



# Chatham County, NC

## Meeting Minutes

### Board of Commissioners

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Monday, November 21, 2022

3:00 PM

Chatham County Agriculture & Conference Center

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#### CIP Public Hearing

#### Work Session - 3:00 PM - Chatham County Agriculture & Conference Center

Present: 4 - Commissioner Mike Dasher, Commissioner Diana Hales, Chair Karen Howard and Commissioner Robert Logan

#### PUBLIC INPUT SESSION

*No one has signed up to speak.*

#### BOARD PRIORITIES

##### 22-4552

Chatham County Cooperative Extension 4-H Update

Attachments: [4-H BOC presentation November 21](#)

*Chatham County Extension Director Ginger Cunningham, Extension Agent Bobbie McLean, and Extension Agent Liz Mauney presented this item to the board.*

*Ms. Cunningham thanked the board for making regular time for the Chatham County Extension agents to update the board and thanked the board for approving the Resolution Proclaiming October 2-8, 2022 as National 4-H Week in Chatham County.*

*Ms. Cunningham introduced Extension Agent Bobbie McLean to the Board of Commissioners. Ms. McLean was excited to bring her twenty-five years of teaching experience to the Chatham County 4-H program.*

*Liz Mauney presented the delivery modes of the 4-H program to the board. Ms. Cunningham explained that because of COVID there was less programming going on. Most of the delivery modes were in the schools' classrooms. Ms. Mauney introduced 4-H'er Deon Bailey. Mr. Bailey shared about how the 4-H program helped him come out of his shell and get into leadership like Youth Voices this year. Ms. Cunningham said she was grateful for the help of the many volunteers and the Chatham County Parks and Recreation department for their partnership to host the 4-H activities.*

*Ms. McLean introduced 4-H'er Victoria Smith. Ms. Smith had participated in 4-H for eight years and began her livestock journey by raising chickens at home. She learned many skills like public service, time management, public speaking and how to judge horses. She was now studying Animal Sciences at North Carolina State University. Ms. McLean shared about future programming with 4-H. Cooking, Morse code, arts and crafts, teen leadership, and teen council were along with some of the ideas shared.*

Ms. Mauney shared information about the Afterschool Science Explorers Program, 4-H WinterFest, and 4-H volunteer training and workshops. Commissioner Hales explained that the COVID pandemic had set everything back and she hoped there were college scholarships for participants in the 4-H program. Ms. Cunningham said the extension agents could submit a letter on behalf of the students and hoped that it offered a boost to them in the college admissions process. Ms. Smith received a 4-H specific scholarship. Chair Howard said it was good for young people to have had this exposure early on.

**This Agenda Item was received and filed.**

22-4549 Receive an update on the Joint Chatham County-Town of Cary Joint Land Use Plan.

**Attachments:** [Memo\\_Final\\_Draft\\_11-3-2022](#)  
[Comparisons of TOC Chatham and State land development regs 2](#)  
[Joint Plan 5 Yr Review 1-2018](#)  
[Joint Plan 10Yr Review 22](#)

*Hunter Glenn presented this item to the Board of Commissioners.*

*Mr. Glenn said every five years an assessment of the Joint Chatham County-Town of Cary Joint Land Use Plan was required, and it had been ten years since the plan had been adopted. In December 2005 both planning boards agreed on the plan. It was triggered by Chatham County residents' concerns about Town of Cary's annexations.*

*There have been three main activities in the past five years. There were two rezonings. For Garden Sakes was approved. A treatment facility's compatibility and one major subdivision application were included. The major subdivision did not move forward.*

*There have been four projects on the Cary side that included rezonings and annexations.*

*Commissioner Hales asked some clarify questions and said she knew of a significant parcel that would be held by Cary for the development of a park.*

*Commissioner Hales said she had received a lot of emails from residents about the Kanoy subdivision. Mr. Glenn said the Town of Cary hosted public outreach through their scheduled public hearings and have kept the Chatham staff informed through their once a month standing meeting.*

*Commissioner Logan asked if Mr. Glenn would share some of the residents' concerns about the Kanoy property annexation. Mr. Glenn said some of the concerns residents had expressed were about stormwater erosion control, density of property, and more timely notifications about the annexation. The Town of Cary updated their stormwater regulations to be more rigid now in response to residents' concerns.*

*Chair Howard asked how Chatham residents got their voices translated as an affective voice on Cary town boards. She said greater density was real and the board had a responsibility to get the message out cohesively to residents. She said not enough people were listening to the current board meeting. Mr. Glenn said the Cary staff was responsive to residents' concerns and did a good job of keeping Chatham staff informed.*

Chair Howard said the plan would be renewed for two five-year terms. She asked what happened after those terms. Jason Sullivan said after twenty years it would be time to revisit the plan. Chair Howard asked if that would be year 2027. Mr. Sullivan said it would be year 2032.

Commissioner Hales asked for clarification about the map and meaning of colors. Mr. Sullivan answered. He said the rural buffer boundary would not be annexed because the Town of Cary could not provide utilities west of the line. The requirement of private wastewater package plants also provided protection from annexation. Commissioner Hales said she did not know that.

Mr. Sullivan said two parcels that equaled two hundred and seventeen acres were purchased for parks by the Town of Cary. There was a website dedicated to this and was included in a memo. The parcels joined with an additional park property. Mr. Sullivan showed the website to the board.

Chair Howard thanked the planning staff for the update.

**This Agenda Item was received and filed.**

**22-4534**

Receive FY2023 First Quarter Budget Update

**Attachments:** [FY23 1st Quarter Budget Update](#)

Darrell Butts presents this item to the Board of Commissioners.

Mr. Butts said this was the first three months of the fiscal year, including July, August and September. It was meant to be high level and did not get into line item detail. There was no sales tax revenue due to a lag between collection by the State and the distribution to the counties.

He said the first payment for supplement was in May and had not yet been factored in and this was just a monthly allocation. He mentioned on the Revenue by Category slide that the Ad Valorem Tax was not cyclical. Mr. Butts mentioned the miscellaneous mentioned in the slide was sale of surplus property and the county typically would sell used vehicles and currently was not.

Commissioner Hales asked if the category contribution from others included American Rescue Plan Act (ARPA) funding. Mr. Butts said no it did not include the ARPA funding and that it was in a separate category. Commissioner Hales asked if this was grant funded. Mr. Butts said the funding could be a grant or donation. Mr. Butts said development continued and was not slowing in the county. He explained that on the Revenues by Function slide: fiscal year 2021 the category that included education, culture, and recreation showed a spike due to the reporting requirements for Cooperative Extension that year. He said the excise tax at the Register of Deeds was showing a slight dip, but the county was still performing well. He said the Watershed Protection projects were tough to estimate, because one or two projects could swing the revenue and there was lots of activity. He explained Chatham County's Environmental Health department should get closer to evening out as the county received much of the revenue in October.

Commissioner Dasher asked if the measure was by acre for Watershed Protection. County manager, Dan LaMontagne, confirmed it was measured by disturbed acre.

Mr. Butts mentioned the sales tax fiscal year 2022 year end slide included all except

Article 46 revenue. He said the sales tax was four million over the prior year with a twenty three percent increase in sales tax collections. He calculated a roughly sixty-three percent increase in sales tax collections over the past five years. He said this showed the growth the county was experiencing.

Commissioner Hales asked when the board would get the next update. Mr. Butts said the update would be quarterly and the next update for the board would be in January 2023.

Vice Chair Gomez Flores asked what some of the situations were that would skew these results. Mr. Butts explained that the county was significantly dependent on property tax, and it benefited from that during the pandemic. He said the sales tax was due to the development going on and the purchase of materials and tax of online sales. Mr. Butts said the discretionary spending would decrease in times like this.

Mr. LaMontagne said there was a potential for a recession in 2023, but this area typically did not fall into a recession as other places did in the country.

**This Agenda Item was received and filed.**

#### 22-4544

Receive Quarterly Update on American Rescue Plan Act Funds.

**Attachments:** [ARPA BOC Quarterly Update - November 21 2022](#)

Will Curvin presented to the Board of Commissioners.

The County would have until the year 2026 to spend the American Rescue Plan (ARPA) funds. There were regular meetings of interdepartmental staff that provided internal controls for how the funds would be spent.

Commissioner Hales asked what was meant by Mr. Curvin's comment about the federal government's interest in property management. Mr. Curvin said any surplus revenue would need to be paid back to the federal government. Commissioner Hales asked if the Parkers Ridge Parkway would be considered as surplus. Mr. Thompson said the ARPA dollars included uniform guidance for the four point four million dollars. The ten million dollars for revenue replacement would be used for general government services and that would not be under the same dollars and guidance. Parkers Ridge Park would not be funded by the same ARPA dollars.

Commissioner Hales asked what the federal government would be interested in. Darrell Butts said the federal government was interested in property that would be sold at a higher price than purchased. The federal government would be interested in any property that would be purchased by the County to then profit off its sales. Commissioner Hales said the County would not do that. Mr. Butts said it could include any asset that generated revenue.

Chair Howard asked if this was in perpetuity. Mr. Curvin said ARPA was novel and subject to change with guidance over time.

Commissioner Hales said the housing division would include generated revenue. Mr. Thompson said staff were careful in the review of projects and with which funding would be used to fund the projects.

Commissioner Hales said all federal funds had reporting requirements. Mr. Thompson said staff would move relatively slowly as they moved forward in the process.

*Mr. Curvin said the County had until December 2024 to obligate the funds and the board would receive an update in January.*

*Commissioner Hales said she worried about the counties without Chatham's County's staff. Chair Howard said NCACC offered their expertise to counties.*

**This Agenda Item was received and filed.**

### **CLOSED SESSION**

#### **22-4565**

**Vote 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 Vice Chair Gomez Flores, seconded by Commissioner Logan, 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 - Commissioner Dasher, Commissioner Hales, Gomez Flores, Chair Howard, and Commissioner Logan**

### **RECESS**

*The Board of Commissioners recessed until the 6:00pm regular session.*

### **End of Work Session**

### **Regular Session - 6:00 PM - Chatham County Agriculture & Conference Center**

**Present: 4 - Commissioner Mike Dasher, Commissioner Diana Hales, Chair Karen Howard and Commissioner Robert Logan**

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

*Chair Howard delivered the invocation 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 6:01 PM.*

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

**A motion was made by Commissioner Mike Dasher, seconded by Commissioner Diana Hales, that the Agenda and Consent Agenda be approved. The motion carried by the following vote:**

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

[22-4546](#) Vote to approve Tax Releases and Refunds

**Attachments:** [October 2022 Release and Refund Report](#)  
[October 2022 NCVTS Pending Refund Report](#)

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

[22-4554](#) Vote on a request from the Chatham County Tax Department to approve competitive bid exemption and sole source for Just Appraised integrated software solution and authorize the County Manager to negotiate and execute all contracts and agreements for an initial cost of \$21,600 and annual maintenance of \$26,400.

**Attachments:** [Sole Source Justification--Chatham County NC](#)  
[Chatham NC - Deeds - SaaS Agreement + Order Form + SOW.docx](#)

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

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

[22-4464](#) Vote on a legislative rezoning request by Jody Leidolf for Edward Holmes, Jr., to approve on Parcels 5151, 5811, 68060, and 5258, totaling 18.2 acres, from R-1 Residential and CD-CB to general use NB Neighborhood Business, located at 1213 Pea Ridge Rd and 0 Pea Ridge Road, Cape Fear Township.

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

**A motion was made by Commissioner Dasher, seconded by Commissioner Hales, that this Resolution #2022-10 Adopting a Consistency Statement for the Approval of rezoning for Jody Leidolf for Edward Holmes, Jr., attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

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

**A motion was made by Commissioner Dasher, seconded by Commissioner Hales, that this Ordinance amending the zoning map of Chatham County for Edward Holmes, Jr., attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

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

[22-4465](#)

Vote to approve a legislative rezoning request by MAD Pea Ridge, LLC for a general use rezoning on Parcels 5585, 5807, 90707, located at 4247 Old US 1 and off Pea Ridge Road, from R-1 Residential and Industrial Light to Industrial Light, Cape Fear Township, totaling 243.5 acres.

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

**A motion was made by Commissioner Dasher, seconded by Commissioner Hales, that this Resolution #2022-11 Adopting a Consistency Statement for the Approval of rezoning for MAD Pea Ridge, LLC, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

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

**A motion was made by Commissioner Dasher, seconded by Commissioner Hales, that this Ordinance amending the zoning map of Chatham County for MAD Pea Ridge LLC, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

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

[22-4466](#)

Vote to approve a quasi-judicial request by 28 Mt Gilead LLC (American Self Storage) for a Special Use Permit (SUP previously CUP) revision, on Parcel 17454, located at 30 Mt Gilead Church Road, New Hope Township, to add an additional 48 pod storage units to the existing site.

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

**A motion was made by Commissioner Dasher, seconded by Commissioner Hales, that this Resolution #2022-12 approving special use permit revision request for American Self Storage, attached hereto and by reference made a part of, be adopted. The motion carried by the following vote:**

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

[22-4524](#)

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

**Attachments:** [Jim Mott Bend Petition](#)

[Jim Mott Bend Map](#)

[Jim Mott Bend area map](#)

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

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

[22-4528](#) Vote on a request to approve the naming of one (1) private road in Chatham County

**Attachments:** [Diggs Landing Way Petition](#)  
[DIGGS LANDING WAY](#)  
[DIGGS LANDING WAY AREA MAP](#)

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

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

[22-4536](#) Vote on a request to approve an auto renew Medicaid transportation software contract between Foxstar Solutions, Inc., dba CTS Software and Chatham County DSS.

**Attachments:** [Contract DSS Foxstar](#)

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

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

[22-4543](#) Vote on a request by Susan Joplin on behalf of Silver Developers, LLC to approve a subdivision First Plat review and approval Hawk Point Road Extension, on 20.35 acres, located off Hawk Point Road, parcel 92282 and 95254.

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

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

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

[22-4555](#) Vote on a request to approve the purchase of networking equipment for the new EOC building from ePlus, Inc. using NC State Contract 204X in the amount of \$200,750.03.

**Attachments:** [NC State Contract 204X](#)  
[Chatham County\\_E911\\_10172022](#)  
[Chatham County-Pure Storage Installation-119614](#)

**A motion was made by Commissioner Dasher, seconded by Commissioner**

Hales, that this Agenda Item be approved. The motion carried by the following vote:

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

[22-4553](#)

Vote on a request to approve the Authorizing Resolution by Chatham County for the North Carolina Department of Commerce Building Reuse Program "Gaines Oil Building Reuse Project"

**Attachments:** [Authorizing Resolution for the NC Department of Commerce Building Reuse Program - Gaines Oil Building Reuse Project - Nov 2022](#)

**A motion was made by Commissioner Dasher, seconded by Commissioner Hales, that this Resolution #2022-13 Authorizing Resolution by Chatham County for the North Carolina Department of Commerce Building Reuse Program "Gaines Oil Building Resue Project", attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

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

[22-4556](#)

Vote on a request to approve the appointment of Amber Hardy to Juvenile Crime Prevention Council (JCPC)

**A motion was made by Commissioner Dasher, seconded by Commissioner Hales, that this appointment be approved. The motion carried by the following vote:**

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

[22-4541](#)

Vote on a request to approve the amended American Rescue Plan Funds Grant Project Ordinance.

**Attachments:** [Amended ARPA Grant Project Ordinance \(11.14.22\)](#)

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

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

[22-4564](#)

Vote on a Request to Approve the Amendment to the Fiscal Year 2022 Audit Contract with Martin Starnes & Associates.

**Attachments:** [Chatham County - 2022 Amended Contract](#)

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

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

[22-4547](#)

Vote on a request to approve to award service weapon to retiring Chief

Deputy Tracy Kelly.

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

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

### **End of Consent Agenda**

## **SPECIAL PRESENTATION**

**22-4558** Recognition of the Chatham County Finance Office for receiving the GFOA's Certificate of Achievement for Excellence in Financial Reporting for the county's comprehensive annual financial report for the fiscal year ended June 30, 2021.

*County manager, Dan LaMontagne, presented the award to the Board of Commissioners.*

*Mr. LaMontagne thanked the Finance Department staff: the Finance Director, Roy Lynch, Katie Davis, Stephanie Loso, and Mistie Phillips.*

**22-4560** Vote on a request to adopt a resolution Honoring Commissioner Robert Logan for his service to the residents of Chatham County

*Chair Howard presented the resolution to Commissioner Logan and read into the record.*

*Commissioner Logan said it had been an honor and privilege to serve on the board. He was grateful for the opportunity and felt good about the future of Chatham County. He welcomed the two new commissioners and fellow commissioners, county manager, and staff.*

**A motion was made by Vice Chair Mike Dasher, seconded by Vice Chair Franklin Gomez Flores, that this Resolution was approved. The motion carried by the following vote:**

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

### **Vote on a request to adopt a resolution Honoring Commissioner Diana Hales for her service to the residents of Chatham County**

*Chair Howard presented the resolution to Commissioner Hales and read into the record.*

*Commissioner Hales stated that she was so grateful to the Chatham County voters for the opportunity to serve as their commissioner. It had been rewarding working with the outrageously great Chatham County staff and her colleagues on the board. She listed all that she had been most proud of during her service on the board. She said she was proud of the county wide zoning implemented to prevent polluting industries. All businesses were rezoned into their correct classifications for free. A two-year*

*moratorium along the Deep River was used to investigate and there were no fracking operations in Chatham. She was also proud of the comprehensive land use map that involved over three thousand residents. The first Unified Development Ordinance (UDO) would keep agriculture robust as other industry moved into the area. The farmland preservation fund would keep farmland a financial priority. The Western Intake Partners (WIP) would ensure access to Jordan Lake as the county service area expanded and will provide for Chatham's future water needs. She was proud of the board's support of teachers and the schools and the working relationship with the Board of Education (BOE). Chatham Promise granted two years of free tuition for all Chatham high school graduates. The Housing Trust Fund attracted affordable housing developers. The board supported Habitat for Humanity's efforts to assist low income homeowners. The board had worked with local faith leaders for homeless outreach and building repair as part of a comprehensive housing policy. The Climate Change Advisory Committee (CCAC) was formed to inform the BOC. Chatham joined Keep America Beautiful to tackle litter on roadways. The board directed the County to use geothermal heating and solar energy for all new buildings constructed. The board had acknowledged past wrongs through the removal of the confederate monument in Pittsboro and made Juneteenth a paid holiday. The board focused on equity in the workplace and uplifted minority owned businesses. The board apologized for the County's role in the lynching of five black citizens, and a monument was erected for the citizens. It had been an honor to serve with the board, the county manager, the county clerk, and all the Chatham staff. The BOC was only successful because of you. Thank you.*

*Vice Chair Gomez Flores thanked the commissioners for the time they had dedicated to their positions. He thanked Commissioner Hales for her mentorship. He appreciated conversations with Dr. Logan. He did not know he would serve on the board with his former superintendent.*

*Commissioner Dasher thanked Commissioner Hales for her leadership and commitment to the environment. He said the farmland preservation fund was a fantastic achievement. He thanked Commissioner Logan for his willingness to serve. He said it was remarkable for someone to serve with no personal or political agenda.*

**A motion was made by Vice Chair Franklin Gomez Flores, seconded by Vice Chair Mike Dasher, that this Resolution was approved. The motion carried by the following vote:**

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

## **PUBLIC INPUT SESSION**

*Keri Strickland-Ward provided written comments. She was concerned with the current growth in Chatham County and the Town of Cary in regard to the Chatham land use agreement. On page ten of the assessment packet the young tract in phase three and in addition to these zoning cases there were several land purchases with the goal of rezoning. She was concerned with the buffers and lot sizes abutting existing neighborhoods. All new developments should provide transition zones. After reviewing developments within the land use area, the Kanoy tract was proposing much smaller lots. At the Town of Cary meeting one hundred and sixteen families were in attendance. They were concerned with the proposed lot sizes in the transition zones. They requested a minimum lot size of point five acres.*

*James L. Stevens said he was not anti-development, but the rapid pace of*

*development was not clear if developers were adhering to requirements in transition zones. The lot sizes were sufficient and appropriate. Cary Planning Board members were not familiar with the plan specifics. Mr. Stevens asked the Board to provide a ten-year update on the status of the plan on the agenda. He provided written comment.*

*Patrick O'Neal was a real estate developer in the triangle area. Mr. O'Neal said the lots were getting smaller, however less of the land was being developed by pushing smaller lots together. Not having a minimum lot size was not in the original plan. A seventeen thousand four hundred square feet minimum lot size would assist in preventing erosion problems. He suggested not redoing the plan but adding a condition of the minimum size. This would be an adjustment to the development plan.*

## **PUBLIC HEARINGS**

[22-4557](#)

Public Hearing to receive public comment on the 2024-2030 Recommended Capital Improvements Program

**Attachments:** [InitialPresentationToBOC- 2024-2030](#)

*Assistant county manager, Bryan Thompson, presented this item to the Board.*

*Mr. Thompson said this was intended to be a high-level presentation. It was a plan not a budget but would inform the operating budget.*

*Inflation, interest rates, and weather were all factors out of the County's control. Adjustments with scope may be needed over time.*

*The recommended adjustments were as follows:*

1. Shift funding for mobile classrooms by one year
2. Project ordinance
3. Anticipated increase due to construction cost
4. Increase due to bids are in so based on actual numbers

*New Projects included Chatham Park Elementary and classroom pods, which would be more permanent.*

*Commissioner Logan said pods were more substantial than the modular temporary classrooms.*

*Commissioner Hales asked if there were currently PFAS problems at Jordan Lake. Mr. LaMontagne said the PFAS levels were continuously lower than the hazard level. In the future, there would likely be regulatory requirements, and the County is was ready to treat those. Mr. LaMontagne said the County used activated carbon currently for intake and this system would be a permanent system.*

*Mr. LaMontagne said this was not a budget, but a plan. Changes were to be expected, and adaptations would continue to be needed for the plan.*

*Commissioner Logan asked what the top cost for pay-go projects was. Mr. Thompson said six million dollars was typically the County's comfort level.*

*Mr. Thompson stated that the Board of Commissioners will hold the CIP Work Session on Tuesday, December 13, 2022 at 9:00 am at the Agriculture and Conference Center.*

Received and filed.

22-4537

A legislative public hearing requested by Drafting and Design Services, Inc. on behalf of Because of His Grace, LLC for a rezoning from R-1 Residential to GU-NB General Use Neighborhood Business on Parcels 77640, 80540, 94921, and 5588 being a total of 9.71 acres, located at 4295 Old US 1, Cape Fear Township.

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

*Angela Plummer presented this item to the Board.*

*Ms. Plummer presented the five findings that must be supported. The applicants were present for questions.*

*Commissioner Hales asked where the location was in reference to the Conservancy at Jordan Lake. Ms. Plummer showed it was several miles away from the Conservancy. She used the GIS maps on the Chatham County website.*

*The applicant, Michael Blakely was present to answer the Board's questions. The client Robert House said a percentage of the funding would support the missions of the church in Lee County.*

*Commissioner Hales asked if there were some structures to be built. Mr. House said yes, it depended on the industries in the area. The goal was to support the church and the community. Commissioner Hales said not here. Mr. House said the business would be here and the money from the businesses would be used to build the church in Lee County.*

*No one signed up to speak.*

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

22-4538

A legislative public hearing requested by Russ Anderson for a rezoning from R-1 Residential to General Use Light Industrial (IL) on Parcel 5518 being 15 acres, located at 5749 Old US 1, Cape Fear Township.

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

*Angela Plummer presented this item to the Board.*

*The applicant Russ Anderson was present.*

*Commissioner Hales asked what the address was. Mr. Anderson said the property was currently landlocked.*

*Commissioner Hales asked if the current boat and RV storage business could be expanded. Ms. Plummer said that was correct.*

*Mr. Anderson said it was time to get this property rezoned because the property that abutted his property was already zoned light industrial zoning. He hoped he was getting ahead of the development. The boat and RV storage were temporary.*

*Commissioner Dasher asked about Parcel 5537. Mr. Anderson said it was more storage.*

*No one signed up to speak.*

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

**22-4539**

A legislative public hearing requested by Withers Ravenel on behalf of Joette and Manley Midgett for ST Wooten for a rezoning from R-1 Residential to CD-IH Conditional District Heavy Industrial for a concrete batch mixing plant on Parcel 68321 being 21.26 acres, located off Pea Ridge Rd., Cape Fear Township.

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

*Angela Plummer presented the item to the Board.*

*A representative for the applicant was present.*

*The Vice President (VP) for ST Wooten said they were still in the design phase. There was a four-lane road off Pea Ridge Road. Pea Ridge Road would be more of a service road.*

*Commissioner Hales stated that it was good because there would be large vehicles and lots of traffic. She hoped they would be using Duke Energy Coal Ash funds. The VP said yes, we would.*

*No one signed up to speak.*

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

**22-4542**

A legislative public hearing to consider a request to abandon a portion of the Moncure Flatwoods Road right-of-way and vote to adopt an Ordinance Permanently Closing a Portion of Moncure Flatwoods Road.

**Attachments:** [Moncure Flatwoods road abandonment NCDOT](#)

[Vinfast - Project Blue - Letter Re Road Abandonment 10-6-22 REV](#)  
[Ordinance](#)

*Jason Sullivan presented this item to the Board of Commissioners.*

*Commissioner Hales asked if someone would get paid if a road was abandoned. Mr. Sullivan said the road was donated to the public. North Carolina Department of Transportation (NCDOT) would take over the road for maintenance, but they do not own the underlying roadway.*

*No one signed up to speak.*

**A motion was made by Commissioner Hales, seconded by Commissioner Dasher, that this Ordinance, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

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

**CLERK'S REPORT**

*Clerk to the Board Lindsay Ray stated she was very sad to lose both Commissioners. She said all her clerk friends know that she was proud to 'model what it is like to have a servant's heart'. She said they could have coasted through, but they gave one hundred percent.*

*Ray stated that Commissioner Hales has helped her before she was a Commissioner. She appreciated Commissioner Hales' Sunday emails. She had some ideas in mind for both of them.*

## **MANAGER'S REPORT**

*County Manager Dan LaMontagne stated to Commissioner Logan that it has been a pleasure working with you on the board in your short time. I hope you will consider running for office. It was a delight to work with you.*

*LaMontagne told Commissioner Hales that you worked with me as Environmental Director. You are a warrior for the environment in Chatham County. I have a great deal of respect for you and the work you have done with the staff. I wish you the very best. I am sorry you will not work on the board, but I have a feeling I will see you soon. I wish you the very best. Try to get bored.*

*Commissioner Hales said she would be back.*

*LaMontagne stated that the topic of changes to how many term limits the Planning Board (PB) members can serve consecutively has been drafted in an ordinance. Mr. LaMontagne shared a redlined ordinance with the Board. He would like to know what the full board desired. If the Board supported the ordinance a public hearing would be scheduled. Chair Howard said to go ahead and schedule the public hearing. She thought the at-large PB member's term was worth a discussion and there was appetite on the board for not losing the knowledge of the board. There was some discussion to be had. There was a distinction between the at-large members and the other PB members that were chosen by individual commissioners.*

*Commissioner Hales asked if the commissioners had to appoint their two members. Mr. LaMontagne said that was the question because all members would have no limit. Commissioner Hales said the individual members appointed by the commissioner would serve at the pleasure of the commissioner. There had to be a consensus of five people for the at-large member.*

*Chair Howard said she had concern that having one member remain permanent did not value the changes in the county. She believed it was a risk. Commissioner Dasher said the Board voted on all appointments. Commissioner Hales said in her experience, a board member's appointment was an automatic approval by the other members. Chair Howard said the Board had trusted the choices of the board members. Commissioner Hales said the ordinance said two terms, but it was a severe limitation.*

*Commissioner Dasher said there was potential to have four new PB members.*

*Vice Chair Gomez Flores said in his experience his appointments run two terms and then he had difficulty finding people to serve. His district had difficulty finding volunteers for these positions due to economics. Commissioner Hales said this was another reason to eliminate the term limits. It was difficult to find volunteers to serve on these advisory boards in District 5.*

Commissioner Logan asked what the history was of these term limits and how did other counties handle this. Planning director, Jason Sullivan, said he did not know but he would investigate it. Mr. LaMontagne said staff would look into it and bring some information to the public hearing. Commissioner Dasher said either way the Board would get to vote to appoint.

Mr. LaMontagne stated that he attended the new town manager for Pittsboro meetings last week.

## **COMMISSIONERS' REPORTS**

Commissioner Logan had nothing to report. He appreciated the board's faith and trust in him to serve. He thoroughly enjoyed it. He had served in all regions of the State.

Commissioner Hales said she appreciated having eight years to serve and all the board members. She thanked Mike Cross, Walter Petty, Andy Wilkie, Jim Crawford, Mike Dasher, Karen Howard, Robert Logan, and Renee Paschal. She remembered when Ms. Paschal was looking at the county manager job and then Dan LaMontagne and Bryan Thompson brought the Siler City contingent.

Vice Chair Gomez Flores thanked both commissioners for their service. He attended a local emergency planning meeting. Fee structures with hazardous materials were presented. The VinFast and Wolfspeed developments would have those types of materials. The last meeting for the Maternity Care Center would be held December 5th.

Commissioner Dasher thanked both commissioners for their service and wished everyone a Happy Thanksgiving.

Chair Howard stated that there appeared to be no regulation around hunting around private residences. Some people commented on Nextdoor in Governor's village that someone was walking through the neighborhood with their hunting equipment. The person said they were very careful. Mr. LaMontagne asked if there were wildlife lands near Governor's village. Chair Howard said Governor's Village was not on gameland but there was some nearby the development. Mr. LaMontagne said the regulation from Wildlife Resources was within one hundred and fifty yards of structures. The County could not change or enforce rules on Wildlife Resources lands. LaMontagne stated that Staff could bring some more options of what other counties do.

Commissioner Hales said this was not the same as the noise ordinance from the shooting range.

Commissioner Dasher said Chatham was a rural county and he did not know of any ordinance that could be geographically differentiated. He said maybe something in Governor's Village would work but in other areas it would be more restrictive.

Chair Howard said if it was not addressed because of the county's rural nature then there was a problem. The Board would be doing a disservice to the more populated areas of the county.

Commissioner Dasher said there was a lock down at a school because of a hunter shooting nearby. Mr. LaMontagne said staff would bring back something to the Board of Commissioners. Chair Howard said she knew hunters and they were responsible.

## **ADJOURNMENT**

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

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