

NORTH CAROLINA

CHATHAM COUNTY

FIFTH AMENDMENT TO AGREEMENT

This Fifth Amendment to the Agreement (this "Fifth Amendment") is made and entered into this 17 day of MARCH, 2025, by and between Chatham County, North Carolina, a body politic and corporate of the State of North Carolina (the "County") and White & Smith, LLC (dba White Smith Cousino) (the "Contractor"). Either the County or the Contractor may be referred to herein as a "Party" or collectively as the "Parties."

RECITALS

A. The County and the Contractor entered into an agreement for the Contractor to complete the development of a Unified Development Ordinance, on September 10, 2021 (the Original Agreement). The amount of that contract was \$398,174.00.

B. In April June 2022, the original agreement was revised to reflect the County's addition to the Consultant's scope of work the preparation of a health and equity assessment for an additional amount of \$25,000, which additional work has been completed and remittance made (the "First Amendment to the Agreement"). The revised total budget following the First Amendment to the Agreement was \$423,174.

C. In June 2022, a "Second Amendment to the Agreement" was executed to reflect the County's addition to the scope of work the preparation of the first phase of the "TIP East: Countywide Assessment and Moncure Area Plan," the "Project Assessment and Action Plan," for an additional amount of \$79,420, which additional work has been completed and remittance made. The total revised budget following the Second Amendment to the Agreement was \$502,594.

D. In January 2023, a "Third Amendment to the Agreement" was executed to reflect the County's addition to the scope of work the preparation of the second phase of the "TIP East: Countywide Assessment and Moncure Area Plan," the "Countywide Assessment and Moncure Area Plan" for an additional amount of \$572,622.50, which additional work has been completed and remittance made. The total revised budget following the Third Amendment to the Agreement was \$1,075,216.50.

E. In July 2024, a "Fourth Amendment to the Agreement" was executed to reflect additional services related to development of the UDO requested by the County and to extend the term of the Agreement.

F. The Board of Commissioners unanimously adopted the final UDO on November 18, 2024 and, in order to allow time for associated zoning map amendments, set July 1, 2025 as the effective date of the UDO. The Board then directed staff to prepare revisions to the County's zoning map that would implement the policies of *Plan Chatham*, consistent with the adopted UDO, for the consideration of the Board prior to the UDO's effective date.

G. However, on December 11, 2024, SB 382 became law by vote of the North Carolina General Assembly, revising N.C.G.S. § 160D-601(d) to prohibit local governments, including Chatham County, from enacting or enforcing zoning regulations that would "down zone" property without the consent of the property owner.

H. Accordingly, on January 21, 2025, the Board directed staff to stop work on any changes to the zoning maps until the ultimate effects of SB 382 were resolved, including the potential for additional changes to N.C.G.S. Chapter 160D during the General Assembly's 2025 session.

I. Therefore, anticipating additional services from the Contractor related to the UDO will be necessary and advantageous to the County, in particular with respect to the final implications of SB

382 and potential revisions to the County zoning map, the Planning director has found that the contingency budget allocation in the Fourth Agreement is required for such services related to final revisions to the UDO as necessary, including revised drafts and virtual and in-person meetings with staff, the Planning Commission, and the Board of Commissioners. The total budget for the project remains \$1,230,911.50.

K. The Parties have agreed to amend the Agreement as provided for above.

NOW, THEREFORE, in consideration of the mutual covenants and the conditions contained herein, the County and Contractor agree as follows:

1. The Agreement is amended to include the above additional services of the Contractor; and.
2. The term of the Agreement is extended to July 30, 2025.

AGREEMENT TO REMAIN IN FULL FORCE AND EFFECT. Except for the Amendment set forth above, the original Agreement made effective September 10, 2021, and subsequent amendments shall remain in full force and effect as applicable to the Fifth Amendment.

CHATHAM COUNTY

BY: 

Bryan Thompson, County Manager

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.


Roy Lynch, Finance Director

CONTRACTOR

BY: 

Tyson Smith, Shareholder, White & Smith, LLC