



Chatham County, NC

Meeting Minutes

Board of Commissioners

Monday, June 21, 2021

6:00 PM

Historic Courthouse Courtroom

Work Session - 2:30 PM - Historic Courthouse Courtroom

Rollcall

Present: 3 - Chair Mike Dasher, Commissioner Franklin Gomez Flores and Commissioner Karen Howard

Absent: 2 - Vice Chair Diana Hales and Commissioner Jim Crawford

PUBLIC INPUT SESSION

No one signed up to speak.

BOARD PRIORITIES

[21-3924](#)

Special Presentation to retired Chatham County Deputy County Manager and Finance Officer Vicki McConnell.

Chair Mike Dasher presented retired Finance Officer and Deputy County Manager Vicki McConnell with the prestigious Order of the Long Leaf Pine. He stated Ms. McConnell has given so much of herself to the state and the county.

Among the honors and awards the Governor of North Carolina can bestow, none is more valued than The Order of the Long Leaf Pine. Since its creation in 1963, it has been presented to honor persons who have a proven record of service to the State of North Carolina or some other special achievement, and to others as a gesture of friendship and good will. Upon being named to The Order of the Long Leaf Pine, the honoree receives a certificate by which the Governor confers upon the recipient "...the rank of Ambassador Extraordinary privileged to enjoy fully all rights granted to members of this exalted order among which is the special privilege to propose the following North Carolina Toast in select company anywhere in the free world: 'Here's to the land of the long leaf pine, The summer land where the sun doth shine, Where the weak grow strong and the strong grow great, Here's to "down home", the Old North State!'

[21-3898](#)

Discuss and vote on appointment to the Appearance Commission

The Board agreed to appoint Erin McDade to the Appearance Commission.

A motion was made by Commissioner Howard, seconded by Commissioner Gomez Flores, that this Appointment be approved. The motion carried by the

following vote:

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3896](#)

Discuss and vote on appointments to the Transportation Advisory Committee

The Board agreed to appoint Larry Staley as the full Board appointment to the Transportation Advisory Committee.

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

The Board agreed to approve Commissioner Gomez Flores's appointment of John Gunter for District Five to the Transportation Advisory Committee.

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3901](#)

Chatham County School Health, Physical Education, and Wellness Instructional Program Facilitator 2020-2021 End of the School Year Report

Attachments: [20202021 BOCBOH Presentation](#)

Chatham County School Health, Physical Education, and Wellness Instructional Program Facilitator Rob Schooley gave a presentation to the Board. (Presentation attached)

Commissioner Howard stated that they now have about three years worth of data to look at. She asked how the school system is doing based on that data. Mr. Schooley stated the data is about 200 pages long so it is hard to say. He stated that the number of sexually active students is going down and the number of students using resources in the area is going up significantly. Vaping is increasing amongst students as well.

Commissioner Howard asked if specific attention has been given where there is specific need. Mr. Schooley stated that Anna Stormzand in the Health Department has worked to get resources to teachers to help their students. Commissioner Howard asked about how the Commissioners could improve things for students, such as addressing the vaping problem.

Health Director Mike Zelek stated the trend data is very valuable. They see similar trends in other counties, the state, and the country but that does not mean they should not address it. For example, the County banned tobacco use on county grounds to

help combat increased tobacco use amongst teenagers. Commissioner Howard asked how the Board could more effectively get the value of the data. Mr. Zelek stated a big value is the community health assessment, which provides data on adult health in the county.

Commissioner Dasher stated he would like to see the health data broken down by school. Mr. Zelek stated one of the reasons it isn't broken down by school is to avoid stigmatizing a particular population or school.

Mr. Zelek feels like the work that has been done is in line with the Commissioner goals.

[21-3912](#)

Annual Community Child Protection Team and Child Fatality Prevention Team Reports

Attachments: [2020 CCPT Report](#)
[2020 Annual CCPT CFPT Presentation](#)

Health Director Mike Zelek and Social Services Director Jennie Kristiansen gave a presentation to the Board. (Presentation attached)

Commissioner Howard asked where the recommendations are sent. Ms. Kristiansen stated the recommendations go to NCDHHS and they get compiled and put in a statewide report.

Commissioner Howard asked if the five child fatality cases the County reviewed were all of the child fatality cases in the County. Ms. Kristiansen stated that was correct. Commissioner Howard stated she appreciates all the work they have done and continue to do.

CLOSED SESSION

[21-3923](#)

Closed session pursuant to G.S. 143-318.11(a)(6) to consider the performance of the County Manager.

Meeting went into Recess

Meeting Reconvened

A motion was made by Commissioner Howard, seconded by Commissioner Gomez Flores, to go into Closed session pursuant to G.S. 143-318.11(a)(6) to consider the performance of the County Manager. The motion carried by the following vote:

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

RECESS

End of Work Session

Regular Session - 6:00 PM - Historic Courthouse Courtroom

Present: 3 - Chair Mike Dasher, Commissioner Franklin Gomez Flores and Commissioner Karen Howard

Absent: 2 - Vice Chair Diana Hales and Commissioner Jim Crawford

INVOCATION and PLEDGE OF ALLEGIANCE

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

CALL TO ORDER

Chair Dasher called the meeting to order at 6:01 PM.

APPROVAL OF AGENDA and CONSENT AGENDA

Commissioner Howard asked to add a Resolution Declaring June 19th as Juneteenth and Proclaiming it a County Holiday as an agenda item after the DSS special presentation.

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3938](#)

Vote on a request to approve the February 15, 2021 Work and Regular Session Minutes, the March 15, 2021 Work and Regular Session Minutes, and the May 3, 2021 Regular Session Minutes.

Attachments: [Draft Minutes 02.15.2021](#)

[Draft Minutes 03.15.2021](#)

[Draft Minutes 05.03.2021](#)

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3886](#)

Vote on a Request to Approve a Pyrotechnics Display at 289 Spring Creek Rd. Pittsboro NC 27312, on July 2, 2021.

Attachments: [Attachment A-N.C.G.S. Pyrotechnic Displays](#)
[Attachment B - Pyrotechnic Display Request Cavaroc 2021](#)
[Attachment C - Cavaroc Pyrotechnic License 2021](#)
[Attachment D - M&M Fireworks Certificate of Insurance 2021](#)
[Attachment E - M&M ATF License 2021](#)
[Attachment F - Cavaroc Site Plan 2021](#)

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3887](#)

Vote on a request to approve a contract with Chatham Trades for \$206,000 and authorize the County Manager to execute the agreement.

Attachments: [Contract for Chatham Trades FY22](#)

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3888](#)

Vote on a request to approve a contract with Chatham Transit for \$93,657 and authorize the County Manager to execute the agreement.

Attachments: [Contract for Chatham Transit FY22](#)

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3889](#)

Vote on a request to approve a contract with the Council on Aging for \$1,051,474.

Attachments: [FY22COA Agreement July 1 2021-June 30 2022](#)

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3899](#)

Vote on a request to approve a contract FY22-1902 for Stephenson & Fleming, LLP to provide legal services for Social Services for the fiscal year 07/01/2021 to 06/30/2022. Contract amount is \$165,000.

Attachments: [Stephenson & Fleming Contract](#)

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3900](#)

Vote on a Request to Approve the Contract with Central Carolina Holdings LLC for Scrap Tire Hauling and Disposal and Authorize the County Manager to Sign and Execute the Contract.

Attachments: [Service Agreement - Central Carolina Holdings 7.21.21](#)

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3902](#)

Vote on Request to approve contract with Waste Management for the Sanford Transfer Station and Great Oak landfill (Randolph County) and to authorize the County Manager to execute the contact.

Attachments: [SERVICE AGREEMENT- Waste Management of the Carolinas Inc 7.1.21](#)

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3913](#)

Vote on a request to approve the contract amendment adding the Guaranteed Maximum Price of \$19,569,001.00 to the existing Construction Manager @ Risk contract in place with Balfour Beatty Construction for the new Emergency Operations Center project.

Attachments: [A133 Exhibit A Amendment-Final GMP Rev1](#)

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3916](#)

Vote on a request to approve a contract for FY 2022 administration of the Juvenile Crime Prevention Council (JCPC) in the amount of \$14,350 and authorize the County Manager to execute the agreement.

Attachments: [SERVICE AGREEMENT- Paul Atherton JCPC Administratoin for FY22 contract](#)

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3939](#)

Vote on a request to approve the fifteenth amendment to the Southern Health Partners Agreement and authorize the County Manager to execute the agreement.

Attachments: [SHP Amendments](#)
[Sheriff Roberson re 2021-2022 renewal \(JR 1-8-2021\)](#)

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3928](#)

Vote on a request to approve the County Funding Plan (DOA-731) for the Home and Community Care Block Grant of \$616,475.00 for fiscal year 2021/2022 as recommended by the Advisory Committee appointed by the County Commissioners.

Attachments: [HCCBG 2021 Packet](#)

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3933](#)

Vote on a request to approve the Juvenile Crime Prevention Council Annual Funding Plan.

Attachments: [21-22 Chatham County Funding Plan.pdf](#)
[Chatham Co FY 21 22 JCPC Admin Budget and JCPC Certification.pdf](#)

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3905](#)

Vote on a request to approve amended project ordinances as proposed by staff

Attachments: [Project Ordinance Schools Seaforth High School 6-21-21](#)
[Project Ordinance Schools Chatham Grove Elementary Revised 6-21-21](#)

A motion was made by Commissioner Howard, seconded by Commissioner Gomez Flores, that these Ordinances, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3907](#)

Vote on a request to appoint Tammy Kirkman and Jessica Norton as Deputy Finance Officers for the purpose of signing inmate trust account checks

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3911](#)

Vote on a Request to Approve a Pyrotechnics Display at the Governors Club, 11000 Club Dr. Chapel Hill 27517, on July 4, 2021.

Attachments: [Attachment A - N.C.G.S. Pyrotechnic Displays](#)
[Attachment B - Pyrotechnic Display Request Gov. Club 2021](#)
[Attachment C - Williams Pyrotechnic License](#)
[Attachment D - Skylights Certificate of Insurance](#)
[Attachment E - Skylights ATF License 2021](#)
[Attachment F - Gov. Club Site Plan 2021](#)

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3914](#)

Vote on a request to approve Tax Releases and Refunds

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

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3906](#)

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

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

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3904](#)

Vote on a request to adopt the Resolution - Declaring Property Surplus and Authoring the Sale of Said Property.

Attachments: [Resolution](#)
[Surplus List](#)

A motion was made by Commissioner Howard, seconded by Commissioner Gomez Flores, that this Resolution #2021-22 Declaring Property Surplus and Authorizing the Sale of Said Property, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3927](#)

Vote on a request to adopt a Resolution to Petition North Carolina State Office of Human Resources for Substantial Equivalency

Attachments: [Resolution in Support of OSHR Substantial Equivalency](#)

A motion was made by Commissioner Howard, seconded by Commissioner Gomez Flores, that this Resolution #2021-23 Petitioning North Carolina State Office of Human Resources for Substantial Equivalency, attached hereto and by reference made a part hereof, be adopted. The motion carried by the

following vote:

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3926](#)

Vote on a Request to Approve the Chatham County Recruitment and Selection Policy in conjunction with the Chatham County EEO Policy

Attachments: [Recruitment and Selection Policy](#)
[Structured Interview Guide for Hiring Managers](#)
[Applicant Ranking Form](#)
[Interview Question Template](#)
[educational-equivalency-matrix1.pdf](#)

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3897](#)

Vote on a request to approve to appoint Dr. Ashley Pappas to fill the upcoming vacant Pharmacist Seat on the Board of Health effective 7-1-21.

Attachments: [Ashley Pappas](#)
[Ashley Lewis - Pappas License Verification North Carolina Board of Pharmacy](#)

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3892](#)

Vote on a request to approve reappointments to the Appearance Commission

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3890](#)

Vote on a request to approve appointments to the Recreation Advisory Committee

A motion was made by Commissioner Howard, seconded by Commissioner Gomez Flores, that these Appointments be approved. The motion carried by

the following vote:

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3891](#)

Vote on a request to approve an appointment to the Library Advisory Committee

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3893](#)

Vote on a request to approve appointments to the Affordable Housing Advisory Committee

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3894](#)

Vote on a request to approve appointments to the Environmental Review Advisory Committee

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3895](#)

Vote on a request to approve reappointments to the Transportation Advisory Committee

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3930](#)

Vote on a request to approve new appointments and reappointments to the Climate Change Advisory Committee.

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3929](#)

Vote on a request to appoint Emily Foushee to the Chatham County Jury Commission.

- Attachments:** [Jury Commission Appointment Form 2021-2023](#)
[Jury Commission Appointment Request Letter 2021-2023](#)
[Jury Commission General Statute](#)
[Jury Commission Statement of Sources and Procedures 2020-2021](#)

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3932](#)

Vote on a request to approve reappointments to the Agriculture Advisory Board

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3931](#)

Vote on a request to approve the reappointment of Larry Miller to the Chatham County ABC Board.

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3934](#)

Vote on a request to approve appointments to the Juvenile Crime Prevention Council (JCPC).

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

End of Consent Agenda

SPECIAL PRESENTATION

[21-3871](#)

Special Presentation for the Department of Social Services

Tom Droke, Board of Social Services Member, presented Chatham County Social Services Director Jennie Kristiansen a plaque recognizing the Department of Social Services staff for the wonderful work they did over the past year during a difficult pandemic and a cyber incident. The Board of Social Services hopes the plaque serves as a reminder to future DSS staff as to what dedication and good public service looks like.

Ms. Kristiansen thanked the Board of Commissioners and the Manger's Office for the continued support of the Department of Social Services.

[21-3941](#)

Vote on a request to approve a Resolution Proclaiming June 19th as Juneteenth and Proclaim Juneteenth a County Holiday

Attachments: [RES - Juneteenth.pdf](#)

Commissioner Howard read the resolution into the record.

A motion was made by Commissioner Howard, seconded by Commissioner Gomez Flores, that this Resolution #2021-27 Proclaiming June 19th as Juneteenth and Proclaiming Juneteenth a County Holiday, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

PUBLIC INPUT SESSION

Eileen McKenna submitted the following comments:

Good evening, my name is Eileen McKenna, and I live at The Legacy at Jordan Lake. I first want to thank the Commissioners for taking the concerns of Legacy homeowners seriously at last month's meeting, where you declined to vote on developer Freehold's request for approval of the last phase of the project - the Phase 3 Final Plat. I respectfully ask that you do so once again this evening.

Almost three months after Legacy Owners Group notified Freehold by email and certified letter of our serious complaints, and proposed a sit-down meeting, that meeting has still not taken place. In fact, the only substantive communication from Freehold was an email/letter from their attorney delivered 13 minutes before your work session on May 17th, in which they essentially discounted or denied all of the grievances of which they'd been notified over six weeks earlier. We'd not submitted our March 30th letter for the public record at last month's Commissioners' meeting, hoping to reach a fair settlement without airing Freehold's dirty laundry. But since they put their response on the record, for completeness we are now doing the same with our original letter, as well as our June 4th reply to their attorney, Russell Killen.

Since last month's meeting, we've discovered serious new wrongdoings, including Freehold's violation of a NC law requiring that homeowners be elected to the HOA

Board of Directors by no later than the ending date of declarant's control period, which was last December 31st. (See next page.) Almost six months later, the election process has not even been started by our HOA management company, who as late as last Wednesday had still not been instructed by Freehold to do so. This despite our request that the election process be initiated ASAP. To this day, Freehold holds onto exclusive control of our HOA.

We've also become aware of Freehold, in its marketing of The Legacy, falsely representing our school district, with no mention of Chatham County Schools, but the touting of the Chapel Hill-Carrboro School District as one of the best in the state, including the soon-to-be open Seaforth High School. This claim resides not only on their website (see below), but also in their full-color, professionally prepared sales brochure. At worst this is an intentional, fraudulent deception of prospective home buyers; at best, it is one more indication of the developer's negligence and cluelessness as an "absentee landlord", so to speak.

We understand from the County attorney's remarks last month that the Board does not have jurisdiction over these disputes, and lacks legal grounds to deny Freehold's Final Plat approval. But you do have the ability to send them a clear message to sit down and deal fairly with Legacy owners with legitimate, serious grievances, by once again declining to vote on this matter. I thank you in advance for your consideration.

Stephen Warshofsky submitted the following comments:

Good evening, my name is Stephen Warshofsky. I live in the Legacy at Jordan Lake.

Thank you for allowing me to speak today and at the past May 17th BOC meeting on the Legacy Phase 3 project. I thank you for declining to approve Phase 3 at the last meeting. In doing so, F-L Legacy began to respond to the concerns of the Legacy Owners Group.

I again respectfully ask the BOC to delay final approval of Phase 3 permits until F-L Legacy meets with homeowners and addresses our concerns raised in our letter sent to them March 30, 2021.

On May 17th F-L Legacy's in-house attorney put us in contact with their outside attorney Russell Killen, who on that date replied "F-L Legacy takes the issues raised in our letter seriously. While the Declarant disagrees with the statements in our letter, it remains open to discussing our concerns and exploring a reasonable resolution. To that end, please contact me to coordinate further discussions."

We have offered several time frames to meet, and so far, no date has been set. The last time F-L Legacy's attorney responded substantively to Legacy Owners Group (LOC) was via email oddly 13 minutes before the May 17thc PM meeting. We have trepidations that F-L Legacy plans to let the time run out for the 60-day delay of Phase 3 approval July 16th, 2021.

Today we have been just informed of dates F-L Legacy and attorney propose to meet, peculiarly once again on the day of the BOC meeting.

Freehold and their attorney need to meet and discuss our findings with us. We believe a reasonable resolution and conclusion can be obtained for both F-L Legacy and Legacy residents.

With the support of the Board of Commissioners of Chatham County we can resolve our grievances. We would like to see the completion of Legacy Phase 3 homes built. An extension for Phase 3 approvals should motivate all to meet. Please help us bring this ordeal to a constructive end.

Currently, please be aware there has been excessive rainwater collecting and pooling at the bottom of the bridge on High Woods Ridge Road after rain falls. We hope this will be fully corrected and inspected before Phase 3 is approved. Please see recent photo attached.

Thank you.

Chris Liloia spoke about the Chestnut Creek subdivision. She has been to several BOC meetings virtually but wanted to come in person today. She wants to restate that they are worried about the impacts of this development to the stream that runs through her property. She wants to know if the septic crossings have an impact. Their road and bridges have been affected by the clear cutting. One issue that hasn't come up yet is biodiversity. There is no protected wildlife or plants but there are several birds and frogs that find refuge on this land.

PUBLIC HEARINGS

21-3908

Hold a public hearing to receive public comments on the naming of state maintained road and vote on a request to approve the naming of one (1) state maintained road in Chatham County.

Attachments: [Lodge Lane Petition](#)
[Lodge Lane Map](#)
[Lodge Lane Area Map](#)

Emergency Management Director Steve Newton reviewed the specifics of the request.

The Chair opened the hearing.

No one signed up to speak.

The Chair closed the hearing.

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

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

21-3917

Hold a public hearing to receive public comment on authorizing the execution, delivery and sale of limited obligation bonds representing installment payments under an amendment to an installment financing contract to construct and equip the Schools Central Services Building and Emergency Operations Center and refinance prior installment financing obligations and vote on a resolution authorizing the execution, delivery and sale of the limited obligation bonds

Attachments: [Approving Resolution- Chatham 2021 LOBs - edits to v.1 \(002\)](#)

Finance Director Hope Tally reviewed the specifics of the request.

Commissioner Gomez Flores stated he would like to show support of the county school administrators. He would like to see support of the western schools in the next CIP.

The Chair opened the hearing.

No one signed up to speak.

The Chair closed the hearing.

A motion was made by Commissioner Gomez Flores, seconded by Commissioner Howard, that this Resolution #2021-25 authorizing the execution, delivery and sale of the limited obligation bonds, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3909](#)

A legislative public hearing for a Conditional District Compact Community rezoning request by Herndon Farms One, LLC for an active-adult (55 and older) compact community with 161 residential units, congregate care facility, one-story office/daycare, community gardens, and barn for events on approximately 97.86 acres being Parcels 93852, 2752, 18750, 18897, 18896, and 18909, located on US 15-501 N split by Williams and Baldwin townships.

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

Zoning Administrator Angela Plummer reviewed the specifics of the request.

Travis Blake and Leslie McAdams, developers, addressed the Board. They have made some changes to the wetland buffers. Ms. McAdams addressed the concern about the transit stop. She spoke with Chatham Transit Network and they concluded that the residents of the development are more likely to take the point to point transit opportunity, not a reservation for specific pick up and drop off locations. Mr. Blake stated Chatham Transit Network has determined rapid transit will be their main form of transit

The Chair opened the hearing.

Hoyt Collins spoke about the 100 foot buffer off the driveway off Vicker's Road.

Ms. Plummer told Mr. Collins that drive has been eliminated.

Andrew Haight submitted the following comments:

I hereby object to the rezoning request by Herndon Farms One LLC. My property is adjacent to the proposed development. The zoning request, if approved, would directly affect my property value in a very negative way.

The zoning request, if approved, would also directly affect the quality of life for me and my family in a very negative way. I will oppose this zoning request with all the might and vigor I can muster.

Marion Haywood submitted the following comments:

My name is Marion Haywood & I live at 501 Oak Island Dr, Chapel Hill, NC 27516. I am a long -time (40+ years) resident and property owner of a land parcel that will be affected by the Herndon Farms One, LLC development and rezoning request. Due to illness in my family, I am not able to attend the public hearing in person but I am voicing several concerns here for your consideration.

1. The area potentially rezoned, presumably for the purpose of building a sewage management system for Herndon Farms, is in direct contact with my property.

Concerns are

(a) about the access to this system for maintenance – will it be from Oak Island? Through my &/or my neighbors' property? Require more road building?

(b) What happens to the surrounding property when (not if) there are malfunctions & overflows with the system? What damage will be caused to the already disturbed ecosystem? Will flora & fauna be destroyed & displaced?

2. Development (of some form) will take place on both sides of Highway 15-501. How will crossing the highway be managed? Are there to be, as reported, farm animals involved with this community with movement between the east & west sides of the highway?

Wildlife especially will be impacted by the loss of habitat to the east, causing them to move west and be more vulnerable to slaughter on the highway as well as being a danger to the motorists traveling along this section.

3. Increased traffic congestion, with stops, starts and turns will be a problem. Residents of Oak Island are already having difficulty squeezing into the stream of traffic heading south, then moving to the far-left lane to make a U-turn in order to go north. Most of the time this involves stopping and waiting at the Briar Chapel stoplight. More traffic passing through this intersection will make turning more difficult & dangerous. Also of concern is the amount of construction traffic that will influence, impede and disrupt the flow of traffic at the entrance to Oak Island.

I would appreciate you taking these concerns under consideration when you deliberate taking action on the Herndon Farms proposal and the request to rezone this property to light industrial.

Shelley Colbert submitted the following comments:

Honorable Commissioners,

My name is Shelley Colbert; I'm a resident of Baldwin Township in Chatham County

I write to you concerning yet another North Chatham planning matter(s) for which you should require additional information, details, modifications and justification from the developer, as well as additional governmental scrutiny from the planning department, before any approval is considered.

I am speaking specifically to the Herndon/Riggsbee Farm proposals on the June 21, 2021 agenda; the two related proposals are, in some ways, microcosms of much broader issues facing government, developers, business models, existing and future residential subdivisions, infrastructure, and the greater Chatham County community

and electorate.

As the last year has amply demonstrated, the pandemic accelerated and made manifest broad structural shifts that were already underway, moving commercial activity away from brick and mortar business models, including retail and professional services, to online and other virtual means of procuring and providing goods and services. Market over saturation, especially in retail and certain other sectors, was laid bare by the pandemic, which hastened a record number of closures and bankruptcies.

Population growth no longer is adequate justification, nor can it be expected to sustain, old business models heavily reliant on retail and personal services increasingly unconstrained by the need to be physically co-located with local populations.

Also during the last year, "mixed use residential" became a redefined and highly personal concept as much of the workforce worked full-time from home, while people of all ages increased shopping and obtaining services online-- as many of my neighbors in Briar Chapel and surrounding Chatham communities will attest.

While none of us has a crystal ball, there is general consensus that the shifts accelerated during COVID but already well underway before the pandemic will require us as a society and a community to rethink how we implement planning models and policy, and manage growth and infrastructure.

I ask the board, and the planning department, to require better details and commitments in order to avoid the mistakes of the past. Too many developers are clinging to old models of residential development, as well as reliance on traditional commercial assumptions that are inexorably heading toward obsolescence. Riggsbee/Herndon strikes me as one of them. I will paraphrase aspects of "five findings" below, where I believe the Riggsbee/Herndon proposals fall short in their details, analysis or conditions.

1. The use requested is among those listed as an eligible use in the district in which the subject property is located or is to be located.

I am genuinely puzzled by the need to rezone one acre to light industrial for wastewater treatment given the scope of the proposed residential development, except for the ambiguous references to make excess capacity available to unspecified neighboring developments. The conclusion many of us are drawing is that this is a back door, inchoate bid to put a regional wastewater treatment plant on the site without full disclosure, presentation or analysis of all relevant facts, concerns, and potential negative residential and commercial impacts to existing neighborhoods and businesses.

As the local advocacy group "Stop Chatham North" noted in its communication on June 18, 2021,

"Our main concern with this proposal is with the Light Industrial Rezoning and the location of the WWTP. If this area is rezoned Light Industrial, this will allow the WWTP to be a "public utility facility serving regional areas". Herndon Farms requires 90,000 gpd in wastewater capacity, but according to Jason Sullivan (Director of CC Planning Dept), "since the wastewater treatment plant area is a general use light industrial rezoning there is no limit on the treatment capacity of the plant." In short, this would give Herndon Farms the first step in gaining approval of a regional WWTP located near The Veranda and just north of Briar Chapel walking trails."

I share that concern, because Chatham County absolutely cannot afford to repeat the planning errors, substandard infrastructure and environmental damages associated with prior approvals for Briar Chapel, as witnessed and suffered by residents in Baldwin township.

2. The requested use...or revision... is either essential or desirable for the public convenience or welfare.

Two broad concerns, and I urge the commissioners and the planning department to explore them more fully, may be summarized as follows:

a. What wastewater treatment infrastructure is desirable and essential to support and manage commercial and residential growth, especially in North Chatham? In Briar Chapel, we have already seen the disastrous results of ongoing wastewater failures and sewage spills. poor developer planning and even worse infrastructure management. The rezoning application, as it is currently presented, doesn't come close to answering affirmatively that their wastewater proposal is either essential or desirable.

b. The other proposed use, senior housing, as a desirable or essential means to save retail sales in Chatham, is unconvincing due to ongoing-- and foreseeable-- structural shifts-- and limited public transportation, which the developer does not mention. The over-55 cohort has been a fast-growing demographic segment for home delivery of goods and services, in fact. Moreover, the developer admits that "The light industrial zoning and wastewater treatment facility will not it itself have much of an effect on employment or other material economic impacts. However, the facility obviously enables the development of Herndon Farms and may support other commercial operations" without actually specifying what related commercial operations may be supported, whether they are essential or desirable, and whether or not they would negatively impact the integrity or character of adjoining areas, residents and businesses.

3. The requested permit or revision to the existing permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community.

The wastewater treatment rezoning lacks adequate details to be able to answer this concern, not only in terms of health and safety, but potential additional land use(s) and spray fields, environmental concerns for surrounding creeks and water quality, or the constraints that it may place on recreation, such as walking trails or the location of impervious surfaces.

4. The requested permit will be or remain consistent with the objectives of the Land Conservation and Development Plan.

Much has been said concerning preservation of the rural character of Chatham, but the manner in which the site is planned doesn't particularly do that since it bifurcates the acreage, squeezing all residential development onto the east side of 15-501 and turning the west side into a wastewater treatment plant and spray field. Buffer waivers are of particular concern, and I urge the commissioners to scrutinize the need for any such waivers- they incrementally and collectively undermine planning principles affecting residential and commercial developments the 15-501 corridor and surrounding communities.

5. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies and regulations.

Among the shortcoming for this development, in addition to wastewater utilities, are the lack of facilities, recreation and open space appropriate and accessible for an age-restricted community of this size, especially as recreation and open space may

be impacted by the location of wastewater treatment facilities and spray fields.

The developer stated, with no details, that trails would link to the Briar Chapel trail system if the BC HOA approved them. First, to my knowledge, the developer did not contact the homeowners' association concerning such a proposal before submitting the application to the county. Second, it's not the responsibility of any adjacent property owners to assume the developer's burden for providing recreation. (In fact, such trails may not be possible at all with spray fields; as an example, NCDEQ recently informed Briar Chapel that the permit modifications for the expanded wastewater treatment facility in the community will not allow trails through western open space being added for spray irrigation.

Ms. Plummer reviewed some items staff feels need clarification. Planning has asked that the public hearing be held open and continued to July 19, 2021.

The Board agreed to continue the hearing to July 19, 2021.

[21-3910](#)

A Legislative public hearing for a general use rezoning request by Herndon Farms One, LLC, to rezone one acre of Parcel No. 2752, being approximately 33.67 acres total, from R-1 Residential, to IL Light Industrial, located off US 15-501 N., Baldwin Township.

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

Zoning Official Janie Phelps reviewed the specifics of the request.

Mr. Blake and Ms. McAdams addressed the Board.

Liz Rolison submitted the following comments:

My name is Liz Rolison and I live in Briar Chapel and am speaking on behalf of StopChathamNorth, an incorporated nonprofit representing homeowners within Briar Chapel. We are voicing opposition to the current proposal for Herndon Farms to rezone the planned Herndon Farms WWTP property to Light Industrial.

Our main concern with this proposal is with the Light Industrial Rezoning and the location of the WWTP.

According to the Zoning Ordinance, a zoning classification of Light Industrial permits use for major utilities which are defined as public utility facilities serving regional areas. According to this proposal Herndon Farms plans to initially build a 90,000 gpd WWTP, but if the area is rezoned general use light industrial there is no limit on the treatment capacity of the plant. In short, this would give Herndon Farms the first step in gaining approval for a regional WWTP. We understand that initially Herndon Farms is planning to service Dogwood Veterinary, but with this rezoning the door is opened to potentially extend service to 501 Landing, Williams Corner, Vickers Village and other development along 15/501.

The proposed location of the WWTP is sandwiched within a thin strip between the Oak Island community and Briar Chapel. The map included with the proposal shows the area as being located just north of the Duke Energy power easement near Briar Chapel's Veranda and public walking trails. I think most of us would agree that locating a regional WWTP within 500-700 feet of outdoor dining is likely to cause problems. A regional WWTP is needed in NE Chatham County, but it needs to be located in a carefully chosen area that minimizes the impact on surrounding property.

Chatham County's current strategy for wastewater puts the responsibility on developers to provide their own wastewater solutions in lieu of a municipal or county-wide plan. This results in a piecemeal of smaller, privately owned wastewater systems located within residential communities and near other existing residential and commercial properties without the benefit of long-term planning or economies of scale.

As a result, NE Chatham County now has 10 privately owned WWTP and like Briar Chapel's WW system, each has its own unique problems. Several of these systems are failing to meet nutrient treatment requirements for discharge into creeks that feed into Lake Jordan, two are at or near maximum capacity and several others are approaching end of life and will need to be replaced. In addition, many subdivisions are using older septic systems that are approaching end of life. There is a significant amount of development getting ready to be proposed along 15/501. Whether your position is slow growth, smart growth or pro-growth, NE Chatham County needs a long term, sustainable plan for wastewater; otherwise, we will have numerous WW problems across NE Chatham County as we have experienced in Briar Chapel.

We encourage Chatham County to take a leadership role in initiating a Study Commission bringing together experts from the public and private sector to assess the wastewater situation in NE Chatham County and make recommendations for a sustainable, long term strategy.

Patricia Van Hoy submitted the following comments:

My name is Patricia Van Hoy and I live in Briar Chapel. For the 2 1/2 years that I have lived in Briar Chapel I have been involved in issues concerning wastewater. Issues with the BC wastewater treatment plant have been widely publicized even as it is being expanded to double capacity.

In 2019 a notice was given to the BC Board of Directors concerning the proposed Herndon Farms development. At the time the Board was controlled by Newland and BC residents were not given the opportunity for input. Now, Herndon Farms is requesting a zoning change for their WWTP to light industrial which virtually gives them unlimited expansion into a regional plant.

I have reviewed the documents that Herndon Farms has submitted and take issue with the location of Herndon Farms WWTP and the upzoning to light industrial. They have conveniently located the plant and spray fields away from their development to the front of Briar Chapel and next to eating establishments and a neighboring subdivision. This location presents adverse conditions for all of the aforementioned areas. The possibility of the plant being transformed to a regional plant could be catastrophic for the businesses.

Locating two large wastewater treatment plants in BC is as smart as building a WWTP at the top of a hill.

The CC BOC have been provided detailed information on the 10 privately owned WWTPs in NE Chatham County and their problems in failing to meet nutrient treatment requirements into creeks, several are near to maximum capacity and approaching end of life. Herndon Farms WWTP does not solve this problem, it just exacerbates the situation.

Experts, developers and community leaders have proposed a Study Commission to bring together experts from the public and private sector to assess the wastewater

situation in NE Chatham County and make recommendations for a sustainable long-term strategy.

It is time for the County leaders to demonstrate their leadership by considering the needs of the environment and their constituents and put their personal preferences aside. Thank you.

Anthony Curtis submitted the following comments:

Good evening, my name is Anthony Curtis. I am a resident of Chatham County and tonight I am also a representative of the Chatham Citizens for Effective Communities or CCEC. Some of the Commissioners and Staff might recognize this name. The CCEC was found in the early 2000's for the purpose of empowering our citizens to take an active role in the future of our county.

CCEC's focus is on providing information to the community, in order to promote citizen participation in open government and land use and development. Further, our purpose is to represent the community as a whole in regards to land use and development and to that end, we serve every citizen of Chatham county.

Tonight, I would like to speak on the Herndon Farms application for General Use Light Industrial Zoning. We request that the Board of Commissioners hold on passing their Light Industry Rezoning application and that it not move forward into the planning process due to a number of reasons:

1) At the Community meeting held on March 7 2019th for adjacent property owners of the proposed development Riggsbee Farm later to be renamed Herndon Farms, compact community zoning and plans were discussed. According to attendees, no discussion or disclosure of the intent to pursue Light Industry rezoning was given. Adjacent properties and the community only became aware of the light Industry rezoning application at the beginning of June, when it became active on the Rezoning and Zoning page of Chatham County Dept. of Planning web page. Further, this particular type of rezoning has the potential to affect many of the surrounding communities directly. It is not clear if a rezoning application should be allow to go forward without completing the required community meeting so to let adjacent owners know how this new rezoning will affect their properties. Allowing this, would set a precedent for future developers to add additional rezoning applications last minute, that are not discussed nor disclosed to adjacent property owners and other directly affected communities.

2) The Compact Community Ordinance provides robust and effective guidance for building and maintaining wastewater treatment plants. In their application for Compact Community rezoning the developer states the wastewater treatment plant will accept 1,000 GPD of wastewater from the adjacent veterinary facility on the east side, southern boundary, of the property (the Dogwood Veterinary Hospital and Pet Resort). Wastewater from other offsite locations is not planned or anticipated at this time. The CCO as written, allows for this, rendering the light industry rezoning "not needed" as described in the application.

3) In the Light Industry application, the developer no longer specifies the amount of wastewater they will accept from additional commercial operations, nor is there any disclosure as to which operations will be piping into this WWTP. This ambiguity would allow for this facility to serve as a regional wastewater treatment plant. It took years for the language in the waste water portions of CCO to be finalized, and we all know what can happen when that is abused. They are asking you to approve this in just a few

months and well before the UDO can be effectively reviewed. If the developers are intent on moving forward with the request as written, additional risks to the community must be addressed, including but certainly not limited to environmental impacts, review of appropriateness as it relates to watershed ordinances, and risks to adjacent homeowners from other unspecified commercial operations hoping to use this WWTP.

Our ordinances should be thoughtfully developed and applied, not hastily executed through implied purpose. The developers that choose Chatham in which to build must be respectful of the citizen herein. If the intent of this rezoning is to establish regional waste water, this is not the way to do it. It would be deceitful and certainly not in the interest of the community. If that was not their intent, then either the Light Industry rezoning application should be withdrawn by the applicant as not needed, or not approved as written.

Thank you for your time and consideration.

Alicia Koblansky submitted the following comments:

Good evening Commissioners,

My name is Alicia Koblansky, I am a resident of Chatham County and tonight I am speaking on the Herndon Farms application for General use Light Industry Rezoning.

The Light Industry rezoning application is worrisome for a couple of reasons: 1) the vagueness from the developer in terms of final input and what additional commercial operations will try to connect and 2) this will be the first WWTP zoned light industry in our county. And further, with limited time for discussion on how it will be governed to minimize impact to multiple communities and not just adjacent property owners.

Under the Compact Community rezoning application, the developer states the wastewater treatment plant area will accept 1,000 GPD of wastewater from the adjacent veterinary facility on the east side of the property (the Dogwood Veterinary Hospital and Pet Resort) and wastewater from other offsite locations is not planned or anticipated at this time. However, the Developer is significantly vaguer in the General use Light Industry rezoning application, excluding the amount of GPD of wastewater they will accept from additional commercial operations and the specific commercial operations that would be allowed to use this WWTP. It is unclear how many different communities will be affected by possible size, environmental features and influences, and water use from a vague wastewater management plan.

The current Compact Communities Ordinance was implemented to provide the structure needed to protect Chatham County and its existing communities. It took years with detailed discussions amongst our legislative bodies and input from our community members. Within this ordinance, are included rules and regulations for the design and maintenance of WWTP. One of the most important parts of which, from a community perspective, is the "Public Filing of Wastewater Documents" requirement. Which allows for ongoing public review of any operational performance reports and data for water quality monitoring. This regulation helped the community review the issues with Briar Chapel WWTP and is helping to progress toward a possible solution. Currently, general use Light Industry zoning lacks the structure to safely implement wastewater management.

The Developer, with this Light Industry rezoning appears to be attempting to force your hands on new policies for wastewater management to be included in Chatham County's Unified Development Ordinance. They are requesting that you change policy in the

shortest time possible, with just 2-3 planning board meetings. At this time, no WWTP that supports a Compact Community, or any R-1 zoned community is zoned General Use Light Industry.

Over the past few years our communities have been dealing with Developers who put their interests before the needs of the community. But we can learn from these issues and make sure we don't repeat them. This Light Industry rezoning will have lasting impacts on our surrounding communities. I request that the Commissioners take more time to decide the future of Chatham County and that we work towards a solution that will not cripple the established communities and a UDO that will be structured to support those existing here now.

I thank you for your time and consideration.

Julie Esther submitted the following comments:

My name is Julie Esther, and I am a citizen of Chatham county. I am here tonight because of concern about the Light Industrial rezoning request for the Herndon Farms wastewater treatment facility. The proposed Herndon Farms Compact Community has many positive aspects. Under the Compact Community zoning the developers can meet their stated goal of taking wastewater from adjacent developments. However, the developers are instead asking for Light Industrial zoning for their wastewater treatment plant-a zoning which allows wastewater facilities to take an unlimited amount of wastewater.

Approving the Light Industrial zoning would jeopardize our environment and quality of life. The Chatham community has seen first-hand the problems from the Briar Chapel wastewater facility. With zoning that puts no limit on the amount of wastewater received, Herndon Farms' wastewater facility would pose an exponentially greater risk to the environment and surrounding community.

What are the lessons learned from the problems with Briar Chapel's wastewater plant over the past few years? Here are four relevant lessons:

- 1. Wastewater plants are not always maintained well, and even with new technology can cause environmental damage and negatively affect quality of life for Chatham county citizens.*
- 2. Large regional wastewater treatment facilities do not belong inside compact communities. They should be placed well away from residential areas, hence the requirement that they are placed in areas zoned for Light Industrial.*
- 3. The only time Chatham county Commissioners have any ability to intervene to protect the community from wastewater problems is in their decisions regarding the initial approval of the development that includes the wastewater facility. After approval, Commissioners have no ability to prevent developers from adding subdivisions that meet county regulations to an already overtaxed or problematic wastewater plant, even if it is detrimental to Chatham county residents and the environment.*
- 4. Once a development and zoning are approved, wastewater problems can only be addressed by the State. NCDEQ is overworked and understaffed and cannot prevent poorly managed wastewater plants from becoming environmental hazards and nuisances for homeowners.*

For these reasons and more, I am asking you to protect the citizens and environment of Chatham county and deny the Light Industrial zoning for the Herndon Farms wastewater treatment plant. This is not a wise, well-researched approach to choosing the location for a regional wastewater treatment plant.

Thank you.

Traci Fallecker

*Elizabeth Kawabata submitted the following comments:
Chatham County Commissioners,*

Herndon Farms compact community request includes a 1-acre area that they are requesting to be rezoned for Light Industrial which will allow a regional WWTP that can be used by Herndon Farms and other surrounding property. This WWTP will use spray irrigation for discharge of the reclaimed water on both the west and east properties. The proposed WWTP is located off Oak Island Road, near the power easement not far from the Veranda and Briar Chapel's bike skills area and walking trails.

My main concern with the Herndon Farms proposal is with the Light Industrial Rezoning and the location of the WWTP. If this area is rezoned Light Industrial, this will allow the WWTP to be a "public utility facility serving regional areas". Herndon Farms requires 90,000 gpd in wastewater capacity, but according to Jason Sullivan (Director of CC Planning Dept), "since the wastewater treatment plant area is a general use light industrial rezoning there is no limit on the treatment capacity of the plant." In short, this would give Herndon Farms the first step in gaining approval of a regional WWTP located near The Veranda and just north of Briar Chapel walking trails.

Please withhold approval until a more comprehensive approach to WWT in Chatham County can be studied to ensure environmental and quality of life protection. We need a WWTP plan with strict guidelines for the increasing development of Chatham County.

Thank you for your consideration

Roy Baker submitted the following comments:

My name is Roy Baker and I live at 540 Oak Island. My home is not directly adjacent to the proposed Herndon Farms neighborhood, but our access road is along the subject property and my neighbors will be impacted by any new development on these parcels.

The residents of Oak Island are opposed to any such Sewage Treatment Plant due to the very real possibility of foul smells and also the spray field run off that would affect the pond in the Oak Island Subdivision.

I encourage the Planning Board and the Board of Commissioners not to permit the up zoning of this parcel to light industrial.

Lynn Hayes submitted the following comments:

My name is Lynn Hayes and I live at 612 Oak Island. My home is not directly adjacent to the proposed Herndon Farms neighborhood, but our access road is along the subject property and my neighbors will be impacted by any new development on these parcels.

Twenty years ago we watched as our rural area was forever transformed by the Compact Community Ordinance which brought high density development to our rural landscape. The stated purpose of this ordinance is to "Protect Chatham County's rural character by adequately buffering compact communities from neighboring properties and roadways." This ordinance as you know was enacted in order to facilitate the

development of what is now known as Briar Chapel.

The Comprehensive Land Use plan as imagined by the Board of Commissioners in 2017 places the burden of commercial and high density development on those of us who have made northern Chatham County our home. This kind of development requires wastewater treatment plant, and the need for a regional wastewater treatment plant has been widely discussed by would-be developers of properties in this area. Development proposals at Williams Corner and similar neighborhoods depend upon such a regional wastewater treatment plant in order to accommodate the desired densities.

My concern about Herndon Farms is primarily over the up zoning of the one-acre parcel to light industrial from residential. Given the fact that the developer has not given any reason or use that would explain this upzoning, we can only infer that the intent is to provide wastewater treatment to neighboring properties as stated in the application. Although the application calls for extending wastewater treatment only to the Dogwood Veterinary Clinic, once the plant is installed with modern methods of wastewater treatment the capacity could easily be increased.

Larger communities than this one including Governors Club, Westfall and Legend Oaks all have wastewater treatment plants on parcels zoned R1. Once this parcel is upzoned, it opens the door for other similar parcels to be upzoned and if a regional wastewater plant is not permitted on this parcel it could be in another residential area.

I encourage the Planning Board and the Board of Commissioners to tread very carefully in this area but most especially not to permit the upzoning of this parcel to light industrial.

Terri Burrell submitted the following comments:

My name is Terri Burrell and I live in Briar Chapel (BC). Mine is one of over 500 homes that is situated within a ½ mile radius of our community's wastewater treatment plant (WWTP) and is directly impacted by plant operations. I can personally attest to the ill effects and damages caused by the plant. It has been an ongoing task to get people to listen to and understand the problems my neighbors and I have been experiencing in our day to day lives by living so close to the plant. So, I appreciate the opportunity to reiterate these issues tonight.

Until recently, I was not aware that the proposed Herndon Farms (HF) wastewater plant would be located on the BC side of 15-501. Having yet another sewage processing system being built near BC and within 1000 ft of the outdoor dining centers at the Verandah is problematic. I believe the proposed rezoning of this plant to "Light Industrial" would be even more detrimental as this designation will most likely enable the plant to become a regional facility. BC will then be boxed in between 2 large sewage systems and the odors alone will saturate our community. A similar regional facility in Durham County is located on HWY 55 and the 1000+ residents of Audubon Park located 1.3 miles away are constantly complaining about the foul sewage smells.

Another potential negative impact of having 2 closely situated sewage systems concerns our home values. The recent tax assessment of my own home has decreased by \$100,000 from its original appraisal price in 2018 and per my discussion with the Chatham County tax evaluator, that decrease was the direct result of the location of the BC sewage treatment plant. While I understand the tax evaluation of a home is different from the potential sales price, savvy buyers will look at the tax values before negotiating with the seller for the purchase of that home. What's to say others

in BC won't also be negatively affected with the addition of the proposed HF WWTP and rezoning.

Because Chatham County has put the responsibility on individual developers to build privately owned waste systems rather than provide a more centralized approach, the creation of future businesses and neighborhoods along 15-501 will put this main thoroughfare at risk for becoming a virtual sewage pipeline. I implore the Commissioners to develop an overarching strategy for the placement and zoning of future sewage systems and in doing so consider the health and welfare of county residents as a priority in their decision making. It's the people who live here now and who will move here in the future who will make the county thrive and we should not be negatively impacted, personally or financially, as a result of WWTPs located in or near our neighborhoods.

Katie Jiang submitted the following comments:

My name is Katie Jiang. I am a resident of 348 Oak Island, an adjacent property to the land proposed for waste water treatment for the Herndon Farms Compact Community. I am greatly concerned with the serious impact the proposed light industrial rezoning and wastewater treatment plan will have on our community and Chatham County.

This plan will have a serious impact on the visual character and feel of Chatham County. In the "Visual Impact and Screening" section in the "Five Findings" document it states "the facility will not be easily visible from any public road." The wording is both misleading, dismissive, and patently false. First, the exploratory changes by the company are in fact already visible from the public roads of 15-501 and Briar Chapel Parkway; and that is before the extensive work of the proposed 1-acre facility and its industrial fencing is installed. But beyond obvious visibility to public roads, the area planned for wastewater treatment runs right along an extensive network of popular biking and walking trails. Anyone on these heavily-used biking and walking trails will look straight at the wastewater fields in addition to the treatment facility. Additionally, customers of popular restaurants like Town Hall Grill, O'Ya Cantina, and Breakaway Cafe will look out at a brief span of trees, the power line easement with its network of trails...and then be looking straight at wastewater fields instead of a peaceful view of forest. This is not the character Chatham County wants to project. Finally, the facility and its fencing will be clearly visible to all occupants of its access road, Oak Island, as it is at the entrance to our neighborhood. Driving past a large industrial fence - even if shielded by a thin line of trees - will be damaging to the land value of all residents of Oak Island as it directly contradicts the rural feel of the neighborhood. It is ludicrous to claim that the rural character of Chatham County will not be affected if the wastewater treatment area in general and the 1-acre treatment facility specifically is put in as proposed.

In addition to this main concern, in general I find that the application and "Five Findings" documents as filed are extremely vague and raise great concerns about how the owners will be held accountable for their assertions that traffic, noise, and odor will not be a concern. There is little to no rationale or proof, and since the original meeting in March 2019 we have not been given adequate responses to these questions.

Thank you very much for your time and commitment to our county. Please consider denying the requests for the Herndon Farms WasteWater Treatment Facility so we can preserve the character of Chatham County for current and future residents and visitors.

Nicholas Gower submitted the following comments:

My wife, 2 yr old daughter, and I recently moved back to this area, and one of the main

attractions to us was the wild nature of this area. This proposal puts that wild nature at risk. It seems very naive to believe that a WWTP serving such a small clientele would not expand. It would likely need to expand its service to remain economically sustainable. As it stands, small WWTPs appear very inefficient. If a new WWTP is in fact needed, then please consider building a more efficient larger one closer to future large developments that are putting this added strain on the WWT system. Most of the residents that would be impacted by this development are not even utilizing WWT services and have on site septic. We understand that development in Chatham County will continue, but preserving the wild nature of this area preserves its value. As new resources are needed, please consider building them into forthcoming communities in a fair and equitable fashion.

Ms. Phelps requested to hold the public hearing open until July 19th.

Mr. Blake and Ms. McAdams responded to the public comments. They have no intention into getting into wastewater or having a regional plant. They are contributing to environmental cleanup due to failing systems. They are also spraying some areas. They would be glad to meet with any of the neighbors with questions.

The Board agreed to continue the hearing until July 19, 2021.

BOARD PRIORITIES

[21-3903](#)

Vote on a request to approve the FY 2021 - 2022 Budget Ordinance

Attachments: [FY 2021-2022 Budget Ordinance](#)

Assistant County Manager Bryan Thompson reviewed the specifics of the requested. He thanked the entire budget team for their hard work on the budget.

Chair Dasher thanked the staff for their hard work and the public for their input on the budget.

Commissioner Gomez Flores stated there isn't not much the Board can do about the level of growth expected but the county needs to prepare. He believes a couple of items in the budget are very important. He is hopeful the new MIS position will improve communication with residents and partners. He stated he is in favor of this budget. He doesn't want his district to be lacking due to the growth in the east. He asked the Board to help with the growth efforts in the west. He is very thankful for the Board of Commissioners and the staff.

Commissioner Howard thanked Commissioner Gomez Flores for his comments and thanked staff for the collaboration with the towns and across the county. She believes the Board of Commissioners and staff are very mindful of how the east and west need to be equitable.

A motion was made by Commissioner Gomez Flores, seconded by Commissioner Howard, that the FY 2021-2022 Budget Ordinance, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford

[21-3829](#)

Vote on a request to approve by Kirk Metty for subdivision **First Plat** review and approval of **Chestnut Creek**, consisting of 14 lots on 49.15 acres, located corner of Jones Ferry Road, SR-1540, parcel #1439.

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

Chair Dasher asked for a motion to approve the plat. No motion was made.

[21-3858](#)

Vote on a request to approve a request by F-L Legacy Owner, LLC for subdivision Final Plat review and approval of **The Legacy at Jordan Lake - Phase 3**, consisting of 69 lots on 29.59 acres, located off SR-1716, Big Woods Road, parcels #89438 and #92463.

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

Chair Dasher asked for a motion to approve the plat. No motion was made.

CLERK'S REPORT

Clerk to the Board Lindsay Ray will be on vacation the rest of the week. The Commissioners can contact Deputy Clerk Kaitlyn Warren if they need anything.

Ms. Ray also stated the Board will need to appoint voting delegate and alternate for the NCACC annual conference in August at the next meeting.

Ms. Ray reminded everyone to sign up for their Chatham 250 Passport and to bring in any items they want added to the time capsule.

MANAGER'S REPORT

County Manager Dan LaMontagne thanked the Budget and Finance departments for the work they did on the budget and the Commissioners for their input and feedback.

COMMISSIONERS' REPORTS

Commissioner Howard stated she and Commissioner Dasher got to tour the new Chatham Grove Elementary School and Seaforth High School. Commissioner Howard stated that the Governor's Crime Commission will be taking a final vote on grant applications soon. It has been a tough year but she is hopeful that some American Rescue Plan funding can be used to fund some of the programming they had to cut.

Commissioner Gomez Flores stated that Experience 180 Inc., which currently serves Lee County, would like to expand its services to Chatham County. Experience 180 is an effort to develop a comprehensive approach for people re-entering society after incarceration. Commissioner Gomez Flores also stated there is a growing desire for a community center in Siler City.

Commissioner Dasher stated he was excited to be back in the Historic Courthouse and thanked Ms. Ray and Ms. Warren for all of their work and the Ag Center staff for being excellent hosts.

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: 3 - Chair Dasher, Commissioner Gomez Flores and Commissioner Howard

Absent: 2 - Vice Chair Hales and Commissioner Crawford