



# Chatham County, NC

## Meeting Minutes

### Board of Commissioners

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Monday, November 15, 2021

2:00 PM

Historic Courthouse Courtroom

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#### Capital Improvements Plan Public Hearing

#### Work Session - 2:00 PM - Historic Courthouse Courtroom

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

#### PUBLIC INPUT SESSION

*No one signed up to speak.*

#### BOARD PRIORITIES

[21-4082](#)

Receive presentation by NC Cooperative Extension Sustainable Agriculture Agent Debbie Roos

**Attachments:** [November 2021 BOC Presentation](#)

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

*Ms. Roos introduced herself to Commissioner Gomez Flores and stated she was glad to finally have met him in person. She also said she was glad to see the entire Board for the first time in person since the beginning of the pandemic. She provided a bottle of Fiddlehead Farm Black Garlic Rooster Sauce for all the commissioners.*

*Ms. Roos said she hosted many successful webinars and programming for farmers. Many Chatham farmers relied on farmers' market sales as their primary source of income. The Carrboro Farmers' Market was a popular location for Chatham County farmers, and she trained farmers on how to setup online stores. The online stores allowed local customers to purchase farmer products online and pick up at the farmers market.*

*Vice Chair Hales stated she was always amazed by the breadth and focus of Ms. Roos' work.*

*Commissioner Crawford thanked Ms. Roos for the tree pruning instructions she included with the Aunt Rachel apple trees the county sold. Ms. Roos gave credit to County Extension Director Ginger Cunningham for the Chatham 250 Aunt Rachel apple tree project.*

*Commissioner Howard stated she was impressed with the business side of Ms. Roos' work. She was also glad to see the additional programming added because of the pandemic. Ms. Roos stated that Cooperative Extension was currently looking into how*

to permanently keep some of the online programming due to the popularity of the webinars.

[21-4084](#)

Receive presentation from VAYA Health

**Attachments:**     [CR Staff 08.20.21 including Cardinal Counties](#)  
[CCAB Alternative Board Resolution FINAL.docx](#)  
[Vaya Board Approval - 10.27.2021](#)  
[Chatham BOC FINAL 03NOV21](#)

CEO of Vaya Brian Ingraham introduced the team he brought: Kavana Martin, Community Marketing Manager, Cara Townsend Donor, Regional Affairs Director, and Brian Shupin, Executive Director for Community Relations.

Mr. Ingraham explained LME/MCO. A Local Management Entity was for individuals who do not qualify for Medicaid but needed services related to mental illness, substance use, and intellectual and developmental disabilities. The state provided a waiver allowing anyone with Medicaid to participate in a managed care program.

It was determined it would be better for Cardinal Innovations to merge with Vaya Health and Cardinal would file for dissolution. The consolidation would be completed by January 1, 2022.

Vice Chair Hales asked how many counties were in the partnership. Mr. Ingraham stated thirty-one counties were in the partnership. He believed there were eight counties in Chatham's region which was Region 4.

The two county appointments to the regional board do not have to be a commissioner, only one needed to be a commissioner. Mr. Ingram invited the commissioners to contact him or any of the other staff if they had any questions.

Mr. Ingraham said one of the larger concerns was the position of a care coordinator at the Department of Social Services (DSS). This had been the practice for fifteen years with a third-party contractor at Youth villages for assessments. This was convenient for families at the DSS office.

He said COVID has had the largest impact on the child population and state plans have reduced the populations served by Vaya. Those considered to have mild to moderate behavioral health were transferred to state plans.

Chair Dasher thanked Mr. Ingraham.

[21-4075](#)

Receive Presentation on proposed updated local supplement model for Chatham County Schools

**Attachments:**     [New Supplement model presentation](#)

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

The Board gave consensus for staff to move forward with the proposed plan. Mr. Butts thanked all the folks at the schools for working with County staff to develop this plan.

[21-4086](#)

Vote on a Request to Approve the Proposed Method of Increasing the Annual Operating Budget Allocation for Contracted Services with Human Services Nonprofit Organizations

**Attachments:** [Human Services Nonprofit Funding Growth Plan](#)

*Assistant County Manager Bryan Thompson reviewed the specifics of the request. (Presentation attached)*

*The intent was for the application of this method to be upwardly moving. Chair Dasher said he personally liked the concept but asked if this started with too low of a number. Community Partners Analyst Hilary Pollan said the Town of Siler City had been asking some similar questions. Chatham had a much higher allocation than the surrounding counties based on Siler City Town Clerk Jenifer Johnson's research. Many counties allocated \$1 per resident, which was quite a bit lower than Chatham County's allocation.*

*Chair Dasher asked what needs were not being met based on the last couple years of applications. Ms. Pollan stated the County received about \$450,000 in requests and funded \$250,000. Requests were hard to measure.*

*Commissioner Howard asked if there was a meaningful change in the dollar amount. She asked if the four percent increase was an example. Mr. Thompson said it was more of a reality than an example. A formal recommendation would come to the Board in December for an allocation amount.*

*Vice Chair Hales thanked Ms. Pollan for the extraordinary work she did on Chatham 250 and the fireworks event was wonderful and she hoped it would be continued in the future.*

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

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

## **CLOSED SESSION**

[21-4097](#)

Vote on a request to go into Closed Session pursuant to G.S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses, including agreement on a tentative list of economic development incentives that may be offered by the public body.

**A motion was made by Commissioner Howard, seconded by Vice Chair Hales, to go into Closed Session pursuant to G.S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses, including agreement on a tentative list of economic development incentives that may be offered by the public body. The motion carried by the following vote:**

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

**RECESS**

**End of Work Session**

**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 and reflection after which he invited everyone present to stand and recite the Pledge of Allegiance.*

**CALL TO ORDER**

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

**APPROVAL OF AGENDA and CONSENT AGENDA**

*Chair Dasher asked to add item 21-4054: Vote on a request to approve \$17,000 of UNC Institute for the Environment grant funds for the Chatham County Childhood Lead Poisoning Prevention Program to the consent agenda as it was omitted due to a clerical error.*

**A motion was made by Commissioner Crawford, seconded by Commissioner Howard, 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

**[21-4068](#)**

Vote on a request to approve the naming of one (1) private road in Chatham County

- Attachments:** [Caldonia Way Petition](#)  
[CALDONIA WAY MAP](#)  
[CALDONIA WAY AREA MAP](#)

**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

**[21-4070](#)**

Vote of a request to approve a 5 year lease with the Town of Goldston for Sheriff's Office space

- Attachments:** [Town of Goldston](#)

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

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

[21-4074](#)

Vote on a request to approve the Health Department Debt Write-Off in the amount of \$40,278.07 for the period July 1, 2019 through June 30,2020

**Attachments:** [\\$40,844.08 Debt Write-Off](#)

**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

[21-4080](#)

Vote on a request to approve Tax Releases and Refunds

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

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

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

[21-4081](#)

Vote on a request to accept \$100.00 Breast & Cervical Cancer Control Program (BCCCP) additional Funds.

**Attachments:** [\\$100.00 BCCP Funds - 452-1 FY22 Chatham](#)

**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

[21-4076](#)

Vote on a request to approve Fiscal Year 2021-2022 Budget Amendments

**Attachments:** [Budget Amendment 2021-2022 Nov](#)

**A motion was made by Commissioner Crawford, seconded by Commissioner Howard, 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 Dasher, Vice Chair Hales, Commissioner Gomez Flores, Commissioner Crawford and Commissioner Howard

[21-4079](#)

Vote on a request to declare surplus and adopt resolution to convey two health department bicycle trailers to Saint Bartholomew's Episcopal Church, a non-profit.

**Attachments:**     [Resolution - Health to St Bartholomew - Bike Trailer](#)

**A motion was made by Commissioner Crawford, seconded by Commissioner Howard, that this Resolution #2021-43 Declaring Property Surplus and Conveying Property, 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

[21-4054](#)

Vote on a request to approve \$17,000 of UNC Institute for the Environment grant funds for the Chatham County Childhood Lead Poisoning Prevention Program

**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

### End of Consent Agenda

### PUBLIC INPUT SESSION

*Douglas Sedlak submitted the following comments: Commissioner Gomes-Flores, you should be ashamed. As a Board of Health member, I sent you a study proving that vaccine passports in Chatham County discriminate against Hispanic, Black, and especially biracial and disabled Countians. You ignored it. You wouldn't acknowledge even receiving it. Three times I've come here personally; you've been stone cold dead silent. I asked you to call Shakori Hills, where Hispanic Countians, like you Commissioner, will be told to get lost, disproportionately to whites. You've done nothing. Tomorrow I'll open an Americans with Disabilities case with the US Justice Department, naming Shakori Hills, and you Commissioner Gomez Flores. Commissioner, we voted for you as a fresh face, someone to be independent and show moral courage. To put values before personal gain. You've failed abysmally Commissioner. Becoming a satellite to money-driven politicians. Commissioner, take a stand. Otherwise face an inquiry from the Justice Department. Otherwise, be Chatham County's Brown Face of white Supremacy. It confounds me how you sleep at night. Defend the disabled and Countians of Color Commissioner, or please don't run again.*

*Commissioner Howard stated that, as an elected, intelligent, functioning member of this Board, Commissioner Gomez Flores should feel proud and stand up to that kind of ignorance and hatred every day.*

*Commissioner Gomez Flores stated he has not received any complaints from the Hispanic Liaison nor from the National Association for the Advancement of Colored People (NAACP) regarding vaccine passports.*

*Janet Nichols submitted the following comments: good evening. My name is Jan*

Nichols, and I am here to speak regarding several items that are on the agenda this evening and will be in the future. As you all know I was the Chatham County Democratic Party chair from April 2013 to April 2021 and I worked to support and elect all of you. I currently serve as an officer for the statewide Democratic Party Labor Caucus. This Caucus has a seat on the state party's platform and resolution committee that most recently passed the NCDP platform for 2020 to 2024 with input from Democrats connected to the Biden campaign, the Sanders campaign, the Warren campaign, and others. Given that today, President Biden is set to sign the \$1.2 TRILLION dollar infrastructure bill that will flow billions of dollars to our state and much needed funds to our county, I thought it relevant to cite five points from the platform that connects us locally to the spirit of the legislation: First, regarding affordable and workforce housing the platform calls for, among other things, the need for incentives for apartments, and houses for all of North Carolina's diverse population. This includes cooperatives and subsidized housing that allows people with lower incomes to live side by side with people with higher incomes. Currently the median price of a home in Chatham is around \$500,000 and there is not a sufficient supply of affordable housing for rent or purchase. Point two is infrastructure. Across North Carolina and in Chatham we need to invest in repairing crumbling infrastructure. It needs to be green. It needs to reflect the challenges of Climate Change and the increase in related disasters. In addition, we must plan and address critical needs of storm water management and sanitary sewer regionally across jurisdictions. Point three concerns expanded broadband. With a mandate and funding from the federal government our county must address access to affordable, high-speed broadband to the last mile. This includes advocating for changes to the current state law. In the 21st century high speed internet is a utility and a necessity. Point four concerns maintaining economic and financial security for all citizens by ensuring there is a safety net and that all can develop their talents and abilities. Point five calls for the stewardship and protection of our natural resources. I am calling this to your attention because as elected leaders it is your duty to proactively enact policies and programs in all of these areas--especially in light of the new infrastructure bill that President Biden is set to sign today. The text of the platform is on the handout. NCDP Party Platform excerpts. Affordable and Workforce Housing We believe in affordable housing, including the dream of homeowners, for all people of North Carolina, regardless of economic status, race, ethnicity, age, gender, gender identity or expression, sexual orientation, familial status, or veteran status. We support incentives for the construction of apartments and houses that accommodate our diverse population and combat against gentrification. We support housing cooperatives and subsidized housing that allows people with lower incomes to live side by side with people with higher incomes. We oppose discriminatory practices by income and race, such as red lining. As Democrats, we also believe that counties and municipalities should be granted flexibility by the North Carolina General Assembly to combat these issues. Infrastructure: We support increased investment in repairing North Carolina's crumbling infrastructure, this should include green infrastructure, such as smart grids. We support infrastructure for climate change and disaster preparedness. We support regional cooperation between counties and municipalities to address important and critical needs for storm water management, reuse water, potable water, and sanitary sewer. Expanded Broadband: We support statewide, county, and municipal initiatives for equitable and affordable access to broadband in North Carolina regardless of zip code. We support changing the current state law to bring broadband to underserved areas and address the issues with the "last mile" In addition we consider broadband to be a utility and should be broadly available to all communities across North Carolina like electricity. Economic and Financial Security: We believe the government must provide a safety net covering the basic human needs of all citizens and should work to enrich their quality of life. To fulfill this responsibility, all persons should have the opportunity to develop their talents and abilities. We

*believe that every North Carolinian should have adequate food, clothing, shelter, health care, and work. We believe that all people have a right to live, and that we, as a society, have a responsibility to help those persons in need: distressed families, the unemployed, the underemployed, the homeless, the formerly and currently incarcerated, persons with disabilities, and those with mental health diagnoses and substance use disorders. We must eliminate food deserts and food insecurity. We must eradicate hunger. Natural Resources: We recognize that the wise stewardship of our natural resources is essential for our continued economic growth. For example, tourism, one of the State's largest growing industries, depends upon the presence of clean and maintained beaches, unspoiled forests, and clean rivers and lakes.*

*Liz Rolison submitted the following comments: My name is Liz Rolison. I'm a resident of Briar Chapel, a member of StopChathamNorth and a board member of the Briar Chapel Community Association. Tonight, you will be voting on an application by Congruus for a CCO map amendment to include property they plan to develop into Fearington Preserve. I spoke in opposition to this proposal at the August 16th Public Hearing. Since then, Randy Voller, representing Congruus, has submitted additional information. Randy's statement outlines three options that Congruus is proposing for wastewater. Their first option is to provide property within Fearington Preserve for a regional WWTP. Note, they do not plan to pay for it, build it, own it or operate it; rather they are offering land to the Wastewater Study Commission who would then have to work out financing, ownership and management of a regional facility. In exchange for making this land available they require access to the Fearington Village discharge permit and cooperation among ONSWC, Newland, Fitch Creations, municipal and county governments and community associations. This is an unrealistic plan and has not been vetted. To date, there have been no agreements between Congruus and the key parties required for this plan: ONSWC, Newland, Fitch Creations, NCDEQ and NCUC. As much as we would like to see this plan become a reality, the truth is this option depends on a lot of variables and if successful, will take time. Fearington Preserve wants to move forward with development more quickly than this option will require and as a result the offer is not a serious option for developing Fearington Preserve. The second option involves connecting to Briar Chapel as an extended service area. The Public Staff with NCUC assures us that given the history of problems with the Briar Chapel system, this request would be contested and is unlikely to be approved. The final option is for Congruus to build a small WWTP to be used only by Fearington Preserve. Of the three options presented, we believe this third option, Fearington Preserve taking responsibility for their own wastewater solution is the only fair and viable solution. I urge you not to approve the CCO map amendment requested by Congruus.*

*Henry "Rusty" Field submitted the following comments: My name is Henry Field. I'm a resident of Briar Chapel and a member of StopChathamNorth. I am urging you to oppose the application by Congruus for a CCO map amendment for their plans to develop Fearington Preserve. I have several concerns with Congruus's proposal: 1) This request includes parcels which are either entirely outside or bisected by the CCO map and more importantly the 2017 Land Use map. The Congruus request is inconsistent with both the CCO ordinance and the 2017 Land Use plan and if approved opens the door to compact residential development beyond the designated areas. 2) Congruus has not presented a site plan. Given they are asking for an expansion of the CCO map to allow them to propose their development under the CCO ordinance, a preliminary site map would be helpful in determining if they are planning to meet the full requirements of a compact community under the CCO ordinance. 3) Fearington Preserve as proposed does not have access to a major highway, only Parker Herndon and Andrews Store Rd. These roads are already heavily congested due to the four*



*schools that are located at or near their intersection. Adding additional development dependent on these roads will only add to the congestion in the area. 4) Wastewater continues to be a concern. It would be irresponsible to approve another development in this area without a clear and acceptable plan for wastewater. I urge you not to approve the CCO map amendment requested by Congruus.*

*Rose Krasnow submitted the following comments: Good evening Commissioners. My name is Rose Krasnow, and I reside in Fearington Village. I am speaking, once again, about the Congruus development which is on your agenda later this evening. I want to stress that I am not opposed to development. As the head of Development Review in Montgomery County, Maryland, I recommended approval of thousands of homes and millions of square feet of commercial development, despite significant opposition from the public. No one knows better than I that change is hard for many people, but I believe that development often brings amenities that all can enjoy. So why am I asking you to hold off on approving this application? Because Congruus is seeking to add land that is not even contiguous to the area designated for development under the CCO in the 2017 land use map. Indeed, it is designated by the map as rural. If these parcels are all added, then more land becomes contiguous to it, and the higher densities allowed by the CCO will spread further and further. So much for the CCO's first objective of maintaining Chatham's rural character. Moreover, this developer seems particularly uninclined to provide wastewater for the community they wish to build. It is not surprising that they would prefer to connect to existing facilities, such as Briar Chapel or Fearington Village, but neither owner wants to provide that service to them. And then, right before the October Planning Board meeting, they offered to donate land for a regional wastewater treatment plant. They did not say they would build it, but they did say that the plant could take advantage of Fitch Utilities' 500,000 gpd discharge permit. To me, that offer was quite disingenuous. Fearington's Wastewater Task Force has spoken to R.B. Fitch about this, and he could not have been clearer. When asked if he wanted an interconnect with Fearington Preserve or if he was willing to let them use the 230,000 gallons of discharge that he is not currently using, he very forcefully said, and I quote: No, No and No! I understand that Congruus does not want to spend the dollars that would be required to draw up an actual development plan until they know they have the right to build at the density they seek. I get that these plans are expensive to produce. However, approving their request at this point gives them a huge advantage going forward, since the higher density would be a given, and you would have little leeway to say no if you don't like their plan. So what's the rush? Later tonight, you are appointing members to a new study commission that will look at ways to provide wastewater treatment that is sorely lacking in the county right now. Let's give this group some time to see what they can come up with. In the meantime, require the developer to submit an actual plan. We know that things are still in flux for them, since they recently said that now they want to add the commercial property at Morris Road and 15-501 to their development. Who knows what they will want to do next? Do not cast a vote in favor of something when you really don't know what it is you are approving. I am not asking you to rule out the possibility that they could ever develop their property. Rather, I am suggesting that it is very premature at this point to give them the density they are seeking. Thank you.*

*Anthony Carroll submitted the following comments: Good evening. My name is Anthony Carroll and I live in Fearington Village. I'd like to briefly reiterate the points made by members of the Planning Committee in voting 8-3 to recommend against approval of Congruus' application, and to urge the Commissioners to follow that recommendation. Unlike the recently approved Vickers Village application, Congruus' application would expand compact residential density into areas classified as "rural" under the 2017 Comprehensive Plan, which stated as its number one goal the preservation of the rural*

character of Chatham County. In keeping with the rural character of the area, roads such as Morris and Parker Herndon, already stressed by school traffic, are not adequate to safely handle the increased traffic from the proposed development. Finally, the lack of a detailed development plan has left important issues, such as the siting of the homes, the character of the open space, the amount of affordable housing being offered, and the infrastructure to be provided, unaddressed and has prevented public input on how the developer might plan to address these issues. I would urge the Commissioners not to take the highly consequential step of allowing increased density in these rural areas without the discipline and rigor that submission of a detailed plan would require. Such a step should not be taken based on the vague and unverifiable intentions referred to in Congruus' statement in justification for its proposed amendment or its follow-up letter to the Planning Board that floated additional untested possibilities, without committing to anything. The submissions by Congruus to date clearly do not constitute an adequate basis for the significant change they are requesting, and I would urge you to reject it at this time. Thank you.

Victoria Shea stated that she opposed the Congruus' application for a map amendment because it would open the door for a development when there was little plan to handle wastewater. There are too many unanswered questions. Ms. Shea wanted to know if the developers are committed to donating land for a wastewater treatment plant, if that land was suitable for a plant, and if it would get the required approval from North Carolina Department of Environmental Quality (NCDEQ) and the North Carolina Utilities Commission. She does not want the Commissioners to rely on the good faith of developers.

Susan Rodman Delaney stated she opposed any further development in Chatham County without the proper infrastructure to support it. She was concerned about the wastewater system and water contamination. She wanted Commissioners to meet individually with ten residents to understand their concerns. She and other residents were meeting with Congressman David Price on November 23rd, and she invited the Commissioners to attend.

Jennifer Drake submitted the following comments: I am Jennifer Drake, I live at 58 Highveld Avenue, in Briar Chapel. I am speaking as a Board Member and Vice President, representing the Board of Directors of the Briar Chapel Community Association and on behalf of our community of over 2200 households. I addressed the Planning Board on this issue in September and other members of our Board have addressed the Board of Commissioners in August and the Planning Board in October. Our message has been simple and consistent. We strongly oppose the treatment of any wastewater at the Briar Chapel wastewater treatment plant that is generated from any location other than inside the current boundaries of Briar Chapel. As you know, the Briar Chapel facility is located in the heart of our densely populated community, and we have had a history of problems with the plant and the collection system. During 2020, we fought long and hard to stop the Public Utilities Commission from approving an application to treat wastewater from Fearrington Village and other developments at the Briar Chapel facility. We were successful in our efforts and the application was withdrawn. We then turned our sights on working with our developer and our wastewater utility to upgrade the existing plant and to size it to meet the needs of Briar Chapel and no more. That work is underway and should be completed soon. Given all this, we think that it is incredible that the applicants for the CCO map amendment continue to consider the Briar Chapel treatment plant as a possible solution to meet their wastewater needs. We agree with the Planning Board which voted to deny the application. The November 1 report of the Planning Board states: "Wastewater issues are a serious and growing concern in Northeast Chatham. It would be irresponsible to

*increase allowable densities without a clear and acceptable plan for how wastewater will be handled." No acceptable plan can include the Briar Chapel location and facility. We urge you to accept the verdict of the Planning Board and deny the application.*

*Karl Kachergis submitted the following comments: Dear Commissioners, I have already emailed you about my concerns. I would like to add the following: How development should be handled was the center of Chatham County politics 15 years ago. Land use planning and the Compact Community Ordinance was what people wanted to see and this was borne out in several elections. Our Compact Community Ordinance (CCO) was created to preserve our rural character, preserve open space, and provide residential growth responsible guidelines. Given the many critical criteria of the CCO that Congruus has not addressed, passing their request will in effect, render the Compact Community Ordinance invalid and defunct. It would be like a traffic policeman parking next to a 45 MPH sign and letting everyone speed by at 90 MPH. It will declare to developers that there are no CCO requirements here in Chatham County. Congruus representative said that Briar Chapel brings in \$7million in revenues that Fearington brings in \$4million in revenues. She claimed that Congruus development would bring in much more than either of these two. Congruus property covers one fifth or less the amount of land that Fearington or Briar Chapel cover. Their claim that they will bring in much more revenue is simply unbelievable. I believe the sewer problem they seem to be ready to create will end up costing Chatham County. Thank You*

*Stacey Donelan submitted the following comments: Dear Chatham County Commissioners, my name is Stacey Donelan and I live at 112 Treywood Lane, Chapel Hill NC, 27516, in the Briar Chapel community. Thank you for allowing more public input during the public hearing on the Congruus LLC application. I have attached a copy of my September 7, 2021 letter to the Planning Board listing my prior objections and the Planning Board's own November 15t, 2021 recommendation to deny the approval of Congruus' request to expand the CCO boundary map. For the sake of time, I will simply ask that these be added to the public input record for this public hearing, and I declare that I co-sign the comments made here tonight by Stop Chatham North and all who have spoken or will speak in opposition to Congruus' map amendment request. Thank you for your service and consideration. Reiterated from my September 7, 2021 Planning Board letter: "I am a seven-year resident of Briar Chapel, and I'd like to voice my opposition to allowing Congruus or any developer permission to connect to our Briar Chapel wastewater treatment plant. I've spoken or written to the Planning Board and the Chatham County Board of Commissioners about this topic in the past (pre-pandemic). I understand that the Planning Board will discuss an agenda item tonight by the developer Congruus to expand the Compact Community Ordinance and thereby regionalize the Briar Chapel wastewater treatment plant here in Briar Chapel. I, and hundreds of my Briar Chapel neighbors, vehemently oppose any such regionalization. My opposition is based on many things. 1) Others will have communicated this better than I can, with more direct examples, but our current wastewater treatment plant (WWTP) owned and operated by Old North State Water Company (ONS) has difficulty even safely and effectively processing the wastewater generated by the existing homes in Briar Chapel. There have been multiple, dozens, of sewage spills in our Briar Chapel neighborhood over the last 2-3 years with resultant NOVs from the NCDEQ and many of those spills have reached and entered Pokeberry Creek, causing untold environmental damage. 2) The WWTP was built in a far, unpopulated corner, at the time, of Briar Chapel and incorrectly placed up on a hill. The developer (Newland) may have had plans to build right up close to the plant in future phases, but the general Briar Chapel populace was unaware. Only too late did we realize, by stench and spill, how poorly planned and constructed the WWTP and its infrastructure was. Briar Chapel residents have paid the price for that poor construction*

and company mismanagement ever since. 3) I sat in at a Bold Construction 'seminar' for their Williams Corner development in 2019, I believe. The representative speaking at that meeting basically admitted when pushed that they did not plan on building any wastewater treatment facility on their property because it was easier and better for them to have that waste carried away and off property ... to the existing WWTP in Briar Chapel. Every developer with plans to build in our development zone (business and residential) here in lower NE Chatham seems to assume that they can hook up to the Briar Chapel WWTP. Our facility cannot safely handle the influx of waste from neighboring communities and developments. It can't handle our own, so it will surely buckle under the strain of additional demand and the residents of Briar Chapel will bear the brunt of whatever damage happens in our neighborhood, to Pokeberry Creek, and to our home values. 4) Time and again, Newland has appealed to the Planning Board and the Board of Commissioners to expand their purview beyond what was originally set up in the CCO and CUP. Inch by inch, both entities have given in to Newland's wishes, to the detriment of the Briar Chapel homeowners, and now another developer, Congruus, is asking for the same indulgences. I understand that Chatham County would rather assign the responsibility for future wastewater treatment to an existing facility, but in doing so, our neighborhood is being undermined. Briar Chapel was not a popular option for longtime NE Chatham County locals. While that battle happened long before I moved to NC and Briar Chapel, I can sympathize with them - when Briar Chapel was approved, there were many limits and agreements involved so that even with its large footprint, Chatham residents were given to believe that it would adhere to those original conditions and maintain as green and environmentally sound a community as possible. ONS management and infrastructure, and any developers requesting regionalizing connections to the Briar Chapel WWTP betray the foundational reasons that Briar Chapel was allowed to exist and that many of us moved into the community. I respectfully request and urge the Planning Board to deny Congruus, or any developer, connection access to the Briar Chapel WWTP.

The Clerk announced that the thirty minutes allowed for public input had expired.

## **PUBLIC HEARINGS**

[21-4085](#)

Public Hearing to receive public input on the Recommended FY23-29 Capital Improvements Plan (CIP).

**Attachments:** [InitialPresentationToBOC- 2023-2029](#)

*Assistant County Manager Bryan Thompson reviewed the specifics of the request. (Presentation attached)*

*Chair Dasher opened the hearing.*

*No one signed up to speak.*

*The Board will have the Capital Improvement Plans (CIP) Work Session at 9:00 am tomorrow at the Agriculture and Conference Center.*

[21-4078](#)

A quasi-judicial public hearing for a request by Baker, Donelson on behalf of Celco Partnership dba Verizon Wireless for a new telecommunications tower on Parcel No. 10843 located at 5914 NC 87 N. A waiver from the 199 feet maximum is also requested to increase the height to no more than 300 feet.

**Attachments:** [More information available on the Planning Department website](#)

*Chair Dasher administered the oath of office to those that wished to speak.*

*Chair Dasher opened the hearing.*

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

*Josh Rotenstreich, attorney for the applicant, addressed the Board. He submitted the entire packet and application into evidence. He reviewed how the applicant had met the requirements required by the regulations.*

*Vice Chair Hales asked Mr. Rotenstreich to review the site plan in a little more detail. He stated he would be getting to that after he reviews the specifics of the tower itself. Ms. Plummer said the letters on the site map just represent adjacent properties.*

*Vice Chair Hales asked some clarifying questions. The applicant would be renting the parcel from the owner, Mr. Justice. No one came to the community meeting. Ms. Plummer said the planning department received one email in support because they want service provided by the tower.*

*No complaints about the application have been received by the Planning department.*

*The Chair closed the hearing.*

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

## **BOARD PRIORITIES**

### [21-4072](#)

Vote on a request to approve ordinance amendments to maintain potential criminal enforcement of specified ordinances to comply with Senate Bill 300.

**Attachments:** [Ordinance Continuing Misdemeanors](#)

*County attorney Bob Hagemann reviewed the specifics of the request. This was the second reading of the ordinance, as required by law. This was a continuation of the current policy and was policy neutral. The new provision also states that if a criminal citation was issued and the offender does not repeat the offense within thirty days of the first violation would be dismissed. If the defendant sought assistance like rehabilitation or mental health counseling and brought it to the attention to the judge, the violation would be also dismissed.*

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

### [21-4083](#)

Vote on a request to approve the recommended slate of appointments to the Northeast Wastewater Study Commission

*County Manager Dan LaMontagne reviewed the specifics of the item.*

*The County received thirteen applications by the November 5, 2021 deadline and Mr. LaMontagne recommended all thirteen applicants be appointed. Staff would send out a Doodle Poll this week to see when the members can begin meeting.*

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

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

[21-3969](#)

Vote on a legislative 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.*

*The Planning Board recommended denial. The summary of their recommendation for denial was attached to the agenda.*

*Isabel Mattox, attorney for the applicant, gave a presentation to the Board and requested the Board approve the request. (Presentation attached)*

*Also present were Randy Voller and Lee Bowman. Lee Bowman said he and his family enjoyed all the benefits of living in a compact community, especially Briar Chapel. Mr. Bowman and Mr. Voller requested the Board approve the application.*

*The Board asked to hear from George Lucier about the Planning Board's vote to recommend denial. Vice Chair Hales asked Dr. Lucier to share the thought that went into the planning board's decision to recommend denial. Dr. Lucier said the planning board talked a lot about how the request was inconsistent with the land use plan.*

*Chair Dasher understood why the planning board had concerns but asked how the commissioners can deny the request when the request met County regulations.*

*Commissioner Crawford said there had been a deliberate misrepresentation of the process by the planning board.*

*Commissioner Howard asked what the Board would be approving of if it did approve this request and for what purpose. Commissioner Crawford said this part of the request meets County regulations and the comprehensive plan. A site plan was not required at this point in the process.*

*Chair Dasher said he would want to see a site plan before approving next steps, but it was not needed at this point in the process. He would look at it strictly from a land use standpoint right now.*

*Dr. Lucier said the Compact Community Ordinance stated that compact communities should have direct access to major highways. This was not the case in the Congruus application. There are four schools on that road and there were lots of traffic issues.*

*The planning board thought doubling the density was irresponsible.*

*Vice Chair Hales stated she attended all the planning board meetings and she saw a few problems with the application. It was a 370-acre project and added 184 acres in the map amendment. The comprehensive plan did not extend to the south of Andrews Store Road. She believed the wastewater system is an overwhelming matter and believed the due diligence to move forward has not occurred.*

*Vice Chair Hales asked how long the applicant was with the plan. Mr. Bowman said they have been working on it the past year and there were a couple of scenarios based on the Compact Community Ordinance or regular one acre lot subdivision model.*

*Chair Dasher expressed it was not right for the Board to deny the applicant the opportunity to come up with a plan to be presented later in the process. Vice Chair Hales and Commissioner Howard disagreed. Chair Dasher said by not allowing more density the Board unintentionally makes the county more unaffordable. Commissioner Crawford said the ordinance would not require a site plan at this stage. The Board would not have authority to ask them to present a plan before it approved this map amendment.*

**A motion was made by Commissioner Crawford, seconded by Chair Dasher, to approve the request. The motion failed by the following vote:**

**Aye:** 2 - Chair Dasher and Commissioner Crawford

**No:** 3 - Vice Chair Hales, Commissioner Gomez Flores and Commissioner Howard

*County attorney Bob Hagemann stated no action had been taken as the motion to approve and the motion to deny the request both failed. This request can be brought back to the Board at another meeting. As a legislative request, interested parties and residents can have conversations with the Board outside of the meeting.*

*Commissioner Gomez Flores said he could not approve the request without more information. Ms. Mattox asked what more information Commissioner Gomez Flores would like to receive. Commissioner Gomez Flores said he would appreciate seeing the same kind of information being requested by the planning board.*

**A motion was made by Commissioner Howard, seconded by Vice Chair Hales, to deny this request. 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

[21-3971](#)

Vote on a legislative request to approve 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.*

*The affordable housing statement in the notes would be different than what was in the agenda packet and will be updated.*

*Vice Chair Hales asked Planning Director Jason Sullivan to quickly review the site plan. Mr. Sullivan clarified the Board would not be approving the wastewater treatment system but rather only the location of the plant.*

**A motion was made by Vice Chair Hales, seconded by Commissioner Crawford, that this Resolution #2021-44 adopting a consistency statement for the approval of Vicker's Bennett Group LLC, 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

**A motion was made by Vice Chair Hales, 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

### [21-4087](#)

Vote on a request to approve affordable housing agreement with Vickers Bennett Group, LLC

**Attachments:** [2021.11.10 \(FINAL CLEAN\) Chatham Co. VBG AHU Agreement v.8](#)

*County attorney Bob Hagemann reviewed the specifics of the request. This was a creative and innovative approach and may become a model for other projects in Chatham County.*

*Commissioner Howard admired the developer's tenacity and willingness to work with staff. The County has developed more affordable housing than ever in the history of the county, and she expressed her thanks to the wonderful staff who have made it possible.*

**A motion was made by Commissioner Howard, seconded by Vice Chair Hales, 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

## **SUBDIVISION FIRST PLATS**

### [21-4077](#)

Vote on a request to approve by Mark Ashness on behalf of The Vickers Bennett Group, LLC for subdivision **First Plat** review and approval of **Vickers Village**, consisting of 184 lots on 101.8 acres, located off US 15-501 N, Vickers SR-1719 and Jack Bennett SR-1717, parcels numbers 18847, 18848, 18857, 60719, 18636, 60653, 79965, 89281, 89395, 80493, 69057, 89206, 18857, 87996, 89272, 18856, 87093, 93157, 79288, 93156, 93155, 93154, 85875, and 18914.

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

*Planning Director Jason Sullivan reviewed the specifics of the request.*



**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

### **CLERK'S REPORT**

*Clerk to the Board Lindsay Ray reminded the Commissioners about the upcoming Christmas parades in the county. She would reach out to them about the parade times. She also reminded the Commissioners to be at the Agriculture and Conference Center at 9 am tomorrow for the Capital Improvements Plan Work Session. Ms. Ray will be attending Clerks' Academy with the School of Government Wednesday through Friday. The Commissioners can reach out to Kaitlyn Warren or Ann Hammock if they need anything.*

### **MANAGER'S REPORT**

*Mr. LaMontagne stated that the Commissioners voted in September to apply for a grant with the US Department of Commerce Economic Development Administration for the Haw River Trails. Based on guidance from the Triangle J Council of Governments (TJCOG), Chatham County filed a joint application with Alamance County to make the application stronger.*

*On Thursday, Mr. LaMontagne will be judging the Science, Technology, Engineering, and Mathematics (STEM) fair at Perry Harrison Elementary School. As the county prepared for American Rescue Plan Act (ARPA) funding prioritization, there would be agenda items coming before the Commissioners over the next few months. Mr. LaMontagne wanted to make sure the county would get input from the public on the funding.*

### **COMMISSIONERS' REPORTS**

*Commissioner Gomez Flores stated he had received emails about access to the libraries. One resident requested that the libraries bring back the bookmobile. He has also received emails about high-traffic roads like Andrew Store Road, Parker Herndon Road, and Morris Road that need Department of Transportation (DOT) attention. There were concerns about visibility and school traffic. Commissioner Gomez Flores received a request from a resident that Chatham County create a task force to address homelessness in Chatham County and partner with social workers and psychiatrists.*

*Vice Chair Hales stated she and Commissioner Howard would also be judging the STEM fair at Perry Harrison. She attended the dedication of Seaforth High School last week. It was a great event. She would schedule a meeting with Ms. Ray to finalize details about the time capsule.*

### **ADJOURNMENT**

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

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