



# Chatham County, NC

## Meeting Minutes

### Board of Commissioners

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Tuesday, January 21, 2020

6:00 PM

Historic Courthouse Courtroom

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#### Work Session - 4:00 PM - Historic Courthouse Courtroom

*The Chair announced that the Board will add a Closed Session at the end of the Work Session for the purposes of discussing matters relating to personnel.*

**Present:** 5 - Chair Karen Howard, Vice Chair Diana Hales, Commissioner Jim Crawford, Commissioner Mike Dasher and Commissioner Andy Wilkie

#### **PUBLIC INPUT SESSION**

*No one signed up to speak.*

#### **BOARD PRIORITIES**

[20-3383](#)

Receive Annual 2019 Audit Presentation

**Attachments:** [Chatham Audit Presentation 2019](#)

*Kari Dunlap with Martin Starnes and Associates gave the annual audit presentation to the Board. (Presentation attached)*

[19-3316](#)

Vote on a request to approve 2019-2020 Housing Trust Fund Award Recommendations

*Policy Analyst Stephanie Watkins-Cruz reviewed the specifics of the request.*

*Commissioner Dasher asked what the criteria is related to the leveraging of funds. Ms. Watkins-Cruz stated the Affordable Housing Advisory Committee put more weight on the average income level served.*

*Commissioner Wilkie asked who makes the decision of who gets to live at the Farm at Penny Lane. Ms. Watkins-Cruz stated the Farm at Penny Lane selects the residents. The people living in the homes would be individuals with severe mental or physical disabilities. Commissioner Wilkie asked if the County gets to look at the applications. Ms. Watkins-Cruz stated no, the selection of residents is completely up to the Farm at Penny Lane.*

*Chair Howard asked if Habitat for Humanity is looking at ways to ensure affordability at Robert Run. Ms. Watkins-Cruz stated yes. They are looking at ways to bolster their long-term affordability.*

*Chair Howard asked if Robert Run includes multiple levels of housing. Ms. Watkins-Cruz stated they do seem to want to do some multifamily units or townhomes.*

*Commissioner Crawford asked if these funds will be dispersed this tax year, will the Farm at Penny Lane be able to come back next year with another request. Ms. Watkins-Cruz stated the County would not block them from submitting another request at this point.*

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

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

[20-3394](#)

Discuss applications and vote on a request to approve an appointment to the Environmental Review Advisory Committee.

*After discussing the applications the Board agreed to appoint Frank Stillo to the Environmental Review Advisory Committee.*

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

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

**CLOSED SESSION**

[20-3401](#)

Closed Session to discuss issues relating to personnel.

**A motion was made by Vice Chair Hales, seconded by Commissioner Crawford, to approve going out of the Work Session and convening in Closed Session to discuss matters relating to personnel. The motion carried by the following vote:**

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

**ADJOURNMENT**

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

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

**End of Work Session**

**Regular Session - 6:00 PM - Historic Courthouse Courtroom**

**Present:** 5 - Chair Karen Howard, Vice Chair Diana Hales, Commissioner Jim Crawford, Commissioner Mike Dasher and Commissioner Andy Wilkie

**INVOCATION and PLEDGE OF ALLEGIANCE**

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

## **CALL TO ORDER**

*Chair Howard welcomed those in attendance and called the meeting to order at 6:03pm.*

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

*The Chair stated an agenda item to consider the approval of a purchase agreement with Wallick Communities as well as a notice of real property acquisition will be added to the agenda after the public hearings.*

**A motion was made by Commissioner Crawford, seconded by Commissioner Dasher, that the Agenda and Consent Agenda be approved as amended. The motion carried by the following vote:**

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

### **[19-3350](#)**

Vote on a request to approve the October 21, 2019 Work and Regular Session Minutes, the November 4, 2019 Regular Session Minutes, and the November 18, 2019 Work and Regular Session Minutes.

**Attachments:** [10.21.2019 Draft Minutes](#)  
[11.04.2019 Draft Minutes](#)  
[11.18.2019 Draft Minutes](#)

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

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

### **[19-3295](#)**

Vote on a request by Paul Brewer for a conditional district rezoning from R-1 Residential to CD-CB for indoor/outdoor storage facility, Parcel No. 80765 being 15.52 acres and Parcel No. 5421 being 1.4 acres for a total of 16.92 acres, located off Dickens Road, Cape Fear Township.

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

**A motion was made by Commissioner Crawford, seconded by Commissioner Dasher, that Resolution #20-01 Adopting a Consistency Statement for the Approval of CD-CB Rezoning for Paul Brewer, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

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

**A motion was made by Commissioner Crawford, seconded by Commissioner Dasher, that this Ordinance Amending the Zoning Map of Chatham County for Paul Brewer, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

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

[19-3297](#)

Vote on a request to approve a Legislative request to consider County-initiated zonings of five (5) parcels formerly located in Harnett County.

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

**A motion was made by Commissioner Crawford, seconded by Commissioner Dasher, that this Resolution #20-02 Adopting a Consistency Statement for the Approval of County Initiated Zoning of five parcels formerly located in Harnett County, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

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

**A motion was made by Commissioner Crawford, seconded by Commissioner Dasher, that this Ordinance Amending the Zoning Map of Chatham County for Initial Zoning of Parcels 93277, 93278, 93279, 93280, and 93281 to R-1 Residential, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

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

[20-3378](#)

Vote on a request by Mitch Craig, P.E. on behalf F-L Legacy Owner, LLC for subdivision **Preliminary Plat** review and approval of **The Legacy at Jordan Lake - Phase 3**, consisting of 69 lots on 29.59 acres, located off Big Woods Road, parcels #89438 and #92463.

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

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

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

[19-3317](#)

Vote on a request to appoint Dr. Stephanie Freese, DVM, to fill the upcoming first three year term Veterinarian Seat on the Board of Health effective 2-20-20

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

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

[20-3374](#)

Vote on a request to approve Contractor for Yard Waste Debris Management based on Request for Proposal and Evaluation Matrix and authorize County Manager to execute the agreement.

**Attachments:** [Service Agreement - Yard Waste Debris Management 1.21.20](#)

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

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

[20-3375](#)

Vote on a request to approve an agreement to assign certain wastewater easements to the Town of Pittsboro and authorize the County Manager to execute the agreement.

**Attachments:** [Agreement - Assignment of Easement to Pittsboro - Pittsboro Public Sanitary Sewer Collection System - January 2020](#)  
[Copies of Easements - Pittsboro Public Sanitary Sewer Collection System](#)  
[Map](#)

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

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

[20-3376](#)

Vote on a request to adopt a Resolution proclaiming February 2020 as We Love Seniors Month

**Attachments:** [BOC Proclamation - We Love Seniors Month 2020](#)

**A motion was made by Commissioner Crawford, seconded by Commissioner Dasher, that this Resolution #20-03 Proclaiming February 2020 as We Love Seniors Month, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

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

[20-3384](#)

Vote on a request to approve Tax Releases and Refunds

**Attachments:** [12-1-19 to 1-6-20 Release and Refund Report](#)  
[December 2019 NCVTS Pending Refund Report](#)

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

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

[20-3387](#)

Vote on a request to approve \$150,000 Public Health National Center for Innovations Cross-Sector Innovation Initiative grant funds

**Attachments:** [PHAB Re-Granting Agreement](#)

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

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

[20-3388](#)

Vote on Request to Approve Community Child Protection Team Annual Report

**Attachments:** [2019 CCPT Annual Reportfinal](#)

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

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

[20-3391](#)

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

**Attachments:** [IN HARMONY WAY PETITION](#)  
[IN HARMONY WAY MAP](#)

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

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

[20-3392](#)

Vote on a request to approve grant application to Crime Victim Services of NC Governor's Crime Commission for Violence Against Women Act (VAWA) funding.

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

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

[20-3393](#)

Vote on a request to approve grant application to Crime Victim Services of NC Governor's Crime Commission for Victims of Crime Act (VOCA) funding.

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

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

[20-3400](#)

Vote on a request to approve sending comments in support of adding Bynum Bridge on Old Bynum Road in Chatham County to the National Register of Historic Places.

**Attachments:** [Bynum Bridge](#)

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

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

### **End of Consent Agenda**

## **SPECIAL PRESENTATIONS**

[20-3398](#)

Vote on a request to adopt a Resolution In Memory of Former Chatham County Commissioner Uva Holland.

**Attachments:** [Uva Holland Resolution](#)

*Chair Howard invited the Holland family to the podium and she read the resolution into the record. She presented the framed resolution to the family and posed for pictures.*

**A motion was made by Commissioner Dasher, seconded by Vice Chair Hales, that this Resolution #2020-06 In Memory of Former Chatham County Commissioner Uva Holland, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

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

[20-3399](#)

Vote on a request to adopt a Resolution In Memory of Former Chatham County Commissioner Ernest Thurman "E.T." Hanner.

**Attachments:** [ET Hanner Resolution](#)

*Chair Howard invited the Hanner family to the podium and she read the resolution into the record. She presented the framed resolution to the family and posed for pictures.*

**A motion was made by Commissioner Crawford, seconded by Vice Chair Hales, that this Resolution #2020-07 in Memory of Former Chatham County Commissioner Ernest Thurman "E.T." Hanner, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

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

[20-3395](#)

Present Certificate of Extended Volunteer Committee Service with County Advisory Committees

*Chair Howard presented Certificates of Extended Volunteer Committee Service with County Advisory Committees to Fran Di'Giano and Terry Schmidt.*

*Vice Chair Hales stated she and the Board appreciate their service on the Environmental Review Advisory Committee for all these years.*

**PUBLIC INPUT SESSION**

*No one signed up to speak.*

**PUBLIC HEARINGS**

*Chair Howard stated that there was an item on the agenda that caused some confusion in the Briar Chapel community. She asked Planning Director Jason Sullivan to clarify the issue.*

*Mr. Sullivan gave a brief clarification on the agenda item regarding the Comprehensive Plan amendment. This was a staff initiated text amendment presented to the Board of Commissioners. The Board has entered into an agreement to purchase land at the intersection of Renaissance Drive and US 64 for locating county facilities on the property. The Detention Center, Solid Waste facility, Animal Services Shelter, and County Bus Garage are all County facilities already on Renaissance Drive. The Chatham County Zoning Ordinance does not allow County facilities in residentially zoned areas. This would require the new property to be rezoned to a non-residential zoning district. There is then a conflict created with the Comprehensive Plan and the adopted regulatory standards that have to be met. The proposed language clarifies that government facilities can be located anywhere in the county where they are needed. He stated this has caused concern in the community that this amendment would allow for privately owned wastewater treatment facilities or privately owned operations anywhere in the county. That is not what is intended. Staff received comments requesting the language further clarify that the facilities must be owned and operated by a local government. Staff believes that is a good suggestion and the amendment only applies to government operated and owned facilities.*

[20-3380](#)

A Legislative public hearing for general use rezoning request by Jeff Wilson dba Wilson Brothers Milling Co., Inc to rezone Parcel No. 63839, from R-1 Residential to IL Light Industrial, located off NC HWY 902, Bear Creek Township.

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

*Zoning Official Janie Phelps reviewed the specifics of the request. When staff went out to physically post the property for rezoning on January 3, 2020, the signs were placed*



at the business, not on the property with the application to be rezoned. However, when this was brought to staff's attention on January 14, 2020 staff went out and immediately moved the signs to the correct property the same day. Therefore, staff requests the public hearing stay open until the February 17, 2020 Board of Commissioners meeting.

The Chair opened the hearing.

No one signed up to speak.

The Board will leave the hearing open until the February 17, 2020 Board of Commissioners Meeting.

### [20-3382](#)

A legislative public hearing for a request by the Board of Commissioners to consider county-initiated rezoning of thirty three (33) parcels in Gulf Township from R5- Residential to R1- Residential.

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

Planner Hunter Glenn reviewed the specifics of the request.

The Chair opened the hearing.

No one signed up to speak.

The Chair closed the hearing.

**This Resolution was referred to the Planning Board.**

### [20-3379](#)

A Legislative public hearing for a request by the Chatham County Board of Commissioners to consider an amendment to the Chatham County Comprehensive Plan.

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

Planning Director Jason Sullivan reviewed the specifics of the request.

The Chair opened the hearing.

Commissioner Dasher stated this hearing is for Strategy 1.2 and not a hearing regarding Briar Chapel wastewater. The Board agreed to hear comments related to this agenda item only and then the Board can reopen the Public Input Session after the public hearings are over.

James Flood stated that when the documents went out this item included Strategy 1.1. Mr. Sullivan stated the abstract goes into detail about the change to Strategy 1.2 and staff did not receive any comments asking for clarification until earlier today. Mr. Flood stated he would return during the Public Input Session.

Halil Cakir suggested the Board add simple language stating any policy does not affect vulnerable populations. This usually includes children and older adults.

Stacy Donelan submitted the following comments:

*I am here to voice my opposition to the Chatham County Comprehensive Plan Text Amendment, item 22-3379 on tonight's agenda. You have heard and will hear from many individuals this evening who can express themselves better than I can regarding our opposition to this text amendment - and to how Old North State Water Company/EnviroLink/Chatham North's past performance and their application to the NCUC to expand the wastewater treatment plant located in the Briar Chapel community to become a regional wastewater treatment plant for Greater Northern Chatham County has not and does not align with Strategy 1.1 of the Comprehensive Plan. So, I will not repeat their many cogent points in my statement. I would like to take a different tack tonight and look at the text changes proposed for Recommendation 1, Strategy 1.2 of the Comprehensive Plan.*

*The proposed text reads "Locate new public services AND PUBLIC SERVICE FACILITIES, such as governmental offices and schools, in growth areas identified on the Future Land Use and Conservation Plan, OR WHERE EXISTING INFRASTRUCTURE EXISTS AND PUBLIC SERVICES ARE NEEDED." The English language and its punctuation are wonderful. If we condense Strategy 1.2 after the text changes, the new text essentially reads "Locate ... PUBLIC SERVICE FACILITIES ... WHERE EXISTING INFRASTRUCTURE EXISTS AND PUBLIC SERVICES ARE NEEDED." This then can be directly interpreted to refer the existing ONSWC wastewater treatment plant within Briar Chapel. I hope you can see what a slippery slope these words, this amendment, is to those like ONSWC who are waiting in the wings to receive your tacit or direct permission to expand their practices. I humbly request that you do not approve this text amendment, please.*

*Donna Sukkar stated the amendment should not say public service or public service facilities at all and instead should say government facilities.*

*Mark Weedon stated the challenge they are presented with is don't worry about 1.2, you should worry about 1.1. The changes to 1.2 sound very reasonable but residents haven't had the opportunity to look at it. He asked that no changes be made to 1.1 or 1.2 until they have been able to review them.*

*Caroline Healy submitted the following comments:*

*My name is Caroline Healy and I have been a homeowner in Briar Chapel for the past 4 years. I am here this evening to discuss the proposed text amendment to the Chatham County Comprehensive Plan and ask that in addressing this issue the Board give serious consideration to Chatham's unique natural resources, its rivers, streams and creeks, flora and wildlife, the horrendous damage done to these by a utility company in Briar Chapel and, moving forward, enforcement resources with the Planning and Watershed departments of Chatham County.*

*While understanding that development is necessary and in considered cases desirable, it must be weighed against the very real facts of the above. It is clear that as dedicated and expert as the current staff are, as of now, Chatham County simply does not have the staffing resources to enforce regulations. I am grateful for the opportunity for this hearing. Residents of Briar Chapel did not have the opportunity for such a hearing and, through a series of covert moves we are now set to become residents of a regional wastewater treatment plant, not the green community we were*

*sold and which falls under your jurisdiction. Four years ago my husband and I purchased a premium wooded lot. We now have a view of an easement that was overcleared beyond its permitted width of 20ft to over 50ft in parts and still remains to be reseeded in accordance with the County's Soil Erosion and Sedimentation Control Ordinance. You have, and will be hearing much more about this as future planning and rezoning proposals come up.*

*Honorable Commissioners, I am asking you to exercise your authority and to slow things down for a moment. Please recognize the damage that has been done. Please do not allow proposals to get rushed through. Please do not allow such text amendments to be approved without careful consideration of the following: the health, safety and wellbeing of citizens of Chatham County, the natural resources that drew many of us here and the value of our homes and other property investments. It's an unfortunate fact that the activities of one utility company, Old North State Water Company, has placed a such a filthy blot on this County's copy book.*

*Patricia Vanhoy submitted the following comments:*

*I would like to address the text change cited in 1.1 of the Chatham County Comprehensive Plan. Stated in the discussion is a quote "revision to the language in the Utilities Section should be able to locate public service facilities where needed in the County to serve the County. While it is understood the county needs to plan for utilities for undeveloped areas, the language just quoted is very broad and could be interpreted by private companies, currently providing such services, that it is an invitation to expand current facilities they own.*

*While I was told by a County Commissioner this has nothing to do with Briar Chapel, we believe it leaves the door open for Old North State Water Company. Because we have recently seen the Briar Chapel Environmental Impact Assessment dated June 2004 and it specifically talks about bringing in sewage from outside BC. It is worth noting that our Briar Chapel Community Association was controlled by Newland the developer until January of this year. Newland sold the treatment plant to ONS and worked in conjunction with ONS to expand the plant. The homeowners had no knowledge of this partnership between ONS and Newland until our newly elected BCCA was in place. ONS has proven to be incapable of operating the plant within the permit regulations. They have been cited for violations and fines. All of which are negatively impacting BC. The plant is located on a hill within 200 feet of homes.*

*We cannot continue to allow ONS to expand beyond their current permitted capacity. I ask that the text change include statement that "Regional treatment plants shall not be located in densely populated neighborhoods and Briar Chapel will not become a Regional Waste Water Treatment facility."*

*Tony Zordich feels a government coming in to their community and doing anything it sees fit is inappropriate.*

*Henry Gooding said the Briar Chapel residents are suffering from a regional wastewater treatment facility. There needs to be a plan for future wastewater treatment plants and the impacts on Jordan Lake should be considered.*

*Commissioner Crawford stated the question before the Board is not the wastewater*

*treatment plant in Briar Chapel. The question is a text amendment for a specific portion of the land use plan. The land use plan is not an ordinance. It is a set of goals and objectives. A lot of your concerns are at the ordinance level and we are not there yet. He asked that any further comments in this hearing relate to this specific item.*

*Commissioner Dasher stated that he would like to hear ideas from residents as to how the County can communicate better.*

*Gerard Tucker said infrastructure now exists in Briar Chapel and the language in 1.2 could be used against the residents of Briar Chapel.*

*Henry Brattlie stated they are very concerned about unintended consequences. He hopes the Board will look at all the different ways this amendment could be interpreted.*

*The Chair closed the hearing.*

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

### [20-3381](#)

A legislative public hearing for a request by the Chatham County Board of Commissioners to consider amendments to the Chatham County Zoning Ordinance; specifically, Section 7.2 Definitions; Section 8.1 Relationship of Building to Lot; Section 10.12 CD- MU Mixed Use Districts; Section 10.13 Table of Permitted Uses; Section 17.1 Procedure; and Section 17.2 Plans.

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

*Planner Hunter Glenn reviewed the specifics of the request.*

*The Chair opened the hearing.*

*Chatham Economic Development Corporation President Alyssa Byrd submitted the following comments:*

*I'd like to express support for the proposed zoning ordinance amendments. The Economic Development Corporation has worked with planning staff on several of these proposed amendments.*

*First, the addition of new uses into the table of permitted uses helps lend clarity to prospective employers. These uses were proposed based on the actual projects we see, as well as the industries in which our region enjoys a competitive advantage.*

*Second, I want to provide clarity and endorsement to the proposed amendment to allow certain uses by right in light and heavy industrial areas, provided that municipal sewer is utilized.*

*These uses will remain conditional use everywhere in the county, unless the employer uses municipal water and sewer. The ordinance is specific with the word "municipal," which means these uses will not be allowed by right in areas with a private water or sewer provider.*

*There are limited light and heavy industrial zones in the county, which the municipal utility requirement further narrows.*

*The comprehensive plan's land use designations make most of our county unsuitable for light and heavy industrial uses, such as Northeast Chatham or Silk Hope.*

*And, with the designated employment centers in the 2017 Comprehensive Land Use Plan, and overall limited availability of municipal water and sewer in the county, these amendments will only impact precise areas of Chatham County. Namely, the Moncure Megasite, in which the County has invested to extend sewer in partnership with the City of Sanford.*

*Chatham County has a strong competitive advantage in attracting these employers. I appreciate your consideration in supporting these policies that would provide a more economic development-friendly approach that is in compliance with the goals set forth in the comprehensive plan.*

*The Chair closed the hearing.*

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

## **BOARD PRIORITIES**

### **20-3402**

Vote on a request to approve the purchase agreement and notice of real property acquisition and authorize the County Manager to execute documents.

*Bryan Thompson reviewed the specifics of the request.*

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

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

## **PUBLIC INPUT SESSION**

*John DiMiceli stated the Briar Chapel residents received notice from the Utilities Commission stating the Briar Chapel wastewater plant is being considered for a regional plant. They believe there will be irreparable harm to Briar Chapel's environment, significant harm to the health and well-being of their families, and significant harm to the values of their properties. They are not opposed to a regional plant. They are in favor of appropriately sited and regulated regional plants that would accommodate growth in Chatham County but not if they are located in densely populated areas. They hope the commissioners will use whatever power and influence they have to keep this application from being approved.*

*Jim Flood submitted the following comments:*

*I am James Flood and I live at 451 Cliffdale Rd. Chapel Hill, in Briar Chapel - which is 1250' as the geese fly from the mixing tanks of our community Waste Water Treatment Plant. I am here tonight to express my strong opposition to the changes proposed to the Chatham County Comprehensive Plan as defined in agenda item*

20-3379. Words matter, so we urge you to amend the text of the Comprehensive Plan to specify: REGIONAL WWTPs SHOULD NOT BE LOCATED IN DENSELY POPULATED AREAS. The BC Community WWTP should not be designated as a "regional" plant.

Four short years ago Granite Mill Parkway ended and Boulder Point Road began - as a mostly unpaved road - and sort-of 'over-there' a few hundred yards away was the BC community WWTP. I knew it was there when I built. I also knew our treated effluent would be land-applied on 450 acres of BC rights-of-way, common areas and acceptable parts of our woodlands as described in the 2004 BC Environmental Assessment. I knew in the future some homes would be built down from and across from the plant. At the time, maybe 100 homes were a ¼ mile from the plant, including mine.

I also know well-managed 21st century WWTPs don't smell and properly-treated land-applied reclaimed effluent does not stink, is safe, and this process is an environmentally sound means of discharging, especially in the nutrient-sensitive Jordon Lake/Cape Fear watershed. You have heard from my neighbors and will hear from more of them regarding these issues. What was described and defined as BC in the 2004 Environmental Assessment continues to grow towards 2500 homes, hundreds of apartments, schools, additional retail, commercial and professional, enhancing the quality of life in NE Chatham, generating huge tax revenues for CC and waste that will be treated at our community plant. Today, nearly 1,000 BC homes are within 2600' radius (1/2 mile) of our community plant, some as close as 4-500'. This can accurately be described as "densely populated".

Let me close by simply saying 1,000's of CC residents in a neighborhood of 6,000 voters have for a couple of years endured the stink from an under-managed WWTP and spray-field system, therefore this community plant should not be designated as a "Regional Plant" and be made to accept waste from distant neighborhoods. It is the wrong plant. in the wrong location. at the wrong time. We ask you as Commissioners to courageously explore alternatives ASAP. Thank you.

Michael Machikas emphasized that the residents' property values will drop if a regional plant is approved in Briar Chapel. As a realtor, he must disclose to potential home buyers if a regional plant is coming into the community.

Dennis Hall submitted the following comments:

Thank you, Commissioners, for the opportunity to speak to you this evening. This past Sunday I forwarded to you an e-mail outlining my objection to Agenda item #20-3379 on proposed changes to the Chatham County Comprehensive Plan. Shortly thereafter I received a response from Commissioner Hales on this issue. I was quite surprised at the very quick reply from the Commissioner and encouraged that our elected officials are working 24/7 on constituent concerns!

As a resident of Chatham County and the Briar Chapel community my concern centers around current plans by our WWTP service provider Old North State Water Company (ONSWC). ONSWC fails to perform in accordance with State and Federal regulations. Briar Chapel continuously experiences sewage spills, excessive odors, over spraying, erosion, sink holes, etc. Old North State currently processes approximately 200,000 gallons per day. They are proposing to increase the capacity to 1,000,000 gallons per day integrating sewage from Ferrington Village and other developments both

*residential and commercial. ONSWC is actively pursuing the Briar Chapel Community as a REGIONAL SEWAGE FACILITY FOR ALL OF NORTH CHATHAM COUNTY. IF BRIAR CHAPEL BECOMES A REGIONAL WASTE WATER TREATMENT PLANT ALL OF OUR HOME VALUES WILL IMMEDIATELY PLUMMET. In Commissioner Hales response she indicated that "There were no issues dealing with regional waste water on our agenda". The changes being proposed in the Comprehensive Plan were meant to address Public Facilities (County Owned) and not Public Utilities like ONSWC which is a private company.*

*The changes proposed in the Comprehensive Plan while minor in wording might be interpreted to support Regional Like utilities to support future Chatham County Growth. If this change were to be adopted ONSWC might say they were supporting the County's strategy in providing regional facilities. As a Briar Chapel and Chatham County resident I am opposed to locating any Regional Facility, such as a WWTP, in any densely populated area. I would propose that the language in the Comprehensive Plan be amended to state that public utilities and or public facilities like a WWTP SHOULD NOT BE LOCATED IN DENSELY POPULATED AREAS. I hope you, the Chatham County Commissioners, can support these revisions to the proposal before you.*

*Liz Rolison submitted the following comments:*

*I'm Liz Rolison and I have been a Briar Chapel resident since 2014. When I purchased my home, I was told Briar Chapel had their own waste water treatment facility owned and operated by Old North State/EnviroLink.*

*What I and my neighbors weren't told was that Old North State had plans underway since 2012 to expand Briar Chapel's waste water treatment facility to Fearington Village. I have a document showing that the owner of Old North State approached Fitch Creations (the waste water facility owner in Fearington) in 2012 proposing that Fearington's waste water could be processed in Briar Chapel's facility. Despite this plan being set in motion over 7 years ago, Old North State did not notify Briar Chapel residents.*

*Our developer, Newland Communities, was likely aware of these plans from the start since they provided the easements within Briar Chapel to allow pipe to be laid between the Briar Chapel waste water facility and 15/501 and who documentation shows signed off on an easement for connecting the Fearington Village and Briar Chapel wastewater system in July 2019. Yet, Newland did not notify Briar Chapel residents. Chatham County officials were likely involved in the early planning stages and later for permits and approvals. Documentation shows that the Chatham County Board of Commissioners approved a request for an easement waiver to allow Old North State to complete the pipeline between Briar Chapel's facility and Fearington's facility in July 2019. Chatham County Commissioners and officials clearly knew this was planned, but you did not notify Briar Chapel residents.*

*The only notification we received was from the NC Utilities Commission who sent a notice for the public hearing held last week about pending applications from Old North State that would allow them to expand operations to include Fearington and other surrounding communities and commercial development. In addition, they are requesting to increase the plant's capacity to a million gallons a day. How can a plan that has been in progress for over 7 years involving all these parties not be communicated to the Chatham County residents who are most affected by this change? How could Briar Chapel homeowners only find out about this when final*

*approvals are pending?*

*We strongly urge that you rethink Chatham County's plans to expand Briar Chapel's waste water facility into a regional waste water facility for northern Chatham county. Further we recommend that you look closely at Old North State's track record of violations and spills documented by the Department of Environmental Quality and seriously consider if this is a company you can trust to act responsibly on Chatham County's and your resident's behalf.*

*Diane Crompton stated the gray water makes walking the trails less enjoyable. She had a fly infestation last August and two experts concluded that the standing gray water in the common space outside of her home was the cause. There have been fourteen separate overflows since she has lived there. The residents were blindsided by the news there may be a regional plant.*

*Henry Brattlie spoke in support of all the comments that came before him.*

*Camille Star submitted the following comments:*

*I am opposed to having a regional sewer plant, in the Briar Chapel densely populated neighborhood. Please postpone any decision on this matter until additional options are fully explored. The Briar Chapel homeowners had no knowledge of a plan to expand the Briar Chapel sewer treatment center into a regional sewer treatment plant until November of 2019. Unfortunately, neither the builder or developer was forthcoming with that important information. If known I certainly would not have chosen to purchase my home with such a close proximity to a regional sewer treatment plant. We do not want to expose our children, grandchildren or ourselves to the inevitable health and quality of life issue.*

*I also believe there are too many schools that are too close to this sewer plant to even consider pumping a million gallons of sewage through our community. We understand that the existing sewer treatment plant is not adequate and needs substantial upgrades to correct odors issues, leaks, health concerns. We also need the environmental damage done in our green community repaired and encourage Chatham County require ONSWC to address all of the issues immediately. Old North Gate (ONSWC), Envirolink and Michael Meyers have not earned the trust of the Briar Chapel residents, due to their poor planning and lack of action thus far, destroying our yards, common grounds and trails and plant life; issues that have gone on for years.*

*While I can appreciate the county's rationale in providing a regional sewer facility, a proper location is vital; an area that does not directly impact the quality of life and health of the residents. I would hope that any major construction including sewer plants would require an RFP, a performance bond as well as a reserve fund to cover upgrades as the plant ages. Thank you for providing another opportunity for the community to share our views. Please postpone your decision until a better solution can be found.*

*Diane Ursano said many of the Briar Chapel residents question the County's oversight of Old North State's operations in Briar Chapel.*



Chair Howard thanked the residents for sharing their concerns with the Board. Some of their concerns are outside the purview of the Board of Commissioners. The Board will ask staff to look at what areas the Board does have some potential influence.

Commissioner Dasher said some residents may have come from states where they are used to local governments having certain authorities. In North Carolina this is a state authority. This is not the County's wastewater treatment plant but they will look into what the County can do.

### **MANAGER' S REPORTS**

County Manager Dan LaMontagne stated the Moncure sewer project is on schedule to be finished at the end of March or early April. Public information for Article 46 and the ABC changes on the ballot will be coming out the next few days electronically. He and the Assistant County Manager will be attending the Manager's Conference February 5-7 and then will attend Josh Stein's Pre-Trial Round Table.

### **COMMISSIONERS' REPORTS**

Commissioner Crawford said he and Commissioner Dasher will both attend the Chatham-Orange Task Force meeting.

Commissioner Wilkie stated the Town of Pittsboro is progressing with the new municipal building.

Chair Howard will be in Winston-Salem Friday and Saturday.

### **ADJOURNMENT**

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

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