long back-ups at the US 64 intersection or holding up other traffic while making turns on and off of the road with trailers in tow. At a minimum, the County Zoning Administrator, Planning Board, Appearance Commission or Board of Commissioners should require the Applicant to provide a comprehensive traffic analysis of the proposed Project pursuant to the Ordinance. Pursuant to the Ordinance, this analysis must follow the NCDOT TIA Guidelines. This is an area that clearly needs further review by the County.

5. The Project would be located on property that is suitable for residences. The Applicant argues that the property is not suitable for residential development, because it does not percolate to an acceptable degree. This is demonstrably incorrect. The land is suitable for residences; one just has to pay more money for an alternative system. County Planning and County Environmental Health are most helpful in this regard. I have an alternative system, my neighbor has an alternative system, and a number of the new houses recently built in the neighborhood have new alternative septic systems. The property on which the Project will be located is certainly suitable for residences as demonstrated by new residences being built on similar nearby properties. Moreover, the constant stream of real estate solicitations that we and our neighbors receive in the mail shows a strong interest in land for such residences.

6. The Project Appears to Fail to Meet the Requirements to be Located in an NB District; If Approved, the County Would Fail to Meet the Existing Requirements for an NB District Under the Ordinance As I understand it, no building within an NB district shall exceed 40,000 square feet and the cumulative building square footage shall not exceed 160,000. However, the proposed Project consists of two large metal buildings, each exceeding the 40,000 square feet per building limit allowed in an NB district, totaling 95,332 square feet. Furthermore, the Project would be the third storage facility permitted by the County along a 1.1 mile stretch of Beaver Creek Road. Of that 1.1 mile stretch, the proposed Project is the equivalent of a commercial

strip mall . . . it is .36 miles – over 1/3 of a mile -- long. When combined with the two other storage facilities existing or permitted on Beaver Creek Road, this strip mall of storage extends to over 1/2 a mile. I question whether the County has already failed to protect the residents of this area by permitting more than 160,000 square feet of commercial development along Beaver Creek Road. The proposed Development would further perpetuate this apparent failure. At 95,332 square feet, when combined with the existing permitted commercial development in this R-1 District, the proposed Development would clearly result in the exceedance of 160,000 square feet limit for an NB District under the Ordinance. I request that staff for the Planning Department please educate me and the public on what, from an uneducated view, appears to be a violation of the

7. *The Environmental Impact Assessment for the Development Is Inadequate to Address the Environmental Impacts of the Development.* The EIA, dated February 26, 2016 and updated in support of the current application, is deficient in the following ways:

(a) *Alternatives Analysis*

The EIA does not adequately address alternatives to the Development. While there is much discussion in the EIA regarding the suitability of the proposed site for the Development, there is no discussion of alternative sites (i.e. “site selection”) such as properly zoned sites along US 64. Furthermore, the EIA does not address the benefits and advantages – particularly to the Jordan Lake watershed -- of a no-build alternative as required.

(b) *Traffic Study*

As discussed above, a comprehensive traffic study should be required by the County and included in Existing Environment and Project Impacts, Section D.7, of the EIA. This traffic study must include Tody Goodwin Road, which has seen a substantial increase in large vehicles, including RVS, camping trailers and boat trailers, and where the speed limit remains 55 mph despite the increasingly residential (as opposed to agricultural) nature of the road. Traffic enforcement on Beaver Creek Road and Tody Goodwin Road is also a concern, and one that would require investment of more county resources.

(c) *Fueling Station on Site*

As discussed above, the site is within the Jordan Lake State Recreational Area and directly abutting Jordan Lake in the Jordan Lake watershed (Classification WS-IVNSW). Marine fuel will be permanently stored and dispensed on site. Under Environment and Project Impacts, Section D.13 entitled “Hazardous Materials” the EIA states simply that “all required gasoline handling, containment, storage and disposal regulations will be followed.” This general statement is inadequate for the public to fully understand the environmental impacts of the Project. The Project includes the installation of a new petroleum fuel filling station to be constructed in the Jordan Lake watershed abutting Jordan Lake property. However, the EIA contains no discussion of spill prevention, containment and management requirements, or proper storage and disposal of petroleum. Because the Development lies next to a water supply reservoir, from which many County residents take their drinking water, a thorough analysis of potential spills and leaks of petroleum and the impacts on Jordan Lake must be included in the EIA.

Conclusion

The proposed Development consists of the construction of a huge building complex that runs parallel to Beaver Creek Road for .36 miles that allows for the storage of over 200 RVs and boats, retail sales (ice) and petroleum fueling. If approved, the Development would be the third such storage facility along a short (1.1 mile) stretch of Beaver Creek Road. If approved, the Development would result in over 1/2 of a mile of storage areas, the equivalent of a substantial strip mall, to be placed within a short one mile stretch of a scenic road, within the heart of an R-1 Residential District.

For all the reasons presented in these comments, including the protection of the welfare of Jordan Lake and the citizens of Chatham County, as well as the Applicant's failure to meet numerous standards for approval, the County should reject the request to approve the Development. Should the Chatham County Planning Board or Board of Commissioners have public hearings regarding the proposed Development in the future, I hereby request to be notified and be provided the opportunity to speak.

Thank you for your consideration of these comments.

Dennis Chapman supports the approval of the application. He lives across of Mr. Lewis's Storage Facility Number Three and has lived there for 30 years. He is a boater and was against this project eight years ago but supports Mr. Lewis now. Mr. Lewis is there whenever anyone needs him. He has gasoline at his site. He believes Mr. Lewis goes above and beyond for his clients.

The Chair closed the hearing.

This Agenda Item was referred to the Planning Board.

SUBDIVISION FIRST PLATS

[23-5010](#)

Vote to approve a request by Landon Lovelace, P.E. on behalf of Oak Crest Commercial, LLC for subdivision **First Plat** review and approval of **Jordan Retreat**, consisting of 33 lots on 52.17 acres, located off Jordan Dam Road (SR-1970), parcel 11433 in Haw River Township.

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

Subdivision Administrator and Planner Kimberly Tyson reviewed the specifics of the request.

Landon Lovelace addressed the Board on behalf of the applicant.

Commissioner Delaney asked for the plan to develop the homeowner's association and how the covenants will come to be formed for this project. Mr. Lovelace said the County has pretty specific templates that Ms. Tyson mentioned as one of the conditions. So managing the conservation space is a county stock document. The developer and the attorney work together to draft the appropriate covenants and bylaws for the homeowner's association. They will address things specific to the project such as trails and how they are going to be maintained and other features that are site specific.

No one signed up to give any input on this item.

Ms. Tyson noted a correction for the construction plan and first plat because they were on consent tonight. Those numbers have actually increased. When she stated the first plat is 12 months it increased to 24 months. Construction is also 24 months.

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

Aye: 5 - Vice Chair Dasher, Commissioner Delaney, Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

[24-5142](#)

Vote to adopt a Resolution Honoring American Indian Heritage Day

Commissioner Delaney stated since he moved to Chatham seven years ago, he has met many individuals who have traced to some of our native communities within North Carolina and Chatham County and central North Carolina in particular. He believes it is important as a county to recognize the native peoples of this area and the heritage that they have contributed.

Commissioner Delaney read the resolution into the record.

Commissioner Delaney said some people will recognize the variation of terminology throughout the resolution. It was written with respect for the terms that were used at the time. North Carolina Governor Roy Cooper has used terminology that is different from terminology historically used at the federal level and this resolution reflects the North Carolina approach. Commissioner Delaney said to the extent that he may have mispronounced any of these names he wants everyone to know that is a gap in his learning and not a slight of those communities.

A motion was made by Commissioner Kenlan, seconded by Commissioner Gomez Flores, that this Resolution #23-61 honoring American Indian Heritage Month and American Indian Heritage Day in Chatham County, attached hereto and by reference made a part hereof, be adopted.. The motion carried by the following vote:

Aye: 5 - Vice Chair Dasher, Commissioner Delaney, Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

CLERK'S REPORT

The Clerk reminded the Board that Leadership Academy graduation will be December 7th.

The Clerk let the Board know that the new audio-visual system for the Historic Courthouse will be installed in March and staff hopes the Board of Commissioners will be able to resume meetings there in April. The Board of Commissioners meetings will continue at the Agriculture and Conference Center for January, February, and March. The Board will need to adopt a resolution amending the 2024 meeting schedule to change the location of its meetings the first three months of the year to the Agriculture and Conference Center.

[24-5143](#)

Vote to adopt a resolution amending the time and place for meetings of the Chatham County Board of Commissioners for Calendar Year 2024.

Attachments: [2024 BOC Meeting Calendar Adopted November 20, 2023](#)

A motion was made by Vice Chair Dasher, seconded by Commissioner Gomez Flores, that this Resolution #23-62 amending the time and place for meetings of the Chatham County Board of Commissioners for Calendar Year 2024, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 5 - Vice Chair Dasher, Commissioner Delaney, Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

MANAGER'S REPORT

County Manager LaMontagne said staff is excited to welcome Jenifer Johnson in December as the new Clerk to the Board of Commissioners. He thanked current Clerk to the Board Lindsay K. Ray for her impact on the clerk profession throughout the entire state. County clerks have a new reputation as a result of what Lindsay has done. He thanked her for all she has done for the Board and staff and for her friendship.

He attended a Web Squared event along with Commissioner Delaney and Commissioner Gomez Flores on November 15th. He let the Board know there will be a ribbon cutting on November 30th for the new Monarch Behavioral Health facility in Pittsboro. He encouraged the Board to look at the email he sent about the re-entry simulation on December 19th.

COMMISSIONERS' REPORTS

Commissioner Delaney said he also appreciated the Web Squared event. The event was a result of work the Board has funded. He appreciated the opportunity to meet so many new and emerging business owners in our community. He also participated in several offerings with the School of Government and he looks forward to working on different topics with the rest of the Board at the upcoming Budget Retreat.

Commissioner Gomez Flores also enjoyed the Web Squared event. He said the entire event was a reminder of the importance of the work the Board does and the investments it makes. He thanked the rest of the Board for their efforts to support minority business owners. He let the Board know UNC Health will be expanding to Chatham Park.

Commissioner Kenlan thanked Bryan Thompson for the CIP presentation. She said Chatham County has one of the best financial teams in the state. She is also appreciative of the budget team and she has a lot of confidence in the CIP. She spoke with Denise Canada with the NC Association of County Commissioners and found her to be a great resource and she will share her information. There will be a UDO Subcommittee Meeting on November 30th. Commissioner Kenlan attended a special meeting of the Agriculture Advisory Board and they are looking at the draft of the new Farmland Preservation Plan and a presentation will be coming to the Board at a future meeting. She enjoyed attending the State of the Schools event. She also attended the School of Government training on conflicts of interest and she is happy to share that information with the commissioners. Commissioner Kenlan graduated from the Sheriff's STAR program and she encourages commissioners and residents to attend that program in the future.

Vice Chair Howard also enjoyed the State of the Schools event and appreciates the leadership of Dr. Jackson. She had an opportunity to serve on a panel for the NC Chamber and it was incredibly powerful to see the number of women in the room. She encourages women to take leadership positions because women often make decisions that are best for everyone and not just based on their own personal agenda. She thanked Clerk Lindsay Ray for her work with the Board and she has no doubt Ms. Ray will continue to keep the Board on the straight and narrow path in her new role.

ADJOURNMENT

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

Aye: 5 - Vice Chair Dasher, Commissioner Delaney, Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan