



# Chatham County, NC

## Meeting Minutes

### Board of Commissioners

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Monday, October 19, 2020

6:00 PM

Historic Courthouse

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#### Work Session - 3:00 PM - Historic Courthouse Courtroom

**Present:** 5 - Chair Karen Howard, Vice Chair Diana Hales, Commissioner Jim Crawford, Commissioner Mike Dasher and Commissioner Andy Wilkie

#### PUBLIC INPUT SESSION

*No one signed up to speak.*

#### BOARD PRIORITIES

[20-3656](#)

Receive update from the Chatham County Food Council

**Attachments:** [2020 Food Council Presentation to the BOC](#)

*Cooperative Extension Agent Debbie Roos gave a presentation to the Board.  
(Presentation attached)*

*Commissioner Dasher asked if residents can use SNAP benefits at farmers markets? Ms. Roos stated each farmers market operates independently. Each has its own board with its own regulations. The markets are not accepting SNAP but individual vendors are. It is not a very easy thing to allow SNAP as it requires paperwork and equipment. It just hasn't been seen as a primary need right now.*

*Chair Howard asked if the Food Council could come to the Board of Commissioners annually with some policy suggestions. Ms. Roos stated the council would be happy to do that and County staff will work with Ms. Roos to come up with a formal process.*

[20-3645](#)

A request by the Planning Department to schedule a legislative public hearing for November 16th 2020 to consider amendments to the Chatham County Zoning, Subdivision, Watershed Protection, and Flood Damage Prevention Ordinances required by the Chapter 160D Statutory update.

- Attachments:**    [Redline](#)  
                                  [Subdivision Ordinance Amendments Table](#)  
                                  [Zoning Ordinance Amendments Table](#)  
                                  [Subdivision- Redline Amendments](#)  
                                  [Watershed Protection and Flood Damage- Redline Amendments](#)  
                                  [Watershed Protection- Redline Amendments](#)

*Planner Hunter Glenn reviewed the specifics of the request.*

**A motion was made by Vice Chair Hales, seconded by Commissioner Dasher, to approve scheduling a public hearing for November 16, 2020 at 6:00 PM. The motion carried by the following vote:**

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

[20-3657](#)

Receive FY2021 First Quarter Budget Update

- Attachments:**    [FY21 1st Quarter Budget Update](#)

*Budget Director Darrell Butts gave a presentation to the Board. (Presentation attached)*

**End of Work Session**

*The Board recessed the meeting until 6:00 PM.*

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

**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 6:03 PM.*

**APPROVAL OF AGENDA and CONSENT AGENDA**

*The Board received a request from the Briar Chapel Community Association to present. The Board agreed to add the presentation to the Board Priorities.*

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

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

[20-3652](#)

Vote on a request to approve the September 21, 2020 Work and Regular Session Minutes.

**Attachments:** [09.21.2020 Draft Minutes](#)

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

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

[20-3570](#)

Vote on a request to approve a quasi-judicial request by Chatham County Emergency Management on a conditional use permit for a new proposed 350 foot communications tower to be located at the Moncure Volunteer Fire Department, 2389 Old US 1, Parcel 81087, being approximately 8.33 acres, Cape Fear Township.

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

**A motion was made by Vice Chair Hales, seconded by Commissioner Crawford, that this Resolution #2020-42 approving a conditional use permit request for Chatham County Emergency Management for Parcel No. 81087, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

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

[20-3571](#)

Vote on a request to approve a quasi-judicial request by Chatham County Emergency Management on a conditional use permit for a new proposed 300 foot communications tower to be located at the new proposed Emergency Operations Center, Parcel No. 12481, 188 Innovation Way, being approximately 272 acres, Hickory Mountain Township.

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

**A motion was made by Vice Chair Hales, seconded by Commissioner Crawford, that this Resolution #2020-43 approving a conditional use permit request for Chatham County Emergency Management for Parcel No. 12481, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

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

[20-3640](#)

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

**Attachments:**    [Thraikill Lane Petition](#)  
[Thraikill Ln map](#)

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

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

[20-3641](#)

Vote on a request to approve a lease agreement with Moncure Volunteer Fire Department Inc. in the amount of \$40 (\$1 a year for 40 years) for space for a County radio tower and authorize the Board Chair to execute the agreement.

**Attachments:**    [Tower Land Lease Moncure Final v20200929](#)

**A motion was made by Vice Chair Hales, 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 Howard, Vice Chair Hales, Commissioner Crawford, Commissioner Dasher and Commissioner Wilkie

[20-3649](#)

Vote on a request granting Dan LaMontagne as County Manager the ability to sign the Guaranteed Maximum Price Exhibit A adding the cost of construction for Phase 1 of the new Emergency Operations Center facility to Balfour Beatty Construction Company's existing Construction Manager contract.

**Attachments:**    [A133 2019 Exhibit A](#)

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

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

[20-3659](#)

Vote on a request to approve the ground and office leases for the Siler City Consolidated Health Campus and authorize the County Manager to execute the agreements.

**Attachments:**    [Consolidated Health Campus – Siler City](#)  
[Chatham County -- Office Lease \(execution version\)](#)  
[Ground Lease \(execution version\)](#)

**A motion was made by Vice Chair Hales, seconded by Commissioner Crawford, that these Contracts, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:**

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

[20-3651](#)

Vote on a Request to Approve a Site Host Agreement for an Electric

Vehicle Fast Charging Station and Authorize the County Manager to Sign

**Attachments:** [Smithfield EV Charging Station Site Agreement](#)

**A motion was made by Vice Chair Hales, 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 Howard, Vice Chair Hales, Commissioner Crawford, Commissioner Dasher and Commissioner Wilkie

[20-3647](#)

Vote on a request to approve Tax Releases and Refunds

**Attachments:** [September 2020 Release and Refund Report](#)  
[September 2020 NCVTS Pending Refund Report](#)

**A motion was made by Vice Chair Hales, 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 Howard, Vice Chair Hales, Commissioner Crawford, Commissioner Dasher and Commissioner Wilkie

[20-3648](#)

Vote on a request to approve Fiscal Year 2020-2021 Budget Amendments

**Attachments:** [Budget Amendment 2020-2021 Oct](#)

**A motion was made by Vice Chair Hales, seconded by Commissioner Crawford, that the Budget Amendments, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:**

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

[20-3654](#)

Vote on a request to approve the reappointment of Jenny Williams as Chatham County Tax Collector for a term of four years.

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

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

[20-3662](#)

Vote on a request to approve the purchase of property by the Town of Cary

**Attachments:** [01\\_8017 WINDING PINE PRELIM SUB PLAT 092418](#)  
[Chatham-Cary Joint Land Use Plan -map](#)

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

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

## End of Consent Agenda

### PUBLIC INPUT SESSION

*Due to the cyber incident that occurred on October 28, 2020, copies of speakers comments were lost. As a result speakers comments have been summarized into a brief statement.*

*Don Medlin thanked Tanya Matzen and Nick Robinson for reaching a resolution regarding the perimeter buffers in Phase 12 and 13 of Briar Chapel. He stated an agreement has not been met regarding the mutual abandonment of NCDOT maintenance to privatize approximately 1,860 feet of road at the end of Half Dollar Road. This creates a security risk for homeowners. They look forward to further discussions.*

*Doug Roberts stated Half Dollar Road exists today as an anomaly. He requested the Board hold its approval of Phase 12 and 13 until a resolution has been reached about Half Dollar Road.*

*Patricia VanHoy spoke about the issues with the Briar Chapel wastewater treatment plant. Stop Chatham North represents the homeowners on these issues. She requested the Board hold their approval of Phases 12 and 13 until Old North State can stabilize the system and implement odor controls.*

*Sabine French spoke about the issues with the Briar Chapel wastewater treatment plant. She requested the Board help protect the health, safety, and welfare of the homeowners in Briar Chapel by delaying approval of the final plats until Old North State can stabilize the system and address the odor issues.*

*Kathy Thompson spoke about the issues with the Briar Chapel wastewater treatment plant. She requested the Board delay approval of the final plats until the issues are resolved.*

*Rose Krasnow spoke about the issues with the Briar Chapel wastewater treatment plant. They do not support the interconnected plan.*

*Doug Sedlak stated his request for information from the Board of Health has been ignored. The Board of Health condones false science, ignores requests from residents, and produced overtly racist documents.*

*Chair Howard thanked the Health Department for its work and said the County can provide information for the public but cannot help individuals digest it. On behalf of black families across the county she thanks him for thinking they are treating their children well.*

*Maggie Jordan spoke about the issues with the Briar Chapel wastewater treatment plant. She asked the Board to hold approval on the final plats until the odor and stability issues are corrected.*

*Terri Burrell spoke about the issues with the Briar Chapel wastewater treatment plant.*

*Katherine Tawney spoke about the issues with the Briar Chapel wastewater treatment*

*plant.*

## **SPECIAL PRESENTATION**

[20-3653](#) Annual State of the County Report

*Chair Karen Howard delivered the State of the County Address. (Presentation attached) Chair Howard stated that any photographs showing employees without masks were taken prior to the pandemic or the Governor's Executive Order.*

## **PUBLIC HEARINGS**

[20-3644](#) A legislative public hearing for a request approve to permanently close a portion of 15-501 Right of Way as a result of petition.

**Attachments:** [113929760\\_1\\_Updated Petition to Chatham County Requesting Abandonment and Closure of a Portion of 15-501 N. in Chatham County as Submitted to J. Sullivan on 9-3-2020 with Resolutions Changed for Execution by-C3](#)

*Planner Chance Mullis reviewed the specifics of the request. Mr. Mullis stated no one has objected to the request.*

*The Chair opened the hearing.*

*No one signed up to speak.*

*The Chair closed the hearing.*

**A motion was made by Vice Chair Hales, seconded by Commissioner Crawford, that this Ordinance to Permanently Abandon and Close a Portion of Secondary Road Old US Hwy 15-501 Right-of-way, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

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

## **BOARD PRIORITIES**

[20-3650](#) Receive Presentation of Chatham County's 2021 Revaluation Schedule of Values, and Vote on a Request to Schedule a Public Hearing on November 16th, 2020 at 6:00 PM.

**Attachments:** [Calendar of Events](#)  
[Table of Contents](#)  
[Schedule of Values](#)  
[Chatham County Schedule of Values Presentation](#)

*Tax Administrator Jenny Williams and consultant Ryan Vincent gave a presentation to the Board. (Presentation attached)*

**A motion was made by Commissioner Crawford, seconded by Vice Chair Hales, to approve setting a public hearing for November 16, 2020 at 6:00 PM. The motion carried by the following vote:**

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

[20-3635](#)

Receive presentation from NNP Briar Chapel, LLC

**Attachments:** [October 19, 2020 BOC Presentation Final](#)

*Nick Robinson, attorney for Newland Communities, gave a presentation to the Board supporting Board of Commissioner approval of the Briar Chapel final plats. (Presentation attached) Tanya Matzen, Vice President of Newland Communities, participated in the presentation. Mr. Robinson said the Briar Chapel Community Association, Inc. would like to give their presentation, which was added at the beginning of the meeting, during this agenda item. The Board agreed to combine the two items.*

*Tom Speer, President of Briar Chapel Community Association, Inc., addressed the Board. Mr. Speer expressed support for the Board of Commissioners' approval of the Briar Chapel final plats.*

[20-3636](#)

Receive presentation from Old North State Water Company, LLC

**Attachments:** [Briar Chapel Reclaimed Water System-C1 final-C1-C2](#)

*John McDonald, President of Old North State Water Company, LLC, gave a presentation to the Board. (Presentation attached)*

[20-3661](#)

Receive presentation from Stop Chatham North

**Attachments:** [Chatham County Commissioner Meeting October 19 2020 - StopChathamNorth Presentation \(003\) \[Read-Only\]](#)

*Dwight Allen, attorney for Stop Chatham North, spoke to the Board about the concerns of the homeowners about the Briar Chapel wastewater treatment plant.*

[20-3642](#)

Vote on a request by Tanya Matzen, Vice President, on behalf of NNP Briar Chapel, LLC for subdivision Final Plat review and approval of Briar Chapel, Phase 13 Section 3, consisting of 59 lots on 18.66 acres, located off Great Ridge Parkway, SR-1692, Baldwin Township, parcels #2617.

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

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

*Nick Robinson spoke in support of the final plat approvals for NNP-Briar Chapel, LLC.*

*Planning Board Chair George Lucier discussed the concerns raised by the Planning*



*Board about the final plats and the reasons behind their recommendation to deny the final plats.*

*Commissioner Dasher asked Dr. Lucier what would have been needed for the Planning Board to recommend approval of the final plats. Dr. Lucier stated the Planning Board would like to see the line repaired and the system be fully functional and reliable.*

*Commissioner Crawford asked Dr. Lucier why he thought the planning staff recommended approval of the final plats and did he think staff made a mistake with their recommendation. Dr. Lucier asked Planning Director Jason Sullivan if staff was made aware of the wastewater issues after they had given their recommendation for approval. Mr. Sullivan stated staff was aware of the wastewater issues even before submittal of the final plat applications. Staff felt the regulations and code of ethics used in the review point to a recommendation for approval.*

*Mark Ashness with the CE Group addressed the Board about the capacity issues.*

*Chair Howard called on planning staff to confirm their understanding of the bond. Mr. Sullivan stated these two final plat applications were submitted under the pre-2008 regulations. When a minimum of 40% of infrastructure for that phase is installed a developer can choose to then submit the application, which is what has been done with these plats plus Phase 14. With the next phase, Phase 14, there is kind of a catchall where they have to go through the CCO and CUP and see what is not completed. If there are issues, such as as-builts not being completed, the County can get a financial guarantee in place to cover those items. As far as the wastewater system expansion, Mr. Sullivan doesn't think the County has a role in receiving a bond for any of that because the County has received documentation stating there is adequate capacity in the current system to serve all of the phases and the remainder of the project.*

*County Attorney Bob Hagemann stated the Board does not have to vote at this meeting. The Board has sixty days to act on the request. If the Board does not approve or deny it within sixty days, it is automatically approved as a matter of law. He believes the bond issue may warrant some further conversation and he would recommend bringing the matter back to the Board at the November 16th meeting.*

#### [20-3643](#)

Vote on a request by Tanya Matzen, Vice President, on behalf of NNP Briar Chapel, LLC for subdivision **Final Plat** review and approval of **Briar Chapel, Phase 14**, consisting of 89 lots on 31.45 acres, located off Catullo Run, Baldwin Township, parcels #89624.

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

*The County Attorney advised the Board that the discussion of the previous item could include this item and the Board could consider the items together.*

*The Board agreed to bring back both items at the November 16th meeting.*

#### [20-3660](#)

Receive Chatham County COVID-19 Update

**Attachments:** [BOC COVID Update 10'19'2020](#)

*County Manager Dan LaMontagne, Health Director Mike Zelek, and Analyst Courtney*

*Cooper-Lewter gave a presentation to the Board. (Presentation attached)*

**CLERK'S REPORT**

*The Clerk thanked all of the staff helping make the remote meetings possible.*

**MANAGER'S REPORT**

*The County Manager thanked all of the staff who make these remote meetings possible.*

*The Leadership Academy graduation will be virtual on October 29th.*

*The MIS Director position has been posted.*

*The County has received a grant for \$870,000 for the Family Drug Treatment Court. This will be an amazing thing for the County to offer.*

**COMMISSIONERS' REPORTS**

*Commissioner Dasher praised Elections for a very smooth process for early voting.*

**ADJOURNMENT**

**A motion was made by Vice Chair Hales, seconded by Commissioner Wilkie, that the meeting be adjourned. The motion carried by the following vote:**

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