



Chatham County, NC

Meeting Minutes

Board of Commissioners

Monday, February 19, 2024

2:00 PM

Agriculture and Conference Center

Work Session - 2:00 PM - Agriculture & Conference Center

Present: 5 - Chair Mike Dasher, Commissioner David Delaney, Vice Chair Karen Howard, Commissioner Franklin Gomez Flores and Commissioner Katie Kenlan

APPROVAL OF THE WORK SESSION AGENDA

A motion was made by Vice Chair Karen Howard, seconded by Commissioner Franklin Gomez Flores, that the work session agenda was approved. The motion carried by the following vote:

Aye: 5 - Chair Dasher, Commissioner Delaney, Vice Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

PUBLIC INPUT SESSION

No one signed up to speak.

BOARD PRIORITIES

[24-5127](#)

Receive quarterly update from VAYA Health

Attachments: [Vaya Chatham BOCC 2024 Q1 2-19-24](#)

Cara Townsend-Dohner, the Regional Director of Community Relations with Vaya Health gave the 2023-2024 first quarter update for the Board of Commissioners.

Townsend-Dohner shared the innovations services eligible members, which included in December of 2023, eighty members on the innovation's waiver and seventy members on the registry of unmet needs for the innovations waiver.

Townsend-Dohner stated that they have been busy work with the care management active members which include the MHSUD Care Management and the Innovations Care Management. They are getting ready for tailored plan management, which is separate and they will be combining everything for health care into whole person care.

Townsend-Dohner share statistics on community hospital inpatient admissions and emergency department admissions and readmissions.

Townsend-Dohner stated per contractual requirements, members are to receive a face-to-face triage completed by a qualified professional or licensed professional within fifteen minutes of presenting to the Walk-In Center to complete a screening to

include risk evaluation and establish immediacy of need. Members triaged as routine are to receive a face-to-face assessment within two hours of presenting to the walk-in center. Members triaged as urgent are to receive a face-to-face assessment or intervention within 1 hour of the member presenting at the walk-in center. Members triaged as emergent are to receive a face-to-face treatment intervention immediately after the member is designated as emergent in screening.

Townsend-Dohner shared the members served at walk in centers by age group, intensity of need, and diagnosis group. She shared the members served at walk in centers by site, type of response, and disposition of members receiving the service.

The last update Townsend-Dohner shared was the members served by Monarch mobile crisis including the age group, intensity of need, and diagnosis group.

The Board of Commissioners discussed the program and asked questions of Townsend-Dohner which included: how the number of innovations waivers is determined, description of the mobile crisis line, and the foster care program.

The Board of Commissioners thanked Townsend-Dohner for the update.

This Agenda Item was received and filed.

[23-5101](#)

Receive Quarterly Update on American Rescue Plan Act Funds

Attachments: [ARPA Quarterly Update 2.19.24](#)

Budget Analyst Will Curvin updated the Board of Commissioners on the American Rescue Plan Act project.

Curvin reviewed the final prioritization, the allocation update, and the Department of Social Services Experiment Housing Assistance Program. Curvin stated that the one-time assistance payment intended to help stabilize households who are past due in rent and/or facing an eviction. Participants must be residents and at or below 40% AMI based on household size and be fifteen days or more behind rent and/or received an eviction notice. There have been eighty-eight approved applications from June to December 2023 and \$137,885.22 has been expended on the participants with an average assistance per family of \$1,566.89.

Curvin stated that the implementation of the program was a voluntary case management program whose goal is to assist clients to develop the skills and supports necessary to sustain their current housing. This may include activities such as applying for work, vocational and educational training, mental health and/or medical services, additional social services and any other programs deemed appropriate. Participants must meet the requirements of EHAP and receive additional rental assistance.

Curvin stated that the nonprofit funding disbursements have been made, agencies have begun implementing programs, and the first programmatic reports are currently being submitted.

Curvin stated the Department of Treasury has issued interim guidance on the obligation interim final rule which sought to provide more clarity on what qualifies as an "obligation". However, Treasury's definition of "obligation" does not allow for the obligation of salaries and benefits for ARPA funded positions. Staff are awaiting the Treasury's obligation final rule" to see if flexibility is granted. The Final Rule will likely come out in the next few months. The deadline for expending the funds is December 31, 2026 and

the deadline for obligation is December 31, 2024.

The Board of Commissioners discussed the program and asked questions of Curvin including deposit assistances, non profits, the final rule, and translation services. The Board of Commissioners thanked Curvin for the update.

This Agenda Item was received and filed.

[24-5102](#)

Receive FY2024 Second Quarter Budget Update

Attachments: [FY24 2nd Quarter Budget Update](#)

Budget Director Darrell Butts updated the Board of Commissioners on the fiscal year 2024 2nd Quarter Budget.

First, Butts shared the background which Includes revenues and expenditures for the first 3 months of the fiscal year (July – December). Butts stated that this is a high-level overview and not a line-item level review and does not include interest revenue, transfers in or out, appropriated fund balance. There is no sales tax revenue in the first quarter due to the lag between collection by the State for the distribution to counties. But he will share a comparison of revenue and expenses by category and budget function and compare them to the 2nd quarter of the last fiscal year.

Butts shared the data for expenditures by category, expenditures by function, revenues by category, and revenues by function.

Butts then shared the fiscal year 2024 revenue for the first 6 months. Butts noted on revenues that Development Services continues to operate at a brisk pace in Chatham County which is driven largely by Inspections fees, the Register of Deeds excise tax revenues down from last year, but fiscal year 2022 was a historic high and fiscal year 2023 was very strong. Inspections continue to operate at a rapid pace with fiscal year 2024 already being the highest revenue year ever. Environmental Health revenues are down from last year which is driven primarily by less septic inspections. The Ad Valorem revenue, which is our largest single source of revenue, is slightly ahead last year in both collection percentage and total collections. Butts stated that Chatham County is on track to meet, or slightly exceed, budget in the Ad Valorem revenue category. Motor Vehicle tax, another ad valorem revenue, is performing above last year in actual collections and is significantly ahead in total collection percent.

Butts presented the sales tax update through six months, sales tax collection is at 55.9% of budget, slightly ahead of last year and the actual sales tax collections are approximately \$1.2M ahead of last year. The locally collected sales tax is trending at eleven percent year-over-year growth and statewide articles trending at 3-4% year-over-year growth. Butts stated that every collection month in fiscal year 2024 has exceeded the same month in fiscal year 2023. Butts stated that four of the five highest collection months in Chatham have occurred in fiscal year 2024 and the 3rd highest occurred in fiscal year 2023. Butts stated that Chatham County is on pace to exceed budget by approximately \$1.5M, across all articles.

Butts shared an update on Article 46 Sales Tax and reminded the Board of Commissioner that we budgeted \$3,200,000 in Article 46 sales tax funds for fiscal year 2024 with \$2 million was budgeted towards schools. Following the guidance that the Board of Commissioners gave staff in late fiscal year 2021 which was amended during the fiscal year 2024 budget process, the remaining \$1,200,000 was allocated evenly across the other three areas authorized for use: affordable housing, agricultural preservation and enhancement, and parks and recreation. The fiscal year

2024 year to date, through 6 months, collections are \$1,935,437, which is approximately \$200k ahead of last year in total collections and on pace to exceed budget by approximately \$650k, if current collection trends hold. If the budget exceeded, we would bring budget amendment back to the Board of Commissioners for approval.

The Board of Commissioners thanked Butts for the update.

This Agenda Item was received and filed.

24-5130

Vote to Approve the Implementation of FY 2024 Pay Study

Attachments: [FY2024 Pay Study Implementation](#)

Budget Director Darrell Butts gave an overview of the fiscal year 2024 pay study, which was presented to the Board of Commissioners during the budget retreat on January 10. The study reviewed approximately 1/3 of the County positions included in fiscal year 2024 operating budget. The pay study focused on public safety positions, elections, and facilities maintenance technicians.

After presentation on January 10, the Board of Commissioners instructed staff to develop a plan for implementing results of pay study in the current fiscal year and return to Board of Commissioners to provide update. Butts stated that the approximate full year cost of the study is \$560,000, which includes salary amounts and estimated benefits costs.

Butts stated that the proposed implementation would begin with the 3/10-3/23 payroll, and the estimated total implementation cost for remainder of fiscal year 2024 is \$190,000. Most of the affected departments have sufficient funds due to natural vacancies that have occurred during fiscal year 2024. One to two departments may not have sufficient funds in salary/benefit lines, but likely have sufficient funds in operating accounts. If a department does not have sufficient funds in their departmental budget at or near year-end, staff will bring budget amendment to the Board of Commissioners to ensure no department is over budget. This would be a movement of existing funds across departments, not adding to the budget.

The Board of Commissioners discussed the pay plan implementation. Commissioner Kenlan asked Butts to clarify the cost. Butts replied that the cost will be \$560k for a full year and \$190,000 for the remainder of the fiscal year 2024 budget.

Commissioner Kenlan asked if this was for all departments. Butts replied that this is for approximately one third of staff including public safety, elections, and facilities maintenance technicians.

Commissioner Delaney expressed his concern about future years where it may be impossible to make adjustments, ask how will it be dealt with then, and asked about a policy change. Butts stated he would be lying if he didn't have that concern. The larger departments experience more of an impact that they are more able to absorb due to vacancies.

Commissioner Delaney asked what if the study comes back and you are ahead, how do we deal with that, you think you are overpaying then. Human Resources Director Courtney Jones answered ideally, we hope that would happen and we would get to that point.

Commissioner Delaney asked did staff have a conversation with the departments.

Jones stated that staff have those ongoing conversations throughout the year and have met two to three times with department.

Commissioner Delaney asked did any of the departments asked to come back to the Board of Commissioners. Jones replied no. Delaney stated that he did not want there to be a gap.

Commissioner Delaney stated that he wants to make sure that staff look at the deltas in March to learn new priorities coming out of the budget submissions.

A motion was made by Commissioner Kenlan, seconded by Vice Chair Howard, that the fiscal year 2024 pay study be implemented as recommended by staff be approved. The motion carried by the following vote:

Aye: 5 - Chair Dasher, Commissioner Delaney, Vice Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

24-5121

Board of Commissioners Rules of Procedures Discussion

Attachments: [Board of Commissioners Rules of Procedures](#)
[BOC Rules of Procedure - Electronic Meeting Language Included - April 2020](#)
[Chatham County Planning Hearing Rules](#)

County Attorney Bob Hagemann stated at the Tuesday, January 16, 2024 meeting, Commissioner David Delaney shared that he participated in a UNC School of Government course on Board Rules of Procedures. Delaney suggested having a standing committee of the Board of Commissioners to review the Board Rules of Procedures from time to time. The consensus of the Board of Commissioners was for Commissioner Delaney to meet with the County Attorney and County Clerk to discuss the Board Rules of Procedures and bring the information to the next meeting, then the Board of Commissioners can review the items and decide. On January 25, 2024, Commissioner Delaney met with County Manager Dan LaMontagne, County Attorney Bob Hagemann, and County Clerk Jenifer Johnson. Those present identified areas of updates to the Board Rules of Procedures.

Hagemann reviewed those identified areas with the Board of Commissioners and asked for guidance from the Board of Commissioners on how to proceed.

Hagemann reviewed Rule 2 – Organization of the Board: On the first Monday in December following a general election in which County officers are elected, the Board shall meet at the regular meeting time and place. The Board member who served as the Chair of the Board of Commissioners during the preceding year shall call the meeting to order, except if the Chair was not reelected, the duty shall fall to the Vice Chair. In the case where neither the Chair or the Vice Chair were reelected, the duty shall fall to the members of the Board of Commissioners who have already been sworn in and shall be determined by seniority. The newly elected members of the Board who are present shall take and subscribe the oath of office as the first order of business. As the second order, the Board shall elect a chair and vice chair from its members. What is the process for choosing the Chair and Vice Chair?

The Board of Commissioners discussed Rule 2 and the consensus of the Board of Commissioners was for the rule to remain the same.

Hagemann reviewed Rule 3: Agenda Preparation. The Clerk to the Board of County Commissioners shall prepare the agenda for each regular, special, and emergency meeting. A request to have an item of business placed on the agenda for a regular

meeting, along with any supporting material, must be received by the Clerk at least two weeks before the meeting. In unusual circumstances, the Chair, Vice Chair, and/or County Manager may make exceptions to the deadline. Any Board member, by a timely request, may have an item placed on the agenda. The Board may, by majority vote, add an item to the agenda during its motion to approve the agenda. Who places items on the agenda?

The Board of Commissioners discussed the agenda, the agenda review committee, and the process. The consensus of the Board of Commissioners was to bring this rule back to a future meeting with recommended changes.

Hageman reviewed Rule 5: Consent Agenda. For purposes of speeding up the business of the Board and reserving valuable Board time for deliberating on important issues by dealing quickly with routine items, the Board shall use a consent agenda. Items for inclusion within the consent agenda shall be selected by the Board Chair and Vice Chair upon the recommendation of the Agenda Review Committee. Only routine and noncontroversial items will be considered eligible for inclusion within the consent agenda. Consent agenda items will be grouped together on the agenda and acted upon by one motion and vote of the Board of Commissioners. At the request of any Board member or citizen, items shall be removed from the consent agenda and placed on the regular agenda. In the minutes of the meeting, actions passed in the consent agenda will be recorded individually and in full. The Clerk to the Board of Commissioners shall record each of the items with separate votes indicated, as if each item was adopted separately. Should the request of citizen be removed?

The Board of Commissioners discussed the consent agenda rule and asked staff to bring back a recommended change to a future meeting.

Hagemann reviewed Rule 5A Public Input & Rule 25 Public Comment
Rule 5A: Public Input Session. Following approval of the consent agenda, the Board of Commissioners shall hold at each Board meeting a 30 minute session for public input. During this session the Board will hear comments from the general public on any subject, Speakers will be limited to three minutes and are required to sign up in advance. Individuals who sign up to speak, but who cannot because of time constraints, will be carried to the next meeting day and given priority.
Rule 25: Public Comment. Comments received by the public during the course of a meeting not in the context of a public hearing shall be made as follows:
1. A member of the public wishing to speak must raise his/her hand and be recognized by the Chair or called on by the Clerk.
2. Speakers must approach the podium and state their name and for the record. The Clerk to the Board shall have the right to interrupt the speaker if this information is not given or is not clear. Persons prevented from approaching the podium by a disability may stay seated. The Chair shall designate a staff member to obtain the person's name.
3. Before allowing public comment, the Chair should ask for a show of hands from those members of the audience who wish to speak. Generally, comments will be limited to three minutes per speaker. The time allotted for speaking may be adjusted by the Chair. The Clerk to the Board shall serve as the official time keeper.
4. Large groups of citizens may be asked to designate representatives of their group. Should these be combined?

The Board of Commissioners discussed the public input and public comment and asked staff to combine them and present the rule at a future meeting.

Hageman reviewed Rule 8: Parliamentary. The Clerk to the Board or County Attorney shall rule on points of parliamentary procedure. Should this be one

individual?

The Board of Commissioners discussed the rule and would like staff to bring back a recommendation to a future meeting.

Hagemann reviewed Rule 18: Duty to Vote. It is the duty of each member to vote unless excused by a majority vote according to law. The Board may excuse members from voting on matters involving their own financial interest or official conduct. A member wishing to be excused from voting shall so inform the Chair, who shall take a vote of the remaining members. A member who fails to vote, not having been excused, shall be recorded as voting in the affirmative.

The consensus of the Board of Commissioners was to keep this rule in place.

Hagemann reviewed other items that have no rules identified including required ethics training, incorporate an orientation and approval of the Rules and Procedures and Ethics at the Organizational meeting in December each year, Planning public hearing rules are currently in a separate policy, and it is suggested they be incorporated into the same Rules of Procedures.

The consensus of the Board of Commissioners was for staff to bring back recommendation on each of these identified rules to a future meeting.

The Board of Commissioners Rules of Procedures was referred to the County Attorney.

24-5109

Vote to Approve the allocation of \$10,000 to Bynum Front Porch on behalf of the Bynum Historic Designation for purpose of hiring a consultant to complete Bynum's nomination as a historic community with the North Carolina State Historic Preservation Office

Assistant County Manager Carolyn Miller stated in January 2023, Susan Crate initiated the process of getting Bynum on the National Historic Register. In March, Sarah Woodard, Survey and National Register Branch Supervisor, State Historic Preservation Office, Raleigh, came to designate the historical district boundary and to conduct a community meeting at the Bynum General Store to explain the process to residents. Following that, Susan proceeded to complete the Study List application, the first process in getting on the register, which Sarah presented at the June meeting of the Historic Register Advisory Committee. Bynum unanimously was put on the study list.

Miller shared the next and final step is to hire professional consultants to complete Bynum's nomination. Susan had sent out cost estimate requests earlier in the year to understand the level of fundraising needed. The group needed to raise the amount of \$30,000. Susan put out a call to those who expressed interest in helping in the process, to form a committee, the Bynum Historic Designation committee. The group includes six other residents of Bynum to make a total of seven. The group began meeting every two weeks for two hours to create a fundraising campaign.

Miller stated that this is an important initial step was to affiliate with a 501-C3. Bynum Front Porch agreed to take Bynum Historic Designation under their wing as their fiscal sponsor. The Bynum Historic Designation committee focused on local fund raising and applying for grants. They set up a GoFundMe page and rented a post office box in Bynum for those who preferred sending a check. They applied for two grants. In late fall, the Bynum Historic Designation committee learned that they had received \$15,000 from the Marion Stedman Covington Foundation.

Miller stated over the course of the last five months since the Bynum Historic Designation committee formed, they have met every two weeks and revised and refreshed their fundraising appeals to now have raised approximately \$5,000 through their fundraising effort on GoFundMe and via checks. This in addition to the Covington grant makes their fundraising efforts now total approximately \$20,000.

Miller state that the committee is now appealing to Chatham County to help reach the goal of \$30,000 by funding \$10,000 to the project to reify and protect Bynum which is one of our county's most unique historical resources.

The Board of Commissioners discussed the project and asked questions of Susan Crate and Sarah Woodard.

A motion was made by Vice Chair Howard, seconded by Commissioner Gomez Flores, that a allocation of \$10,000 be made to Bynum Front Porch on behalf of the Bynum Historic Designation for purpose of hiring a consultant to complete Bynum's nomination as a historic community with the North Carolina State Historic Preservation Office and the item be approved. The motion carried by the following vote:

Aye: 5 - Chair Dasher, Commissioner Delaney, Vice Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

[24-5133](#)

Historical Discussion Item requested by Commissioner Delaney

Commissioner Delaney stated that he requested the addition of the historical discussion about the county's organization to address and provide public funding and space to any historical groups or undertakings.

The Board of Commissioners discussed a historic committee, a certified community, and the Historical Association.

County Manager Dan LaMontagne asked the Board of Commissioners if they would like staff to bring something back to them.

The consensus of the Board of Commissioners there were already organizations and non profits working on history in Chatham County and the county should not duplicate those efforts.

The Board of Commissioners encouraged Commissioner Delaney to reach out to the Historical Association as a resident and have a conversation with them about their efforts.

CLOSED SESSION

[24-5126](#)

Vote to go into closed session pursuant to G.S. 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body

A motion was made by Vice Chair Howard, seconded by Commissioner Gomez Flores, to go into closed session pursuant to G.S. 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body. The motion carried by the following vote:

Aye: 5 - Chair Dasher, Commissioner Delaney, Vice Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

Vote to come out of closed session

A motion was made by Vice Chair Karen Howard, seconded by Commissioner David Delaney, to come out of closed session. The motion carried by the following vote:

Aye: 5 - Chair Dasher, Commissioner Delaney, Vice Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

RECESS

End of Work Session

Regular Session - 6:00 PM - Agriculture & Conference Center

Present: 5 - Chair Mike Dasher, Commissioner David Delaney, Vice Chair Karen Howard, Commissioner Franklin Gomez Flores and Commissioner Katie Kenlan

INVOCATION and PLEDGE OF ALLEGIANCE

CALL TO ORDER

Chair Dasher called the meeting to order at 6:00pm.

APPROVAL OF AGENDA and CONSENT AGENDA

24-5104

Vote to update the ABC Board Board Members Terms to June 30 and Reappointment of Walter Harris and Joseph McEvoy

A motion was made by Vice Chair Karen Howard, seconded by Commissioner Franklin Gomez Flores, update the ABC Board Members terms to June 30 and reappointment of Walter Harris and Joseph McEvoy was approved. The motion carried by the following vote:

Aye: 5 - Chair Dasher, Commissioner Delaney, Vice Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

24-5105

Vote to appoint the District 2 Appointment of David Morton with the term expiring June 30, 2024 and George Cianciolo as the At-Large member with the term expiring June 30, 2026 of the Affordable Housing Advisory Committee (AHAC)

A motion was made by Vice Chair Karen Howard, seconded by Commissioner Franklin Gomez Flores, to appoint the District 2 appointment of David Morton with the term expiring June 30, 2024 and George Cianciolo as the At-Large member with the term expiring June 30, 2026 of the Affordable Housing Advisory Committee (AHAC) was approved. The motion carried by the

following vote:

[24-5106](#)

Vote to appoint William Lambert as an Alternate member of the Board of Equalization and Review with the term expiring on December 31, 2027

A motion was made by Vice Chair Karen Howard, seconded by Commissioner Franklin Gomez Flores, to appoint William Lambert as an Alternate member of the Board of Equalization and Review with the term expiring on December 31, 2027. The motion carried by the following vote:

Aye: 5 - Chair Dasher, Commissioner Delaney, Vice Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

[24-5136](#)

Vote to approve reappointments of Peyton Holland and Sandra Nettles to the Board of Adjustment

A motion was made by Vice Chair Karen Howard, seconded by Commissioner Franklin Gomez Flores, to approve reappointments of Peyton Holland and Sandra Nettles to the Board of Adjustment. The motion carried by the following vote:

[24-5122](#)

Vote to adopt the Resolution Supporting the Chatham and Harnett Health Sciences Center to be Included in Central Carolina Community College's Full-Time Enrollment Calculations

Attachments: [Resolution Supporting CCCC](#)
[Resolution Supporting CCCC 2-19-2024 signed](#)

A motion was made by Vice Chair Karen Howard, seconded by Commissioner Franklin Gomez Flores, to adopt the 24-11 Resolution Supporting the Chatham and Harnett Health Sciences Center to be Included in Central Carolina Community College's Full-Time Enrollment Calculations. The motion carried by the following vote:

[24-5103](#)

Vote to adopt the Resolution Declaring Property Surplus and Conveying to Chatham County Schools

Attachments: [Resolution for Truck Donation to Chatham County Schools](#)
[2110-Building Inspections-Chevy Colorado Asset #6971](#)
[Resolution for Truck Donation to Chatham County Schools](#)
[2-19-2024 signed](#)

A motion was made by Vice Chair Karen Howard, seconded by Commissioner Franklin Gomez Flores, to adopt the 24-12 Resolution Declaring Property Surplus and Conveying to Chatham County Schools. The motion carried by the following vote:

[24-5132](#)

Vote to approve grant match funds for Deep River State Trail Feasibility Study

A motion was made by Vice Chair Karen Howard, seconded by Commissioner Franklin Gomez Flores, to approve grant match funds for Deep River State Trail Feasibility Study. The motion carried by the following vote:

[24-5107](#)

Vote to approve competitive bid exemption for sole source preventative maintenance service to be performed by Maxson Associates for the Modernfold Air Walls at the Chatham County Agriculture & Conference Center

A motion was made by Vice Chair Karen Howard, seconded by Commissioner Franklin Gomez Flores, to approve the competitive bid exemption for sole source preventative maintenance service to be performed by Maxson Associates for the Modernfold Air Walls at the Chatham County Agriculture & Conference Center. The motion carried by the following vote:

[24-5117](#)

Vote to approve competitive bid exemption for sole source locksmith services to be performed by Marshall's Locksmith for all Chatham County facilities

A motion was made by Vice Chair Karen Howard, seconded by Commissioner Franklin Gomez Flores, to approve competitive bid exemption for sole source locksmith services to be performed by Marshall's Locksmith for all Chatham County facilities. The motion carried by the following vote:

[24-5114](#)

Vote to approve competitive bid exemption and sole source for Vertiv Corporation and Faulkner Haynes for service and maintenance on Vertiv and Liebert equipment used within the county

A motion was made by Vice Chair Karen Howard, seconded by Commissioner Franklin Gomez Flores, to approve competitive bid exemption and sole source for Vertiv Corporation and Faulkner Haynes for service and maintenance on Vertiv and Liebert equipment used within the county. The motion carried by the following vote:

[24-5134](#)

Vote to approve Fiscal Year 2023-2024 Budget Amendments

Attachments: [Budget Amendment 2023-2024 Feb 19](#)

A motion was made by Vice Chair Karen Howard, seconded by Commissioner Franklin Gomez Flores, to approve the Fiscal Year 2023-2024 budget amendments as presented. The motion carried by the following vote:

[24-5118](#)

Vote to approve Tax Releases and Refunds

Attachments: [January 2024 Release and Refund Report](#)
 [January 2024 NCVTS Pending Refund Report](#)

A motion was made by Vice Chair Karen Howard, seconded by Commissioner Franklin Gomez Flores, to approve the tax releases and refunds as presented. The motion carried by the following vote:

[24-5119](#)

Vote to approve the 2023 Tax Lien Advertisement

A motion was made by Vice Chair Karen Howard, seconded by Commissioner Franklin Gomez Flores, to approve the 2023 tax lien advertisement as presented. The motion carried by the following vote:

[24-5108](#)

Vote to approve the removal of the well camera service and

associated fee from the Environmental Health Division

A motion was made by Vice Chair Karen Howard, seconded by Commissioner Franklin Gomez Flores, to approve the removal of the well camera service and associated fee from the Environmental Health Division. The motion carried by the following vote:

Aye: 5 - Chair Dasher, Commissioner Delaney, Vice Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

[24-5110](#)

Vote to amend the on-call contract with Freese & Nichols to provide engineering survey work for new trail at The Park at Briar Chapel

A motion was made by Vice Chair Karen Howard, seconded by Commissioner Franklin Gomez Flores, to amend the on-call contract with Freese & Nichols to provide engineering survey work for new trail at The Park at Briar Chapel. The motion carried by the following vote:

[24-5111](#)

Vote to amend the contract with Stewart Inc. to provide park design services for Parker's Ridge Park Phase I

A motion was made by Vice Chair Karen Howard, seconded by Commissioner Franklin Gomez Flores, to amend the contract with Stewart Inc. to provide park design services for Parker's Ridge Park Phase I. The motion carried by the following vote:

[24-5115](#)

Vote to approve a contract with Vertiv Corporation for service and maintenance

Attachments: [CPQ 514622_1_CHATHAM_COUNTY_EOC_PM](#)

A motion was made by Vice Chair Karen Howard, seconded by Commissioner Franklin Gomez Flores, to approve a contract with Vertiv Corporation for service and maintenance. The motion carried by the following vote:

[24-5124](#)

Vote to approve the contract with Hobbs Architects for the Space Needs Study/Master Plan project

Attachments: [Hobbs - Space Needs-Master Plan Contract](#)
[Chatham County Facilities - Fee Proposal](#)

A motion was made by Vice Chair Karen Howard, seconded by Commissioner Franklin Gomez Flores, to approve the contract with Hobbs Architects for the Space Needs Study/Master Plan project. The motion carried by the following vote:

[24-5135](#)

Vote to approve the lease agreement with Central Carolina Community College (CCCC) for the George Lucier Sustainable Technology building on the Pittsboro campus

Attachments: [County Lease to CCCC - Sustainable Tech building](#)

A motion was made by Vice Chair Karen Howard, seconded by Commissioner Franklin Gomez Flores, to approve the lease agreement with Central Carolina Community College (CCCC) for the George Lucier Sustainable Technology

building on the Pittsboro campus. The motion carried by the following vote:

[24-5120](#)

Vote to approve the naming of one private road in Chatham County listed as Mystic Meadow Farm Lane

Attachments: [Mystic Meadows Farm Ln Petition](#)
 [Mystic Meadow Farm Ln](#)
 [Mystic Meadows Farm Ln area map](#)

A motion was made by Vice Chair Karen Howard, seconded by Commissioner Franklin Gomez Flores, to approve the naming of one private road in Chatham County listed as Mystic Meadow Farm Lane. The motion carried by the following vote:

Aye: 5 - Chair Dasher, Commissioner Delaney, Vice Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

[24-5128](#)

Vote to approve the naming of one private road in Chatham County listed as Forest River Drive

Attachments: [Forest River Dr Petition](#)
 [Forest River Dr map](#)
 [Forest River Dr area map](#)

A motion was made by Vice Chair Karen Howard, seconded by Commissioner Franklin Gomez Flores, to approve the naming of one private road in Chatham County listed as Forest River Drive. The motion carried by the following vote:

[24-5140](#)

Vote to approve the contract with North Carolina Department of Commerce, Division of Employment Security for DES to provide on-line access to claims, wage history information, and employer reference data for the Tax Department

Attachments: [Chatham County--MOU Renewal 2024](#)

A motion was made by Vice Chair Karen Howard, seconded by Commissioner Franklin Gomez Flores, to approve the contract with North Carolina Department of Commerce, Division of Employment Security for DES to provide on-line access to claims, wage history information, and employer reference data for the Tax Department. The motion carried by the following vote:

Aye: 5 - Chair Dasher, Commissioner Delaney, Vice Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

End of Consent Agenda

PUBLIC INPUT SESSION

From: Michelle Massa <mmassa1983@gmail.com>

Sent: Tuesday, February 13, 2024 4:24 PM

Subject: SXCW request for a Waiver - opposition

Hello - As a resident of Fearrington Village, I want to register my strong opposition to the Chatham County Commissioners approving a waiver request by SXCW Properties II, LLC regarding the 300 ft buffer. This request should not be approved.

Our residents need that buffer from these commercial properties. I cannot attend the Feb 19th meeting in person but I wanted to be sure that my opposition was documented.

Thank you, Michelle Massa, 41 Caswell, 1213 Fearington Post, Pittsboro, NC 27312

From: James Proper <jamesproper@carolina.rr.com>

Sent: Tuesday, February 13, 2024 6:01 PM

Subject: Opposition to Car Wash

Please do not allow the new car wash to be built on NC 15-501 near the Food Lion and Briar Chapel community. The runoff of dirty water from a car wash must not be allowed to enter streams and flow into Lake Jordan, the source of drinking, cooking, bathing and clothes washing for thousands of residents in Chatham County. This is an insane idea seeking profits and tax revenue while poisoning humans and animals. An environmental catastrophe would result. Property values would decrease tremendously.

Thank you for your understanding and opposition to this car wash proposal.

Jim Proper, 44 Ashwood Drive, Chapel Hill, Chatham County, NC 27516

From: Adrienne Lallo <adrienneslallo@gmail.com>

Sent: Tuesday, February 13, 2024 10:16 PM

Subject: Vote NO on SXCW Properties II LLC Waiver Request

Dear Chatham County Board of Commissioners,

I am writing to state my opposition to a waiver to the 300-foot buffer zone on land adjacent to Fearington Village sought by SXCW Properties II LLC, to be voted upon by the Commissioners on Feb. 19, 2024. The proposed wastewater drainage field for runoff is another example of development run amok at the expense of the environment and well being of residents.

Adrienne Lallo, 884 Fearington Post, Pittsboro, NC 27312

From: charles brock <ken-tucky@att.net>

Sent: Wednesday, February 14, 2024 9:53 AM

Subject: Carwash

I will support for car wash if Sams will also build into business a Refuel gas station and a Mexican Restaurant!!!! Yeah right!

From: Christopher Solow <cjsolow@nc.rr.com>

Sent: Wednesday, February 14, 2024 10:10 AM

Subject: Sam's car wash effluent

As long time permanent residents of Fearington Village, with two homes, my wife's and mine and my mother's (who is sitting right next to me and wants her voice heard) we would like to strongly encourage you to turn down the proposal by SXCW Properties, II, LLC to dispose of wastewater from their proposed Sam's Car Wash in the buffer zone protecting Fearington Village. Protecting our groundwater and water sheds from pollution is critical to ensuring a hearty ecosystem for people, animals and flora. Having lived in Cleveland in the early 1950's and before, my mother I know the impacts of unfettered pollution on Lake Erie. Thanks to diligent efforts to curtail pollution such as that Sam's Car wash plans to release, Lake Erie has recovered and once again supports a vibrant ecosystem. Let's do all we can to protect ours now.

Thank you. Christopher Solow, Jodie Solow, and June Solow

888 Ashton, 3 West Madison, 888 Fearington Post, Fearington Village, Pittsboro NC 27312

From: Suzy and Dave Shaub <sdaveshaub@gmail.com>

Sent: Wednesday, February 14, 2024 11:00 AM

Subject: Sam's Car Wash

Thank you for receiving comments. It's most unfortunate that Briar Chapel seems to

have 'changed its mind' about managing the water run-off from the car wash. Was that legal? Ethical? I oppose the use of land at Fearington Village's property line to manage a contiguous property owner's excess water. Because of 2 factors: 1. There is a large volume of water involved, and 2. Mixed chemicals added to the water by the business and by the vehicles washed. The first is to be expected and the second is unknowable. At best, using a buffer zone in this way is presumptuous. Thank you, Dave Shaub, Fearington Village resident.

From: Bob Maarschalkerweerd <RobMaars@outlook.com>

Sent: Wednesday, February 14, 2024 11:04 AM

Subject: re: SXCW Properties, II, LLC

For the record, I live on the boundary between Fearington Village and the proposed Sam's Carwash project. I am opposed to the project and would prefer if the project is cancelled. Please note my objection for the record.

Many thanks, Regards, Rob Maarschalkerweerd, 9 Matchwood, Pittsboro, NC 27312-8601

From: RoseMarie Roth <rosemarieroth@gmail.com>

Sent: Wednesday, February 14, 2024 12:24 PM

Subject: Waste water dumping

Not in Fearington, thank you very much. Better to put in the backyard of the owner(s) of Sam's car wash.

RoseMarie Roth, FV resident

From: RoseMarie Roth <rosemarieroth@gmail.com>

Sent: Wednesday, February 14, 2024 12:32 PM

Subject: Water run-off from the proposed car wash behind FV

We don't want runoff from a commercial car wash to enter the streams flowing into Lake Jordan, the source of our drinking water, cooking, bathing and clothes washing water. We have no alternative but to oppose this decision in every possible means. See you, and Many others at the meeting.

RoseMarie Roth

From: Greg <greg.milsom@gmail.com>

Sent: Wednesday, February 14, 2024 12:35 PM

Subject: Chatham car wash

Please do not allow the new car wash to be built on NC 15-501 near the Food Lion and Briar Chapel community. The runoff of dirty water from a car wash must not be allowed to enter streams and flow into Lake Jordan, the source of drinking, cooking, bathing and clothes washing for thousands of residents in Chatham County. This is an insane idea seeking profits and tax revenue while poisoning humans and animals. An environmental catastrophe would result. Property values would decrease tremendously. Thank you for your understanding and opposition to this car wash proposal.

Greg Milsom, 370 Cliffdale Rd, Chapel Hill 27516

From: Luis Dominguez <lvdomingu@gmail.com>

Sent: Wednesday, February 14, 2024 1:42 PM

Subject: Sam's "Whitewash"

As an informed taxpayer, citizen and Fearington property owner, I will be watching carefully how Commissioners and other elected officials deal with this and come next election I will vote as you protect or fail to protect Fearington Village. Elected officials who dump on the Village will get dumped by the Village! Luis V. Dominguez

From: Colleen Sharp <csssharp39@gmail.com>

Sent: Wednesday, February 14, 2024 2:24 PM

Subject: Vote against the car wash site across from Fearrington Village
Comments submitted for the 2/19/24 hearing on the SXCW Properties allowing a car wash and its untreated wastewater to open across from Fearrington Village. Please vote NO to allowing the car wash company SXCW Companies to have a waste water waiver to put in a car wash across from Fearrington Village. We do not need another car wash in this area. More importantly we cannot risk contamination of the ground water by letting this company bypass the environmental rules in place to clean their wastewater and not dump it into our lakes, streams and groundwater. Please do not allow this to happen!

Colleen Sharp, 176 Roads End, Pittsboro, NC 27312

From: Brennan Barber <planbb@gmail.com>

Sent: Thursday, February 15, 2024 8:44:33 PM

I am writing you to ask that you not approve the waiver being sought by SXCW Properties II, LLC. As you know, these buffers are put in place for many reasons and waiving this for a business is not something Chatham county residents support. Please look out for the Chatham county residents! We love our county and want to keep it clean.

Thank you, Brennan Barber, Chatham County Resident

From: Grace Penny <gpennygress@gmail.com>

Sent: Friday, February 16, 2024 3:03 PM

Subject: Car Wash on a Buffer???

Stop it! If you/we allow this to happen, 15-501 between Chapel Hill and Pittsboro will be well on its way to a "15-501 N through Durham" extension. And then, you/we can settle in and let the ugly Public Storage buildings, gas stations, big box stores, fast food drive throughs, chain grocery stores, and car washes define and populate our once-upon-a-time rural Chatham landscape. Don't tell me to save the planet, to save NC, to save Chatham County for our future generations and to respect and to protect the environment when our leadership is orchestrating an altogether different scenario. Please don't let this happen! As Sinclair Lewis in his novel, It Can't Happen Here...Chatham Country will be another dystopia in waiting.

From: Tornai Thyssen <artarray.gallery@gmail.com>

Sent: Friday, February 16, 2024 3:13 PM

Subject: SXCW Properties II, LLC Waiver request by Lydia Lavelle

Dear Board of Commissioners of Chatham County, NC:

I am a resident of Fearrington Village in Pittsboro, NC. And I write to oppose the proposed application to modify the existing character of the buffer zone adjacent to Parcel #93106 and the Fearrington Village PUD. This buffer zone protects residential property from activities at commercial properties adjacent to Rt 15-501, and its modification would be detrimental to my community. Parcel #93106 was sold by Briar Chapel to SXCW Properties potentially without full disclosure that the Briar Chapel water treatment facility could or would not process the waste water from the proposed Sam's Car Wash. Granting a variance to the use of the existing 300 foot buffer zone in order to accommodate the wastewater needs of the new car wash would transfer the problem existing between Briar Chapel and Lydia Lavelle to homeowners in Fearrington Village. Such action is unfair and unjust. Very importantly granting any variance to a buffer zone will injure the people whose property is shielded by the buffer zone, who purchased property based on the protection offered by the buffer zone. To locate the drip system septic of Sam's Car Wash, as proposed, actually within the buffer zone will necessarily alter the natural vegetation of the buffer zone. This will be due to the dispersal of quantities of water that does not occur naturally, and the infusion of undisclosed chemicals to the plants and water systems within the buffer zone that will additionally alter the natural environment of the buffer. The variance filed with Chatham County NC states that the stands of trees

that currently provide the buffer will be thinned out. Not only would the trees be thinned, but by changing the ecosystem all of the vegetation will by necessity propagate significant change and the buffer zone will no longer support a native NC vegetation and landscape. There are many environmental concerns, in addition to the unfairness of impinging upon the rights of residential property owners. For instance the excess water will saturate the soil, disturb the water table, and due to gravity find its way into naturally occurring streams across Fearrington Village property which flow into Jordan Lake. There is a significant elevation change between the proposed septic and drip system which will ensure that the bulk of the water ends up on the properties of Fearrington Village residents. I respectfully request that the Waiver and Modification sought by Lydia Lavelle on behalf of SXCW Properties II, LLC be denied. Sincerely, Esther T. Thyssen, 273 Quail Run, Fearrington Village, Pittsboro, NC 27312

From: Tate Renner <Tate.Renner@sas.com>

Sent: Friday, February 16, 2024 5:43 PM

Subject: Protect Fearrington Village's Buffer

Hello, My husband and I live in Fearrington Village. Please keep the buffer in place, so our community can be safe from the contaminants that are associated with car wash chemicals. As you know, Chatham County and Pittsboro are already dealing with water safety issues. We need this buffer and better protections.

Tate Renner (she/her/hers)

From: Milica Tomich <milicatomich@gmail.com>

Sent: Friday, February 16, 2024 8:05 PM

Subject: Parcel #93106

Dear Board of Commissioners of Chatham County, NC:

I am a resident of Fearrington Village in Pittsboro, NC. And I write to oppose the proposed application to modify the existing character of the buffer zone adjacent to Parcel #93106 and the Fearrington Village PUD. This buffer zone protects residential property from activities at commercial properties adjacent to Rt 15-501, and its modification would be detrimental to my community. Parcel #93106 was sold by Briar Chapel to SXCW Properties potentially without full disclosure that the Briar Chapel water treatment facility could or would not process the waste water from the proposed Sam's Car Wash. Granting a variance to the use of the existing 300 foot buffer zone in order to accommodate the wastewater needs of the new car wash would transfer the problem existing between Briar Chapel and Lydia Lavelle to homeowners in Fearrington Village. Such action is unfair and unjust. Very importantly granting any variance to a buffer zone will injure the people whose property is shielded by the buffer zone, who purchased property based on the protection offered by the buffer zone. To locate the drip system septic of Sam's Car Wash, as proposed, actually within the buffer zone will necessarily alter the natural vegetation of the buffer zone. This will be due to the dispersal of quantities of water that does not occur naturally, and the infusion of undisclosed chemicals to the plants and water systems within the buffer zone that will additionally alter the natural environment of the buffer. The variance filed with Chatham County NC states that the stands of trees that currently provide the buffer will be thinned out. Not only would the trees be thinned, but by changing the ecosystem all of the vegetation will by necessity propagate significant change and the buffer zone will no longer support a native NC vegetation and landscape. There are many environmental concerns, in addition to the unfairness of impinging upon the rights of residential property owners. For instance the excess water will saturate the soil, disturb the water table, and due to gravity find its way into naturally occurring streams across Fearrington Village property which flow into Jordan Lake. There is a significant elevation change between the proposed septic and drip system which will ensure that the bulk of the water ends up on the properties of Fearrington Village residents. I respectfully request that the Waiver and

*Modification sought by Lydia Lavelle on behalf of SXCW Properties II, LLC be denied.
Sincerely, Melissa Tomich, 159 Fearington Post, Pittsboro, NC 27312*

From: Anthony Carroll <anthony.j.carroll@outlook.com>

Sent: Saturday, February 17, 2024 8:36 AM

Subject: Buffer Zone Waiver Sought by SXCW Properties, II, LLC

Dear Ms. Johnson, please share the below with the Commissioners. Thank you.

Dear Commissioners, I am writing to oppose the above waiver. I am a resident of Fearington Village in Chatham County. While I am also a member of the Board of Fearington Homeowners Association (FHA), I am writing in my individual capacity and not on behalf of the Board or the FHA. On Thursday, my wife and I listened to a Zoom presentation by Sam's about the proposed project. Having alluded darkly to alleged "misinformation" in circulation, they did not identify any. They made the following points: Their wastewater is considered industrial waste. They are unable to utilize the Briar Chapel wastewater treatment facility because that facility declined to obtain the permit required for it to accept industrial waste. Sam's implied that their wastewater is less nasty than other types, but repeatedly declined to provide any detail about what their cleaning solution or wastewater contained. Sam's emphasized that their proposed septic field was on the opposite side of a small rise from the creeks that run through Fearington Village and into Jordan Lake, but did not address potential groundwater flows. Sam's proudly described their "water polishing" system that yields only five and a fraction gallons of wastewater per car, but repeatedly declined to give any information about expected usage volumes or historical volumes at other sites. They also proudly noted that they were not proposing to clear-cut the contemplated septic field, but rather to run a series of two-foot trenches through it – in effect, like passing a giant comb through the wooded area, eliminating most of the understory. It would seem obvious from the above that Sam's proposed use is inconsistent with the purposes of the buffer, but allow me to make a few additional points. The carwash industry is notorious for its use of PFAS, as a simple Google search would show. Sam's would require a special permit to dispose of its wastewater at the Briar Chapel facility. That any consideration is being given to allowing industrial wastewater, potentially containing PFAS and other harmful substances, to be fed directly into the ground hundreds of feet from creeks feeding Jordan Lake, the source of drinking water for the surrounding communities, is simply mind-boggling. Even more fundamentally, this is the kind of situation that undermines faith in, and increases cynicism regarding, our local government and elected officials. When the County created the buffer a few decades ago, the residents of Fearington Village could reasonably expect that they were getting a buffer. What does it mean to grant a buffer if it can be brushed aside, or materially impaired, for the convenience of an industrial user? In its application, Sam's cites Section 15 of the Compact Communities Ordinance, which allows the Commissioners to grant waivers "based upon the absence of any reasonable relationship or nexus between the impact of the compact community development and the inclusionary or other requirements set forth herein." While it isn't clear that Sam's proposed use constitutes a "compact community development" that is entitled to the benefit of this provision, I hope that the Commissioners will agree with me that, in any event, Sam's has not met its burden of establishing "the absence of any reasonable relationship" between its proposed industrial use and the purposes of the buffer. Accordingly, its application for a waiver should be denied.

Thank you. Sincerely, Anthony Carroll

From: RoseMarie Roth <rosemarieroth@gmail.com>

Sent: Saturday, February 17, 2024 10:20 PM

Cc: RoseMarie Roth <rosemarieroth@gmail.com>

Subject: Information from the Better Business Bureau regarding complaints about Sam's Car Wash.

Hello Chatham County Commissioners, I live in Fearington Village; I am not directly impacted by the problems which may well result from the proposed Sam's car wash will present if it is located near a residential community, however, I am concerned about the questions and concerns others have. I have read articles on car washes as well as posts from the Better Business Bureau regarding Sam's Car Wash enterprises owned and operated by Sam's Holdings, LLC, a privately owned and operated business based in Matthews, NC. FV residents living in homes behind the proposed Sam's Car Wash or in the vicinity of the proposed car wash are aware of concerns regarding noise levels as well as the water-runoff from this proposed car wash. The decibel rating of car washing enterprises, in my opinion, is worth the Board's and citizens' awareness. In addition, the location of this particular Sam's Car Wash will result in not only water runoff issues, but also of runoff of toxic chemicals from the detergents, waxes, and other chemical agents detrimental to anyone who comes in physical contact with them or is subject to inhalation of those chemicals which will travel through the air to nearby homes or the condos being constructed on that parcel of land. The link below is information from the BBB listing complaints and information about existing Sam's Car Wash sites:

<https://www.bbb.org/us/nc/matthews/profile/car-wash/sams-xpress-car-wash-0473-331557/complaints?> The quest for tax revenue from profitable business enterprises is a legitimate quest of our Chatham County board members. However, revenue concerns must be weighed against the risk of water-runoff infused with harmful chemicals. Noise pollution close to a residential area must be considered as well. Sam's Car Wash has one and Only one motive - profit. Citizens, on the other hand, are motivated by health concerns as well as the peace and quiet of the areas in which they live. Thank you for considering the interests, health, and well-being of Chatham County citizens. as well as the profit motivation of the Sam's Holdings. Respectfully, RoseMarie Roth

From: Mary Carroll <mcullencarroll@outlook.com>

Sent: Sunday, February 18, 2024 12:14 PM

Subject: Sam's Car Wash

To the Chatham County Commissioners:

I am writing to urge you to NOT grant a waiver for Sam's Car Wash due to be built on 15-501 North. I feel especially strongly about this having just participated in their Zoom presentation this past week. While the presentation was designed to assuage residents' concerns, it in fact did just the opposite for many of us living in Fearington Village. The fact that they professed to not know how many cars per day the site would be servicing seemed disingenuous at best. And the fact that they did not know, or they did not want to tell us the chemicals they used in their detergents and waxes—lest a competitor be on the Zoom—does not bode well for transparent dealings with Sam in the future. It came as no surprise to me when I saw on the Better Business Bureau website that Sam's Xpress Carwash has garnered their lowest rating (an F), and is NOT accredited by the BBB. For these reasons, I urge you to deny them the waiver they are looking for.

Sincerely, Mary Cullen Carroll, 683 Spindlewood, Pittsboro, North Carolina 27312

From: sandy spiegel <spiegelsandy@hotmail.com>

Sent: Monday, February 19, 2024 8:10 AM

Subject: Opposing Sam's Car Wash

I would like to communicate that I oppose the placement of Sam's Carwash that is being proposed on a property that is next to and within a buffer zone to Fearington Village where I live. I have attended the question/answer session given related to the Sam's carwash, and I have considered this for a few days. I am very concerned about the run off of leaking oil from cars and other pollutants from all the cars that would utilize this carwash. While spokes persons did not know the chemicals that would be used in this facility to wash cars, they stated the chemicals would be safe

and not be acidic. Car washes do use a variety of chemicals and my concern is that once again we are dumping chemicals into our already damaged waterways that have been exposed to PFAS and other harmful chemicals. A buffer zone can only do so much. I did not come away from this question-and-answer session with a sense that such an enterprise would be neutral to my community.

Sincerely, Sandy Spiegel

From: miccolbert@att.net <miccolbert@att.net>

Sent: Monday, February 19, 2024 9:14 AM

Subject: Public Comment SXCW Waiver Application

Chatham County Commissioners, Re :SXCW Properties II LLC to reduce and modify the Perimeter Buffer for Commercial Parcel #93106; BOC public hearing date 02-19-2024

My comments concern the process involved in the SXCW buffer waiver request, and the substantive non-planning issues and alternatives highlighted by the nature of request itself, both of which strongly argue against approval. As a procedural matter, Mr. Sullivan has indicated to me that this request will bypass the planning board, which means that it will not have the same level of community scrutiny or opportunities for public input as it would otherwise have had during the original approvals for SD East. This post facto circumvention of public oversight and diminished opportunity for the public and adjacent landowners to voice potentially competing interests is no small thing, as a matter of public policy. This waiver request is scheduled for a public hearing before the BOC today, on February 19, 2024. The SXCW waiver request is dated January 26, 2024- twenty-three days before the scheduled public hearing—and I am reliably told, by Mr. Sullivan, that notice to adjacent property owners was mailed on February 2, a mere seventeen days before the public hearing. As a substantive matter, it should be uncontroversial to note that the CUP phased approval(s) for Briar Chapel, including the commercial areas for SD East and West, were predicated on the developer's assertions, disclosures and commitment that wastewater treatment services would be provided by an onsite wastewater treatment plant- not septic. Here's the link to the CC Planning Department webpage for the original SD East preliminary plat application, dated 7/7/2017- almost seven years ago:

<https://www.chathamcountync.gov/government/departments-programs-i-z/planning/re-zonings-subdivision-cases/2017-items/briar-chapel-sd-east-preliminary-plat>

In addition, I am attaching two screenshots extracted from the application noted above: the cover page for the WWTP permits, and the first page of the letter from Old North State Water Company (ONSWC) providing the wastewater permit details. All of this pertinent information regarding the permit is a matter of public record, and has been long available to the applicant, SXCW properties. The root problem revealed by this application is that the commercial parcel was sold to a party/owner whose proposed use for the property—a car wash-- is currently incompatible with the wastewater treatment plant's ability to process its discharge. The problem of incompatibility of the applicant's proposed use is one that should have been addressed by the private parties- Newland, Old North State, and the owner-applicant SXCW-- long before the current moment, seven years after the preliminary plat application. It's manifestly evident that one or more of the parties (or their agents) failed to exercise the appropriate level of professional diligence necessary to ensure that the parcel was fit for its intended use by the applicant. The courts already exist to adjudicate, resolve and remedy commercial disputes between private parties; this waiver asks the commissioners to usurp the courts' role in adjudicating a private party dispute; doing so would be detrimental to the public interest to maintain environmental buffers in Chatham County. The commissioners are under no obligation to act as a proxy for the courts by allowing the use of the waiver process to resolve a private commercial dispute to the detriment of the public interest. The commissioners are not obligated to sacrifice environmental or planning standards, or the rights of the public or of the

adjoining property owners in order to mediate a private commercial dispute. The underlying technical problems presented in the waiver request also are not problems that the commissioners, the adjoining landowners, or the public are obligated to solve. It's not that ONSWC cannot process the discharge; apparently ONSWC is unwilling to do so due to additional regulatory requirements and costs. It's not that the property itself is unfit for any other commercial use that would in fact be compatible with the original approvals and the current onsite wastewater treatment plant. It's not that the parties don't have other available recourse if misrepresentations were made, or professional diligence or advice was lacking. Moreover, there are many other reasonable commercial alternatives for the use of the parcel that don't involve waivers and would comply with the original conditional use approvals. Selling the parcel is another alternative. None of those many reasonable existing alternatives available to the applicant require county adjudication or waivers. It would be a terrible precedent to approve this waiver under well-documented circumstances. The Board of Commissioners is simply not the right forum to mediate a private dispute concerning ONSWC's ability to provide wastewater treatment for a specific use. I urge the commissioners to reject the waiver request; the parties can resolve their private dispute in a different, more appropriate forum, and/or pursue the other reasonable commercial alternatives that already exist for the use of the property-including sale. Approving this waiver would sacrifice the public interest and the public's confidence in the county's commitment to reasonable, rationale and reliably enforced environmental and planning standards. Please don't do that. Respectfully, Shelley Colbert, Baldwin Township

From: garden_in_the_woods <gardeninthewoods@gmail.com>

Sent: Monday, February 19, 2024 5:21 PM

Subject: SXCW buffer waiver denial

Please forward to the BOC my request as a Chatham County property owner, taxpayer, and voter that the Board DENY the buffer waiver request from SXCW Properties II LLC during the Board's Regular Session tonight. Also, as concerns my position on this matter I would like to cite Shelley Colbert's letter to the Board that is already in the record. I concur with her remarks completely, and I post the unformatted body text of her letter below for reference. Thanks for your assistance, and I regret that I cannot attend tonight's meeting. Chatham County Commissioners, Re :SXCW Properties II LLC to reduce and modify the Perimeter Buffer for Commercial Parcel #93106; BOC public hearing date 02-19-2024 My comments concern the process involved in the SXCW buffer waiver request, and the substantive non-planning issues and alternatives highlighted by the nature of request itself, both of which strongly argue against approval. As a procedural matter, Mr. Sullivan has indicated to me that this request will bypass the planning board, which means that it will not have the same level of community scrutiny or opportunities for public input as it would otherwise have had during the original approvals for SD East. This post facto circumvention of public oversight and diminished opportunity for the public and adjacent landowners to voice potentially competing interests is no small thing, as a matter of public policy. This waiver request is scheduled for a public hearing before the BOC today, on February 19, 2024. The SXCW waiver request is dated January 26, 2024- twenty-three days before the scheduled public hearing—and I am reliably told, by Mr. Sullivan, that notice to adjacent property owners was mailed on February 2, a mere seventeen days before the public hearing. As a substantive matter, it should be uncontroversial to note that the CUP phased approval(s) for Briar Chapel, including the commercial areas for SD East and West, were predicated on the developer's assertions, disclosures and commitment that wastewater treatment services would be provided by an onsite wastewater treatment plant- not septic. Here's the link to the CC Planning Department webpage for the original SD East preliminary plat application, dated 7/7/2017- almost seven years ago: <https://www.chathamcountync.gov/government/departments-programs-iz/planning/re>

zonings-subdivision-cases/2017-items/briar-chapel-sd-east-preliminary-plat In addition, I am attaching two screenshots extracted from the application noted above: the cover page for the WWTP permits, and the first page of the letter from Old North State Water Company (ONSWC) providing the wastewater permit details. All of this pertinent information regarding the permit is a matter of public record, and has been long available to the applicant, SXCW properties. The root problem revealed by this application is that the commercial parcel was sold to a party/owner whose proposed use for the property—a car wash—is currently incompatible with the wastewater treatment plant's ability to process its discharge. The problem of incompatibility of the applicant's proposed use is one that should have been addressed by the private parties—Newland, Old North State, and the owner—applicant SXCW—long before the current moment, seven years after the preliminary plat application. It's manifestly evident that one or more of the parties (or their agents) failed to exercise the appropriate level of professional diligence necessary to ensure that the parcel was fit for its intended use by the applicant. The courts already exist to adjudicate, resolve and remedy commercial disputes between private parties; this waiver asks the commissioners to usurp the courts' role in adjudicating a private party dispute; doing so would be detrimental to the public interest to maintain environmental buffers in Chatham County. The commissioners are under no obligation to act as a proxy for the courts by allowing the use of the waiver process to resolve a private commercial dispute to the detriment of the public interest. The commissioners are not obligated to sacrifice environmental or planning standards, or the rights of the public or of the adjoining property owners in order to mediate a private commercial dispute. The underlying technical problems presented in the waiver request also are not problems that the commissioners, the adjoining landowners, or the public are obligated to solve. It's not that ONSWC cannot process the discharge; apparently ONSWC is unwilling to do so due to additional regulatory requirements and costs. It's not that the property itself is unfit for any other commercial use that would in fact be compatible with the original approvals and the current onsite wastewater treatment plant. It's not that the parties don't have other available recourse if misrepresentations were made, or professional diligence or advice was lacking. Moreover, there are many other reasonable commercial alternatives for the use of the parcel that don't involve waivers and would comply with the original conditional use approvals. Selling the parcel is another alternative. None of those many reasonable existing alternatives available to the applicant require county adjudication or waivers. It would be a terrible precedent to approve this waiver under the well-documented circumstances. The Board of Commissioners is simply not the right forum to mediate a private dispute concerning ONSWC's ability to provide wastewater treatment for a specific use. I urge the commissioners to reject the waiver request; the parties can resolve their private dispute in a different, more appropriate forum, and/or pursue the other reasonable commercial alternatives that already exist for the use of the property including sale. Approving this waiver would sacrifice the public interest and the public's confidence in the county's commitment to reasonable, rationale and reliably enforced environmental and planning standards. Please don't do that. Kind regards, Byron Matthews, Williams Township

Paige Greene

From: Greene, Paige <Paige@FEARRINGTON.com>

Sent: Monday, February 19, 2024 1:55 PM

Subject: Public Comment on the SXCW Waiver Application

Good evening, all. Thank you for taking the time to hear from the public on the matter of Sam's Car Wash and its requested sewer system. I live at 84 Shagbark which is one of the houses that is at risk of losing our buffer. Up until now, this buffer has been free of people, free of equipment and noise. In other words, it has done exactly what it was asked to do, which is buffer and for that we are very thankful. We were led to believe that any building on the other side would most likely be an 8-5 business which

would not impact us with as much noise and light as a car wash open until 9 pm will do. We were told that the all-waste water treatment, never septic, would be taken care of by Briar Chapel. Only two weeks ago were we informed this is not the case. It hardly seems fair that we must sacrifice our buffer because of the failure of others to perform their due diligence when this land was purchased. Briar Chapel sold Sam's Express property for an industrial use, without checking that the wastewater system in existence could handle industrial. Briar Chapel's waste water company, Old North State does not have appropriate approval to treat car wash waste water and does not think it is financially worthwhile. Briar Chapel sold the land to a business they could not provide a utility for, Sam's Express bought land without checking on this utility and Old North State does not think it in their financial interest to provide this utility. So, their solution is an industrial waste septic system drain field in our promised wooded buffer? In a wooded buffer that has a creek that runs into other Fearington streams and eventually into Jordan Lake. What precedent does this set for any future promises made by a developer or the county? We have so many questions and concerns and have not been given enough time to even think of them all. We are concerned that no one has been willing to provide us the list of chemicals. We are concerned that when the chemicals get into our soil and stream, who will be responsible for cleanup? Will this system be bonded? We are concerned about the added light and noise pollution caused by car wash that is open until 9 p.m., especially without a 300' buffer.

Thank you for listening

Robert Paul Waldrop

My name is Robert Waldrop. I live at 261 Henley Rd, Chapel Hill. Now, before you tonight to voice opposition to the reduction or alteration to the current 300 foot buffer in this area to allow Sam's car wash in the district, this is a plant. This was planned with a 300 foot buffer when the property owner assumed they could connect to the Briar Chapel water treatment system. As we know, that's now not going to happen. The buyer did not do their due diligence homework, and the seller did not know what they were selling. Or maybe both new and they assumed they could get it passed. This follows a pattern we've seen repeatedly in Chatham where a developer gets a project approved and later wants multiple adjustments and alterations and tweets as they go a bit at a time. Chapel Ridge is an example of this. All other developers will watch this action and act accordingly. Good or bad, I request that you not approve of this variation to the existing 300 foot buffer, nor allow any clearing of under story and the buffer area to allow its use as a treated spray water area. If they propose a closed closed loop system, as I've heard, why do they need to spray septic area in the designated buffer? We established buffers for reasons and should keep them intact. The land can be sold and used for something else. If the car wash doesn't fit the plat, that shouldn't be our problem to live with nor yours to consider. There are two streams in this area which will end up flowing into Jordan Lake, which is already overloaded with nutrients and should not be further taxed. This issue will occur more often as development enter county increases. From my reading of the letter by South by CW Properties to the county requesting the waiver, they were simply unaware that Briar Chapel's water treatment system could not accept their wastewater. It did poor research and now want us the public, to accept the consequences. That was simply not good business and we shouldn't suffer as a result. Please vote to deny this request. Thank you.

Patrick McGann

My name is Patrick McGann. I'm director of grounds for the Fearington Homeowners Association. I'm here in my own capacity as a resident of Fearington. The two commenter's before absolutely said it eloquently. The parties, as a part of this property transaction did not do the due diligence this should. This should not be allowed. Thank you.

Geoffrey Neal

From: Neal, Geoffrey <geoffrey@email.unc.edu>

Sent: Monday, February 19, 2024 5:16 PM

Subject: Public meeting comments for 2/19/2024

Good evening all. Thank you for taking time to hear from the public on this matter. My name is Geoffrey Neal. I live at 84 Shagbark within the Fearington Village community. Our lot backs up to the lot currently under consideration. Between our property and the car wash property is a stream that, in our 16 years in this home, has always sustained flow. I consider it a perennial stream. If it is considered intermittent, then I submit that the assessment is outdated and incorrect. To continue, I work for the NC Botanical Garden as Curator of the Coker Arboretum on the UNC Campus. I am a certified arborist through the International Society of Arboriculture and have been working around and studying plants, including trees for much of my professional life. (We were informed of the request to alter the previously agreed upon 300' buffer between the lots along 15-501 and our property in a letter dated Jan 26. We were provided additional information only this past Thursday in a meeting set up by counsel for Sam's Express. Some questions were answered, but not all.) I understand plants of less than 4' diameter at standard height are to be removed within the drainfield area. All other plants are to remain. I am curious as to how trenching up to 2' in depth and up to 3' across to admit a drip line will somehow avoid tree roots. It is a fact that up to 90% of a trees roots are within the first 12" of soil. How will this cutting avoid those roots? Further, once these tree roots have been damaged, the resulting decline will be a slow yet inevitable process. Many affected trees will fail, that is, they will die. What reassurances are in place to see that these plants are replaced? Was there a plant inventory of the area conducted and, if so, do we know what percentage of the woody plants will be removed from the area in question? Are there to be any additional plants installed to offset the loss in vegetation as a result of the thinning of the buffer? If so, who will be guaranteeing their health long-term? Finally, at what point is a buffer not a buffer? How much loss is allowable before some action is triggered? Thank you for your attention.

Geoffrey Neal (he/him)

Morgan Cartier Weston

My name is Morgan Cartier Weston. My property also adjoins the Creek directly below the septic field proposed in the waiver request. I come before you today with profound concern regarding both the environmental hazards and the dangerous precedent that approving this waiver would set for future development in our county on the inherent risks of car wash water draining into a Creek that connects into our drinking water supply, and Jordan Lake in the potential harm to wildlife and tree root systems that others have already mentioned. Encroaching on this 300 foot buffer blatantly violates a crucial and well established protective measure for Fearington Village to shield environmental water, light and sound pollution resulting from continued development along 15-501. Approving this could pave the way for similarly reckless practices in future projects. This waiver will be a signal to developers that establish safeguards can be circumvented in the pursuit of short term gains in Chatham County and we cannot afford to prioritize their convenience or profit over the long term. Health and sustainability of our county and its people. Instead, we must uphold our duty to protect our water resources, preserve the integrity of our natural landscapes, and honor the commitments made to our community members by this waiver or by this buffer. The repercussions of this decision will not be isolated. I urge the Commissioners to reject the waiver in light of its violation of established buffers and the precedent it sets for future development. Thank you for your attention to this urgent matter.

Stephen Stewart

Mr. Chairman and Commissioners, thank you for this opportunity to speak. In my view, this request causes two insurmountable problems, both dealing with disposal of industrial waste. The first is that their proposed drainfield would be in the buffer created to protect Fearington Village by a prior County Commission. Once breached it de facto removes the entire buffer. The second is that the effluent is listed as industrial waste. Two small permanent streams are directly behind the proposed field. These streams lead to Jordan Lake. Research shows that many car wash effluents contain PFAS. By approving this, it may cause the county to be thought of as a polluter. This waiver request exists because Old North State Utilities refused to take this waste without pretreatment, and this waiver would allow them to pour it next to our homes. I urge you to deny this waiver application, or, at the very least, send it to the Planning Commission for further study.

Marva Mitzell Price

Thank you Commissioners for this opportunity to present to you. The buffer footage in question is directly behind our family's home and several of our neighbors homes. My family drinks water from a permitted well for health reasons. The well is approximately 100 ft from an unnamed stream that directly borders the buffer. Point 1: Old North State and Briar Chapel along with the Fearington Committee that met with them nearly 10 years, they strongly felt the buffer would protect Fearington homeowners from all that comes with future commercial development that could leads to environment damage. The 300 ft. buffer was adopted by your predecessor Commissioners into the Compact Community Ordinance in 2014. Now, I realize that you, the Commissioners, retain legal right to reduce/change the perimeter after landowners like me and others here have had an opportunity to comment as we are doing tonight. Going back to 2012, 2016, and 2022, as residents we have watched your commitment to protect our environment. You told us about growth in Chatham County, your value for Chatham's residents, community, and your platforms to protect the environment. We trusted you then and we want to trust you now. I am a former Chatham County Board of Health member, and former Chatham County Health Director here. I served on the state's Public Health Commission, and the state's oil and Gas Commission (formerly known as the Fracking Commission). My experiences are that Commissioners like you can look carefully at your power but also listen to your constituents to foremost hold protecting the environment to work together to further safe growth but not support companies whose development will destroy our ecosystem and ground water. Point 2: I spent hours in preparation for tonight meeting talking with NCDEQ soil and water specialist, who also included the permitting people for carwashes. At this point they had not heard from SXCW about the carwash. The Waiver Request speaks of drain fields which are state regulated (NCDEQ). But, the illustrated drawing shows typical drainfields like used in a septic tank which the local county health department regulates. A more sophisticated major sewage treatment system must be regulated by DEQ for maximum protection of the ground water and nearby streams, especially to protect residents drinking water in Jordan Lake, and the ecosystem including sensitive aquatic habitat. SXCW tells us that they plan for inspections 4 times a year (means a minor system regulated by the health department) and not a complex more expensive system regulated by DEQ where the SXCW plan would be examined like a fine tooth comb, and a full time trained employee is there daily to watch the system, know that the sewage water is below 24 inches at all times, that harmful sewage is commercially removed, for example, so that a repair drain field is not overflowing and a threat to the environment and streams.

Lawrence Price

Good evening commissioners, I'm Lawrence Price. I live at 85 Shagbark and that was my wife. What has been said today, I hope many of you are listening very carefully because these kind of concerns are continue to exist in Chatham County. Wwe have

to expand our thinking a little bit bigger. We allow all of these developments to come in, and yet we have no structure to support them. We cannot assume that we will have enough land to absorb all the water. The soil issues was to not have problems. Water is the issue right now for me. I want you to please consider leaving our buffer as it is because I was on the committee with Briar Chapel and Fearington in which we discussed what's going to happen. We promised that they would not put anything in there that would be damaging to our community. That's the reason why they gave us the buffer. They said that we would have a buffer. They said it would be 9am to 5pm with the sewage pumped back over to Newland's treatment plant. First we hear of this is just the first of the month in February that we're going to have a sewage plant or as they describe it, a sewage treatment. Which will only pump so much water, not sewage water, down to the treatment areas. And looking at as they stated 5.2 gallons per car and the car would produce 520 gallons of water. What I saw for other car washes, they said 12 gallons per car, which equals out to 1200 gallons of water. Now 100 cars in a week reduce the set amount. A car wash produces 65 to 80 gallons per car. So where is all this water going to go in the ground? The ground is only so large. We have two areas the size of two football fields proposed, one at the lower portion and one as the proposed backup. I still ask you to please consider this information and make the right decisions. Say no. Thank you.

Jim Fink, 353 Fearington Post, Pittsboro, NC

Many thanks to Sam's for their presentation and patience to hold a community zoom meeting and answer most of our questions last Thursday night. I am pleased with Sam's approach to recycling 90% of their water and having a sediment tank that is to be regularly emptied by a Haz-matt company and that they claim MOST of their chemicals are "Environmentally Friendly". I have also heard that a sedimentation tank process will only remove heavy particles. It will not remove chemicals. The fact that homeowners most affected by this project were not notified until two weeks ago and 95%-of the buffer's trees were flagged 4 weeks ago has the appearance of trying to rush this waiver approval through with little time to prepare a defense to uphold the residents 300' buffer. It has been noted too that there is an absence of car wash operations on the list of allowable land uses in WP- IV (PA). I am concerned that only one nearby stream was mentioned in Sam's reports and it was listed as an intermittent stream. I have observed over the last 10 years I have lived in Fearington Village, that the stream that passes just north of the proposed drain field flows year round, and IMHO is a Small Perennial Stream. There is also another small stream to the south side of the drain field that joins the northern one after running under Creekwood Road and feeds into the Fearington stream system. The primary perennial stream comes from under 15/501 at the north end of this property and splits in two directions. The branch of the stream that is on state or county maps goes to the north side of Fearington Property. The other branch of the same stream is not on maps, goes south and flows year round directly below the north side of this proposed primary buffer septic drain field. I have no doubt that Sam's can build an "attractive drain field with native plants" and all, but what is in the water. What might seep through the ground and over time enter Fearington's stream system and beyond to Jordan Lake. The approximate 2 foot deep by 3 foot wide trenching to build the two large drain fields shown in their proposed map, will let loose a large amount of Chapel Hill Grit, ie: Silt into Fearington's streams, and onward to Fearington's Beechmast sediment and flood control pond. These streams and the pond are already overloaded with silt mostly from construction and rainfall over the last 20 years from outside of Fearington's property. This car wash project is adjacent to a 50 year old residential area and is not a low impact commercial property. It has noise, lighting, traffic, etc. until 9pm daily. Let alone what chemicals will be released to the ground from the business's water processing. I am apposed to this project. I feel that this property would be more appropriately suited for a one story office type 8am to 5pm commercial property that can use the existing waste water system that goes to Briar

Chapel for treatment, and not this local septic drain field in a 300' buffer.

Jason Welsch

Good evening, I'd like to thank the Board of Commissioners for your thoughtful consideration of this important community issue. I stand before you here today, as an 82 year old dedicated boy scout. I say that because it was involvement in scouting, at an early age, that inspired my lifelong interest in nature and the environment. An interest that led me, as a teenager, to obtain 7,000 small trees, that I then spent a summer planting on a rocky, un-tillable, 7 acre pasture on a family dairy farm in upstate New York. It was my interest in nature – and that tree planting project in particular – that led me to being accepted into the State University of New York College of Forestry and Environmental Science at Syracuse, where I graduated with a Bachelor of Science Degree. So, I would respectfully suggest, that beginning with my format education. I know a good deal about trees. But for the purposes of this evening's meeting, I would suggest that one doesn't need a college degree in "trees", or even a designation as a Master Gardener to appreciate that soaking the soil surrounding just about any group of plants, trees or otherwise with soapy water for about 8 hours a day, for 5 or more days a week, is going to result in a very negative outcome for plants that have spent their prior life growing in more normal conditions. That's a recipe for killing plants. But that's not all. Along the way of my adult life. I went on to graduate school, and earned an MBA. It was there that I learned about a business concept called due diligence. Due diligence in simpler terms could be stated as investigate before you invest. We are here this evening largely because someone on the developer's team, failed to perform an adequate due diligence study. A study to determine where the substantial, chemically enhanced, wastewater, from a car wash, could be disposed of. Pretty simple concept, really. Wouldn't even require a MBA degree. Simply put. Somebody dropped the ball. Somebody on the developer's team made a very serious mistake. And now you, Board of Commissioners, are being invited to make another mistake. You are being asked to clean up the developers incompetent mistake, by approving the creation of an environmental disaster that will decimate the plant life in the wooded buffer in question. Two wrongs don't make a right. Please do not approve this egregious variance.

Frank Jackalone

My name is Frank Jackalone. I live at 497 Beechmast in Fearrington Village and I am disappointed that Fearrington Village residents and particularly the homeowners association were not consulted about the proposed order on your agenda today. That would grant a waiver to Sam's express car wash, allowing it to release its wastewater into a septic drainage field within the 300 foot buffer next to Fearrington Village. Not only were those most affected not consulted, it appears that impacts of the Fearrington community or the natural environment adjoining it are not seriously considered by the county. If you look at your resolution at the order proposed, it talks about Briar Chapel. Not once does it mention Fearrington Village in that resolution. A waiver of the buffer would effectively eliminate the buffer that is designed to protect Fearrington. I can understand that if there was a need to place an essential need fire, police, utilities at this location because no other site was available. There will no longer be a buffer. I urge you to vote against the proposed order and to make it clear that the County Commissioners will not consider any waiver for Sam's express car wash or any other business to develop and or pollute within the 300 foot buffer adjoining Fearrington Village. Let me just say that the car wash company I researched online today. It now has fifty locations in the Southeast, fifty different car washes. It has an expanding at a very rapid rate. This car wash company, if it has to add additional cost to make improvements, so it doesn't impact Fearrington Village or other neighbors has the resources to do it. This is all about government by the people, of the people, by the people and for the people. We only ask that you seek

our input and not change the rules protecting our health, safety, and welfare while doing a favor for just one individual, a special interest group or private company. Thank you.

Rose Krasnow

Good evening, I am Rose Krasnow, a resident of Fearrington Village and past president of the Fearrington Homeowners Association. I am also a retired urban planner. I am here to speak to tonight because I very much oppose the waiver of the buffer being sought by Sam's Car Wash, and I am quite startled that staff decided that this waiver request did not need to go first to the Planning Board, which would have facilitated more analysis of the request and provided a greater opportunity for the public to be heard. The waiver request was only filed on January 26, 2024, and none of the affected parties had any idea that such a waiver was even being proposed until they received a letter from the County dated February 2nd. When the Compact Community Ordinance was created, specifically to allow the approval of more dense communities such as Briar Chapel, the 300 foot buffer was put in place to mitigate, at least to some extent, the anticipated impacts that such development would have on existing residents. The fact that Fearrington abuts property zoned commercial, not residential, made this buffer even more important. Zoning first came about because homeowners did not want noxious smells, bright lighting, and heavy traffic to lower both their quality of life and their property values. Was the buffer just a way to placate the naysayers so that more development could be approved? I would certainly hope this was not the case. However, when I read the proposed order stating that "Whereas, the Board of Commissioners has determined that the impact of the Briar Chapel Compact Community is adequate mitigated by community design or topography" and I know that this conclusion was reached with no input from those affected, I have to conclude that the need for the buffer was never taken seriously. Moreover, if the waiver of the buffer in this instance can be approved so cavalierly, it will set a precedent, and a few years down the road, I would not be surprised if the buffer basically disappears altogether. I actually have some sympathy for SXCW Properties. Certainly, they purchased the land from Briar Chapel with the expectation that they would be able to send their wastewater to the Briar Chapel wastewater treatment plant. I am sure they were surprised when the State Department of Environmental Quality ruled that their sewage would be considered industrial waste and that it could not be accepted at the treatment plant unless the operator was willing to change the nature of their permit and get approval of a pretreatment ordinance for such industrial waste. Yet, the fact that Old North State Water is not willing to do this does not mean that the residents of Fearrington should bear the burden of a septic drainage field in the buffer. If anything, it would seem to say that a car wash might not be the proper use for this commercially zoned tract of land. Regardless, this is really a business dispute between the parties that probably can only be resolved in court. I can see no reason for the County Commissioners to get involved in this dispute, particularly when it can have such a detrimental effect on Fearrington Village, not only in terms of the environmental impacts of the construction of the drainage field and the nature of the water that will flow into our streams and into Jordan Lake, but also given the fact that it defeats the very purpose of putting the buffer in place to begin with. I urge you to vote against this waiver request, or, at the very least, to slow this speeding train down and refer the request to the Planning Board, so that they can study it more thoroughly and give affected residents and communities more opportunity to explain their opposition. Thank you

Zachary Traywick, 81 Fearrington Post

For the record I stand 100% opposed to this request. There are many obvious reasons this request needs to be clearly rejected but what is glaring to me foremost is that no precedent should be established that ever compromises the geographical integrity of our perimeter buffer. Not now and not ever, much less for the purpose of

disposing of commercial and human waste water in quantities nobody can possibly determine. Many of my fellow citizens are concerned as I am about the vague engineering scheme proposed by SXCW Properties to discharge this commercial waste water into a residential area where pets, children. This car wash if built may endure for easily 75 years with 7 days a week discharge. At the ridiculously low estimate of 2000 gallons a day provided by SXCW representatives this amounts to 720,000 gallons a year or 36 million gallons disc over 50 years of toxic polluted water. I ask each commissioner to reflect on their feelings if this commercial waste water disposal proposed was being considered for their neighborhood. I can surmise quite confidently that they would unanimously be in objection. I sincerely appreciate your evaluation of my concerns and comments and holding the quality of life of all Chatham County residents in high regard.

SPECIAL PRESENTATION

24-5137

Vote to Approve a Resolution Honoring Black History Month

Attachments: [Resolution honoring Black History Month](#)

Vice-Chair Howard read allowed a resolution honoring Black History Month.

A motion was made by Vice Chair Karen Howard, seconded by Commissioner Franklin Gomez Flores, to approve a Resolution 24-13 Honoring Black History Month. The motion carried by the following vote:

Aye: 5 - Chair Dasher, Commissioner Delaney, Vice Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

PUBLIC HEARINGS

24-5113

A legislative public hearing requested by Edward Holmes Jr. for a general use rezoning on Parcels 95339 and 5276, located at 190 Top Chord Way, being 22.945 acres, from R-1 Residential to Light Industrial, Cape Fear Township

Attachments: [More information from the Planning department website](#)
 [Top Chord Public Hearing Presentation Materials 2-5-2024](#)

Zoning Administrator Angela Plummer presented the requested by Edward Holmes Jr. for a general use rezoning on Parcels 95339 and 5276, located at 190 Top Chord Way, being 22.945 acres, from R-1 Residential to Light Industrial, Cape Fear Township.

Applicant Jody Leidolf stated that he represented the Legion Company and was there to answer any questions. The Board of Commissioners had no questions.

The requested by Edward Holmes Jr. for a general use rezoning on Parcels 95339 and 5276, located at 190 Top Chord Way, being 22.945 acres, from R-1 Residential to Light Industrial, Cape Fear Township was referred to the Planning Board.

BOARD PRIORITIES

24-5112

Vote to approve a request by Lydia Lavelle, on behalf of SXCW

Properties II LLC to reduce and modify the Perimeter Buffer for Commercial Parcel #93106, SD-East, Briar Chapel for the installation of a septic system, pursuant to Section 9.2 of the Compact Communities Ordinance

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

Planning Director Jason Sullivan presented the request by Lydia Lavelle, on behalf of SXCW Properties II LLC to reduce and modify the Perimeter Buffer for Commercial Parcel #93106, SD-East, Briar Chapel for the installation of a septic system, pursuant to Section 9.2 of the Compact Communities Ordinance.

Sullivan stated that a requirement for the request goes back to 2010, where Briar Chapel received approval in the compact community's ordinance to allow for some impacts within the perimeter buffer on the track. The developable footprint of the site is fairly narrow because of all the buffers on the property. There's a 50 foot buffer along the front and there's a 300 foot buffer along the eastern boundary. The waiver request is considered as part of the conditional use permitting process and as part of that process a public hearing would be held. Since 2010, staff has had around fifteen waiver request that have been presented to the Board of Commissioners from time to time. There is no Planning Board review for this item.

T.C. Morphis with The Brough Law Firm stated that he represented the applicant. Sam's Carwash would like to build a car wash here in the 15-501 corridor which as you all know is one of the fastest growing areas in Chatham County and with all due respect to the citizens, we believe that this would be an excellent use for this site. Morphis gave an overview of the proposal and stated that he did not believe that a waiver is required for this project to proceed. Morphis reviewed the ordinance and the request with the Board of Commissioners.

Matthew Parker with Sam's Express reviewed the site plan and septic drain field with the Board of Commissioners.

The Board of Commissioners discussed the ordinance, the waiver, and the buffer. The Board of Commissioners asked questions of County Attorney Bob Hagemann and asked him to bring back information to the next meeting.

PUBLIC HEARINGS CONTINUED

[23-5066](#)

A quasi-judicial public hearing requested by 1535 King Road LLC for a Special Use Permit on parcel 95385, zoned Heavy Industrial, located at 1535 King Rd., being approximately 18.685 acres, for an asphalt manufacture or refining plant, Cape Fear Township. (Applicant has requested an extension to February 2024)

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

Chair Dasher stated that the next item is a public hearing for a special use permit. Dasher noted that the Board of Commissioners is required to act in a quasi-judicial capacity as it receives evidence and makes a decision. Dasher stated that this means that the applicant is entitled to a full evidentiary hearing. During this hearing the Board of Commissioners will receive legally acceptable evidence to establish sufficient facts to apply the ordinance.

Chair Dasher invited anyone that was going to speak on the item to stand for an oath.

Dasher administered the following oath to those standing: Do you solemnly swear or affirm that the evidence or testimony you are about to provide is factual and truthful to the best of your knowledge. Those standing replied yes.

Zoning Administrator Angela Plummer presented the requested by 1535 King Road LLC for a Special Use Permit on parcel 95385, zoned Heavy Industrial, located at 1535 King Rd., being approximately 18.685 acres, for an asphalt manufacture or refining plant, Cape Fear Township.

Nil Ghosh, attorney for the applicant, presented the request. There were several expert witnesses that provided information as to the findings to support the use. This included a special report prepared by Spangler Environmental, Inc. that found all findings in the application were supported. A special report is required for certain uses identified in the table of permitted uses and the requirements are found in Section 17.9 of the Zoning Ordinance. Also speaking were Jared Matthews with Curry Engineering on well water and septic, Jason Hamilton with Exalt Engineering on the traffic impact analysis, Jarvis Martin for the market analysis, and Bob Zarzecki, environmental specialist with S & EC who prepared the Environmental Impact Assessment which was reviewed by the Environmental Review Advisory Committee and Spangler Environmental, Inc. There was a community meeting that was held January 4, 2022, and no one attended, and no concerns noted. The applicant met with the Chatham County Appearance Commission on August 23, 2023, to review the proposed site plan. There were more diverse plant selections recommended and the applicant agreed to revise the plan accordingly.

John Alderman, from the Hickory Mountain Township, spoke to voice concerns because of the Sugar Lake Road plant that has ground water contamination from years ago that is still being monitored by North Carolina Department of Transportation and local environmental health officials. Attorney Ghosh objected to allowing Mr. Alderman to speak stating he has no standing to bring expert witness due to quasi-judicial process.

Elaine Chioso, chair of Environmental Review Advisory Committee also signed up to provide information from their review of the Environmental Impact Assessment. Attorney Ghosh objected stating they do not have a legal requirement to provide any information on this matter. County Attorney Bob Hageman stated that per the North Carolina General Statute 160D-301A, there is no ordinance to allow information from Environmental Review Advisory Committee for a quasi-judicial matter and any information provided could not be used in making a decision to approve or deny. She did not provide testimony for this item.

The Board of Commissioners noted some concerns including the market analysis. Commissioner Howard requested additional information about residential properties close to other asphalt plants in more rural areas.

The Board of Commissioners kept the public hearing open until the next month to provide the applicant with time to bring more market information.

A motion was made by Vice Chair Karen Howard, seconded by Commissioner Katie Kenlan, that the quasi judicial public hearing requested by 1535 King Road LLC for a Special Use Permit on parcel 95385, zoned Heavy Industrial, located at 1535 King Rd., being approximately 18.685 acres, for an asphalt manufacture or refining plant, Cape Fear Township be continued to the March. The motion carried by the following vote:

Aye: 5 - Chair Dasher, Commissioner Delaney, Vice Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

BOARD PRIORITIES CONTINUED[24-5129](#)

Vote to approve an amendment to extend the termination date of the Early Childhood Community Assessment and Action Plan contract between Chatham County Partnership for Children and Chatham County

Attachments: [3-6-2023 Partnership for Children Original](#)
[12-18-2023 Partnership for Children First Amendment](#)
[2-19-2024 Partnership for Children Second Amendment](#)

Assistant County Manager Bryan Thompson presented the Chatham Partnership for Children has requested an extension of the Early Childhood Community Assessment and Action Plan contract to June 30th, 2024. Thompson stated that the project scope associated with this contract aligns with a priority of the ARPA plan approved by the Board of Commissioners.

Thompson stated that the proposed agreement extension is intended to enable additional time:

- 1. for the Program Director of the project to complete the remain "Implementation Action Plan", which is an additional, non-fiscal, element of the action plan to the portion of the fiscal-related element of the action plan that was presented to the Board of Commissioners at the January budget retreat. The non-fiscal element of the plan involves components such as community and partnership engagement and collaboration.*
- 2. to complete five short videos from hours of raw video footage that will be used to promote the education fund to potential partners.*

The Board of Commissioners discussed the extension.

Chair Dasher stated that he was on the Chatham County Partnership of Children Board of Directors so he would recuse himself.

A motion was made by Vice Chair Karen Howard, seconded by Commissioner Franklin Gomez Flores, to approve an amendment to extend the termination date of the Early Childhood Community Assessment and Action Plan contract between Chatham County Partnership for Children and Chatham County. The motion carried by the following vote:

Aye: 4 - Commissioner Delaney, Vice Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

Recuse: 1 - Chair Dasher

Commissioner Dasher requested recusal

Chair Dasher stated that it has come to his attention that he unknowingly voted on two consent agenda items concerning the Chatham County Partnership for Children on November 6, 2023 and one on December 18, 2023. He stated that he is a volunteer board member of the Chatham County Partnership for Children. He requested to change his vote to recuse, since the minutes have not been prepared.

The Board of Commissioners discussed the process, ethics, and a complaint and investigation.

Commissioner Delaney made a motion to censure the Chair and the Vice-Chair. The motion failed due to a lack of a second.

For a short time, the Board of Commissioners continued to debate the topic.

A motion was made by Vice-Chair Karen Howard, seconded by Commissioner Katie Kenlan, that Commissioner Mike Dasher's votes November 6, 2023 and December 18, 2023 for the Chatham Partnership for Children items be changed to recuse. The motion carried by the following vote:

Aye: 3 - Vice Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan

No: 1 - Commissioner Delaney

Abstain: 1 - Chair Dasher

CLERK'S REPORT

No updates.

MANAGER'S REPORT

No updates.

COMMISSIONERS' REPORTS

Commissioner Gomez-Flores gave an update on Chatham Hospital.

Commissioner Delaney stated that he had several updates, but he was going to change that a little by saying that everyone has different approaches and background perspectives.

ADJOURNMENT

A motion was made by Vice Chair Karen Howard, seconded by Commissioner Katie Kenlan, that the meeting was adjourned. The motion carried by the following vote:

Aye: 5 - Chair Dasher, Commissioner Delaney, Vice Chair Howard, Commissioner Gomez Flores and Commissioner Kenlan