



Chatham County, NC

Meeting Agenda - Final

Board of Commissioners

Monday, July 17, 2017

6:00 PM

Historic Courthouse Courtroom

Work Session - 3:30 PM - Historic Courthouse Courtroom

PUBLIC INPUT SESSION

The Public Input Session is held to give citizens an opportunity to speak on any item. The session is no more than thirty minutes long to allow as many as possible to speak. Speakers are limited to no more than three minutes each and may not give their time to another speaker. Speakers are required to sign up in advance. Individuals who wish to speak but cannot because of time constraints will be carried to the next meeting and given priority. We apologize for the tight time restrictions. They are necessary to ensure that we complete our business. If you have insufficient time to finish your presentation, we welcome your comments in writing.

BOARD PRIORITIES

[17-2256](#)

A request by the Planning Department to schedule a legislative public hearing for August 21, 2017 at 6:00 PM to adopt revisions to the Chatham County Flood Damage Prevention Ordinance.

Attachments: [Attachment Chatham Preliminary Index 37037CIND0C](#)

[Attachment Flood Damage Prevention Ordinance \(REDLINE\)](#)

[17-2259](#)

Request to schedule a public hearing for August 21, 2017 at 6:00 PM for Chatham County Comprehensive Plan.

Attachments: [Attachment SC Chair Transmittal Letter](#)

[Comprehensive Plan Website - including link to the draft comprehensive plan](#)

CLOSED SESSION

[17-2262](#)

Closed Session to discuss matters relating to personnel and economic development.

ADJOURNMENT

End of Work Session

Regular Session - 6:00 PM - Historic Courthouse Courtroom

INVOCATION and PLEDGE OF ALLEGIANCE

CALL TO ORDER**APPROVAL OF AGENDA and CONSENT AGENDA**

The Board of Commissioners uses a Consent Agenda to act on non-controversial routine items quickly. The Consent Agenda is acted upon by one motion and vote of the Board. Items may be removed from the Consent Agenda and placed on the Regular Agenda at the request of a Board member or citizen. The Consent Agenda contains the following items:

- [17-2247](#) Vote on a request to approve the May 15, 2017 Work and Regular Session Minutes, the June 8, 2017 Special Meeting Minutes, the June 13, 2017 Special Meeting Minutes and the June 19, 2017 Work and Regular Session Minutes.
- Attachments:** [Draft Minutes 05.15.2017](#)
[Draft Minutes 06.08.2017](#)
[Draft Minutes 06.13.2017](#)
[Draft Minutes 06.19.2017](#)
- [17-2240](#) Vote on a request to accept FY18 \$3,810 Healthy Community Grant Funds.
- Attachments:** [\\$3,810 Healthy Communities Funds](#)
- [17-2241](#) Vote on a request to approve Lease between the County and Daymark Recovery Services and authorize the county manager to sign Lease.
- Attachments:** [7.7.17 Daymark Lease with Appendix 1](#)
- [17-2242](#) Vote on a request to approve Tax Department - Charging Off Tax Bills
- [17-2244](#) Vote on a request to approve Utilities Department - Debt Write-off
- Attachments:** [Attachment - Debt Write-off 071717 BOC](#)
- [17-2245](#) Vote on a request to approve to appoint Dr. Karen N. Barbee to fill the upcoming vacant Public Seat on the Board of Health effective 7-18-17.
- Attachments:** [Dr. Karen Barbee Application](#)
- [17-2263](#) Vote on a request to approve the appointment of Keith McLaurin to the Transportation Advisory Committee.
- [17-2264](#) Vote on a request to approve re-appointments to the Agriculture Advisory Board.

- [17-2246](#) Consideration to extend the time of performance for mowing services as stated in the First Amendment to Agreement with Green Revival Landscaping; locations Water Utility, Parks and Recreation, and Solid Waste & Recycling; for FY 2018 with an estimated annual total of \$108,620.00; and authorize County Manager Renee Paschal to execute the agreement.

Attachments: [FIRST AMENDMENT Green Revival Landscaping-FinalRecommended](#)

- [17-2253](#) Vote on a request to approve Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision Preliminary Plat review and approval of Briar Chapel, Phase 15 South, consisting of 141 lots on 44.23 acres, located off Andrews Store Road, SR-1528 and Boulder Point Drive, Baldwin Township, parcel #82828.

Attachments: [More Information from Planning Department Website](#)

- [17-2254](#) Vote on a request to approve Lewis Metty Development, Inc. for subdivision Revised Preliminary Plat and Final Plat review and approval of Cedar Mountain, Phase 3B, consisting of 3 lots on 6.099 acres, located off Jones Ferry Road, S. R. 1540 and Cedar Grove/Cedar Mountain Road, Baldwin Township, parcel #1721.

Attachments: [More Information from Planning Department Website](#)

- [17-2257](#) Vote on a request to approve the Tax Releases and Refunds.

Attachments: [June 2017 Release and Refund Report](#)

[June 2017 NCVTS Pending Refund Report](#)

- [17-2260](#) Vote on a request to approve the naming of one private road in Chatham County

Attachments: [ANNIE G WAY PETITION](#)

[ANNIE G WAY MAP](#)

- [17-2261](#) Vote on a request by the North Chatham Volunteer Fire Department to approve the purchase of emergency fire apparatus, post notice of a public hearing, appoint Chief John Strowd, North Chatham Volunteer Fire Department, to conduct the public hearing, and secure financing in a sum not to exceed \$2,000,000.00 through tax exempt borrowing.

Attachments: [Attachment A - HR4333 Tax Exempt Borrowing Requirements.pdf](#)

[Attachment B-North Chatham VFD Tax Exempt Borrowing Request.pdf](#)

End of Consent Agenda

SPECIAL PRESENTATIONS

- [17-2251](#) Present Certificates of Extended Volunteer Committee Service with County Advisory Committees to Sue Clark and Jerry Cole.
- [17-2250](#) Mark Reif of Mountaire Farms to Present Mariechen Smith with the Mountaire Farms Better Carolina Award
Attachments: [MARIECHEN SMITH - Mountaire Farms Better Carolina Award](#)
- [17-2249](#) Special Presentation to Janet Scott Honoring for 30+ Years of Exemplary Service

PUBLIC INPUT SESSION

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PUBLIC HEARINGS

- [17-2258](#) Legislative public hearing to consider an extension of a temporary moratorium on oil and gas development activities within Chatham County adopted in August 2015 until August 16, 2018 and vote on a request to adopt the Fracking Moratorium Ordinance.
Attachments: [Fracking Moratorium Ordinance Extension to August 2018](#)
[Fracking Moratorium Ordinance August 2015](#)
[Natural Gas Study Powerpoint Presenetation chatham ppdraft613](#)

BOARD PRIORITIES

- [17-2255](#) Vote on a request to approve Sears Design Group, P. A. on behalf of Fitch Creations, Inc. for subdivision Sketch Plan Revision of Fearrington - Section X, Areas "D" - "M", consisting of 126 remaining lots on 123 acres, located off US 15-501 N, Weathersfield/SR-1807, Millcroft/SR-1817, and E. Camden/SR-1813, Williams Township, parcel #18998.
Attachments: [More Information from Planning Department Website](#)

MANAGER' S REPORTS

COMMISSIONERS' REPORTS

ADJOURNMENT



Chatham County, NC

Text File

File Number: 17-2256

Agenda Date: 7/17/2017

Version: 1

Status: Work Session

In Control: Planning

File Type: Agenda Item

Agenda Number:

A request by the Planning Department to schedule a legislative public hearing for August 21, 2017 at 6:00 PM to adopt revisions to the Chatham County Flood Damage Prevention Ordinance.

A request by the Planning Department to schedule a legislative public hearing to adopt revisions to the Chatham County Flood Damage Prevention Ordinance.

Action Requested:

Introduction & Background:

Chatham County entered into the Flood Damage Prevention program in February 1997, which makes property owners eligible for flood insurance. The ordinance is based on a model provided by the NC Department of Emergency Management (NCDEM) with modifications specific to Chatham County. Flood Insurance Rate Maps (FIRMs) are also provided by NCDEM, in coordination with the Federal Emergency Management Agency (FEMA), to establish the regulatory floodplain boundaries. The FIRMs are periodically updated with the most recent revisions becoming effective in 2007.

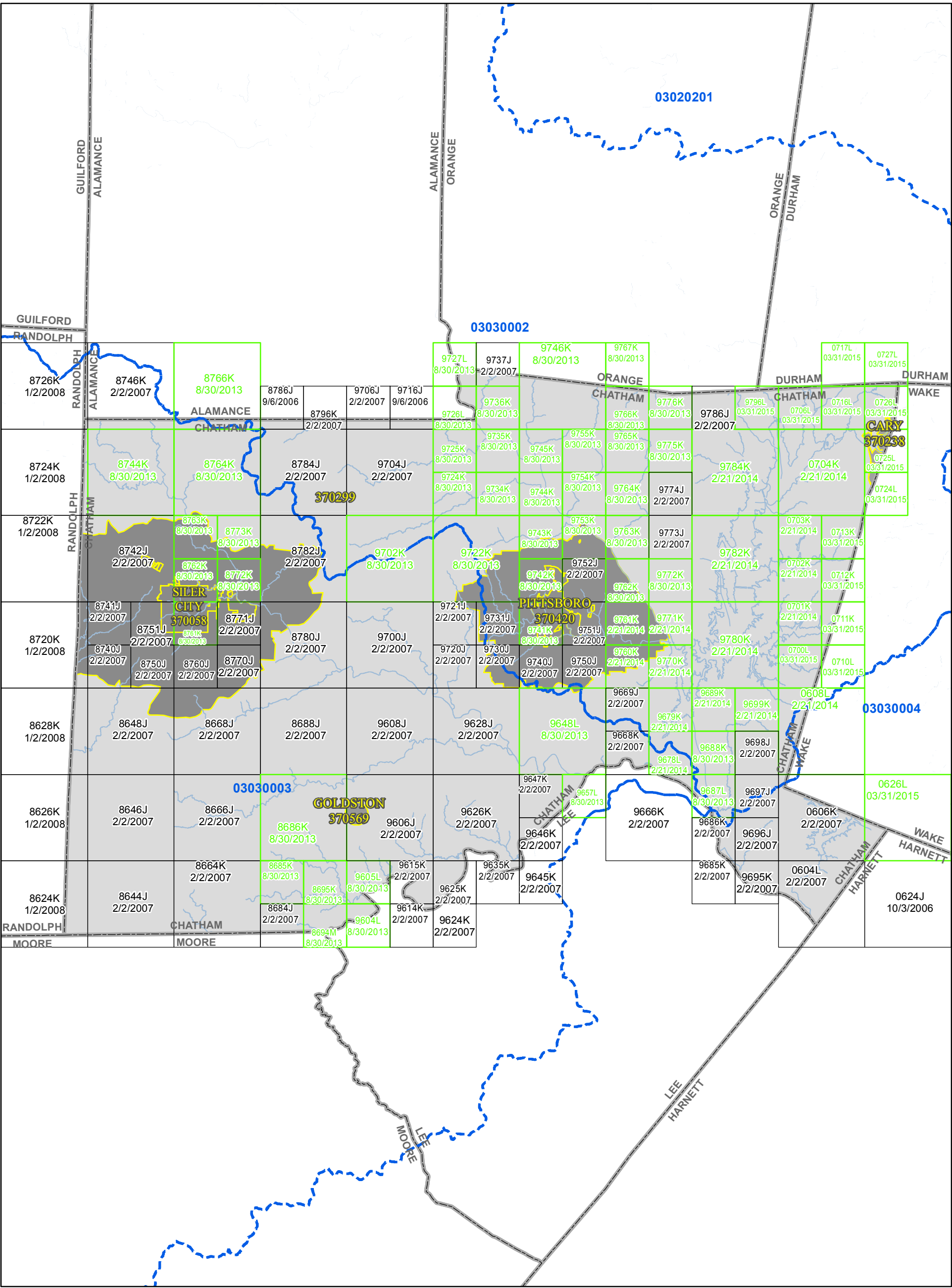
Discussion & Analysis:

On May 17th, 2017, the FEMA provided the County Manager a notice that final flood hazard determinations had been made by the agency. FEMA received no requests for changes in the flood hazard determinations made in the preliminary Flood Insurance Study (FIS) and proposed Flood Insurance Rate Map, which were published on August 30th, 2013. The effective date for the modified flood hazard information and revised FIRM panels is November, 17th 2017. As a condition of continued eligibility in the National Flood Insurance Program (NFIP), Chatham County is required to adopt floodplain management regulations that meet the standards of Section 60.3(d) of the NFIP regulations by November, 17th 2017. The North Carolina Division of Emergency Management has revised their Flood Damage Prevention Model Ordinance to reflect the floodplain management regulations that meet the standards of Section 60.3(d) of the NFIP regulations. The current Chatham County Flood Damage Prevention Ordinance is modeled after an earlier version of the NCDEM model ordinance, and therefore, must be revised to reflect the changes to the NCDEM model ordinance, in order to allow Chatham County to remain eligible in the NFIP.

None of the changes to the NCDEM model ordinance will impact how Chatham County currently regulates flood hazard areas. The day-to-day floodplain administration of Chatham County should remain the same.

Recommendation:

The Planning Department recommends that the Board of Commissioners set a public hearing date for August 21, 2017 to adopt revisions to the Chatham County Flood Damage Prevention Ordinance.



1 in = 4 miles

0 0.75 1.5 3 4.5 Miles

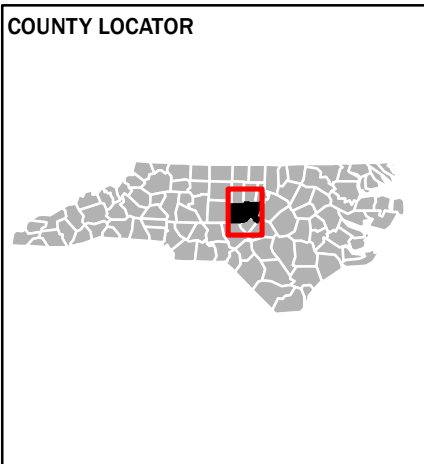
Map Projection:
Lambert Conformal Conic
North American Datum 1983

THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT
[HTTP://FRIS.NC.GOV/FRIS](http://FRIS.NC.GOV/FRIS)

SEE FLOOD INSURANCE STUDY FOR ADDITIONAL INFORMATION

REVISED
PRELIMINARY

11/30/2015



NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP INDEX

CHATHAM COUNTY, NORTH CAROLINA And Incorporated Areas

PANELS PRINTED:
8624, 8644, 8664, 8685, 8695, 9605, 9615, 9625, 9635, 9645, 9685, 9695, 0604, 8726, 8746, 8766, 9727, 9737, 9746, 9767, 0717, 0727, 8786, 8796, 9706, 9716, 9726, 9736, 9766, 9776, 9786, 9796, 0706, 0716, 0726, 8724, 8744, 8764, 8784, 9704, 9725, 9735, 9745, 9755, 9765, 9775, 9784, 0704, 0725, 9724, 9734, 9744, 9754, 9764, 9774, 0724, 8722, 8742, 8763, 8773, 8782, 9702, 9722, 9743, 9753, 9763, 9773, 9782, 0703, 0713, 8762, 8772, 9742, 9752, 9762, 9772, 0702, 0712, 8720, 8741, 8751, 8761, 8771, 8780, 9700, 9721, 9731, 9741, 9751, 9761, 9771, 9780, 0701, 0711, 8740, 8750, 8760, 8770, 9720, 9730, 9740, 9750, 9760, 9770, 0700, 0710, 8628, 8648, 8668, 8688, 9608, 9628, 9648, 9669, 9679, 9689, 9699, 0608, 9668, 9678, 9688, 9698, 8626, 8646, 8666, 8686, 9606, 9626, 9647, 9657, 9666, 9687, 9697, 0606, 0626, 9646, 9686, 9696, 8684, 8694, 9604, 9614, 9624

U.S. DEPARTMENT OF HOMELAND SECURITY
FEMA
MAP NUMBER
37037CINDOC

CHATHAM COUNTY

FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE 1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

SECTION A STATUTORY AUTHORIZATION

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143, Parts 3 and 4 of Article 18 of Chapter 153A and Part 121, Article 6 of Chapter 153A of the North Carolina General Statutes delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of County Commissioners of Chatham County, North Carolina does ordain as follows:

SECTION B FINDINGS OF FACT

(1) The flood prone areas of Chatham County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood prone areas by uses vulnerable to floods or other hazards.

SECTION C STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- (5) prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES

The objectives of this ordinance are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

Chatham County Flood Damage Prevention Ordinance

- (4) to minimize prolonged business losses and interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges that are located in flood prone areas;

~~(6) — (6) Minimize damage to private and public property due to flooding;~~

~~(7) Make flood insurance available to the community through the National Flood Insurance Program;~~

~~(8) Maintain the natural and beneficial functions of floodplains;~~

~~(9) to help~~ maintain a stable tax base by providing for the sound use and development of flood prone areas; and,

~~(7)(10) It to insure~~ that potential buyers are aware that property is in a Special Flood Hazard Area.

ARTICLE 2 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Accessory Structure (Appurtenant Structure)" means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

"Addition (to an existing building)" means an extension or increase in the floor area or height of a building or structure.

~~"Alteration of a watercourse" means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.~~

"Appeal" means a request from a review of the local administrator's interpretation of any provision of this ordinance.

"Area of shallow flooding" means a designated A0 Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of Special Flood Hazard" see "Special Flood Hazard Area (SFHA)"

~~"Area of Future-Conditions Flood Hazard" means the land area that would be inundated by the 1-percent-annual-chance (100- year) flood based on future-conditions hydrology~~

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Base flood," means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

"Base Flood Elevation (BFE)" means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area", it may be obtained from engineering studies available from a Federal or State or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".

Chatham County Flood Damage Prevention Ordinance

“Best available data” - This is information provided by the U.S. Army Corps of Engineers, other government agencies, or other competence sources such as a registered surveyor or engineer, which is prepared using standard accepted practices.

“Building” see “Structure.

“Chemical Storage Facility” means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

“Design Flood”: See “Regulatory Flood Protection Elevation.”

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

“Development Activity” means any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

“Digital Flood Insurance Rate Map (DFIRM)” means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

“Disposal” means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

“Elevated building” means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Encroachment” means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

“Existing building and existing structure” means any building and/or structure for which the “start of construction” commenced before February 17, 1997.

“Existing manufactured home park or manufactured home subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before February 17, 1997.

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters; and,
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

“Flood Boundary and Floodway Map (FBFM)” means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

Chatham County Flood Damage Prevention Ordinance

“Flood Insurance” means the insurance coverage provided under the National Flood Insurance Program.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the Federal Emergency Management Agency on which both the Special Flood Hazard Area and the risk premium zones applicable to the community are delineated.

“Flood Insurance Study” means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

“Flood Prone Area” see “Floodplain”

“Floodplain” means any land area susceptible to being inundated by water from any source.

“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain Management Regulations” means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

“Flood proofing,” means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

“Flood-resistant material” means any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

“Floodway” means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

“Floodway encroachment analysis” means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.

“Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

Chatham County Flood Damage Prevention Ordinance

“Freeboard” means the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

“Functionally dependent facility” means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

“Hazardous Waste Facility” means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

“Historic Structure” means any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program; or (d) certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program.

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

“Letter of Map Change (LOMC)” means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

(a) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

(b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

(c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community’s floodplain management regulations.

(d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

“Light Duty Truck” means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

(a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or

(b) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

(c) Available with special features enabling off-street or off-highway operation and use.

Chatham County Flood Damage Prevention Ordinance

"Lowest Adjacent Grade (LAG)" means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market Value" means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

~~"Mean Sea Level" means, for purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.~~

"New construction" means structures for which the "start of construction" commenced on or after the effective date of the original version of the community's Flood Damage Prevention Ordinance and includes any subsequent improvements to such structures.

~~"Non-Conversion Agreement" means a document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk's or recorder's stamps and/or notations that the filing has been completed.~~

"Non-conforming Lot of Record" means a lot existing at the effective date of this ordinance or any amendment to it (and not created for the purpose of evading the restrictions of this ordinance) that cannot meet the minimum requirements as prescribed herein.

"Non-Encroachment Area" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

"Post-FIRM" means construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.

"Pre-FIRM" means construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map for the area.

"Principally Above Ground" means that at least 51% of the actual cash value of the structure is above ground.

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“Public Safety” and/or “Nuisance” means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Recreational vehicle” means a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and, (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use. (e) is fully licensed and ready for highway use. For the purpose of this ordinance, “Tiny Homes/Houses” and Park Models that do not meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures.

“Reference Level” is the bottom of the lowest horizontal structural member of the lowest floor, excluding the foundation system, for structures within all Special Flood Hazard Areas.

“Regulatory Flood Protection Elevation” means the “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus three (3) feet of freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least five (5) feet above the highest adjacent grade.

“Remedy a violation,” means to bring the structure or other development into compliance with State or community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Salvage Yard” means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

“Solid Waste Disposal Facility” means, as defined in NCGS 130A-290(a)(35), any facility involved in the disposal of solid waste.

“Solid Waste Disposal Site” means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

“Special Flood Hazard Area (SFHA)” means the land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.

“Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

“Structure” means, for floodplain management purposes, a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank, or other man-made facilities or infrastructures that are principally above ground.

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"Substantial damage" means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of "substantial improvement".

"Substantial improvement" means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) any correction of existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or, (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Article 4 Section E of this ordinance.

"Technical Bulletin and Technical Fact Sheet" means a FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

"Temperature Controlled" means having the temperature regulated by a heating and/or cooling system, built-in or appliance.

"Variance" is a grant of relief to a person from the requirements of this ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation (WSE)" means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of ~~coastal or~~ riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

ARTICLE 3. GENERAL PROVISIONS.

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of Chatham County and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

~~The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Chatham County dated February 2, 2007, which are adopted by reference and declared to be a part of this ordinance.~~ The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated February 2, 2007 and November 17, 2017 shown on FIS for Chatham County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of Chatham

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County are also adopted by reference and declared a part of this ordinance. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within 3 months.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with Article 3, Section B of this ordinance.

SECTION D. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION.

In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and, (3) deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Chatham County or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION H. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58, misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall , upon conviction thereof, be fined not more than \$100.00 or imprisoned for not more than thirty (30) days, or both. -be subject to civil penalties or imprisoned for not more than 30 days, or both. Civil penalties shall be assessed in the amount of \$50.00 per day for the first offense, \$100.00 per day for the second occurrence of the same offense, \$200.00 per day for the third occurrence of the same offense, and \$500.00 per day for the fourth and each subsequent occurrence of the same offense.- Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Chatham County from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION.

SECTION A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The Chatham County Manager or his designee is hereby appointed to administer and implement the provisions of this ordinance.

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SECTION B. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

(1) Application Requirements. Application for a Floodplain Development Permit shall be made to the floodplain administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the floodplain administrator to apply for a floodplain development permit:

- (a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (i) the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - (ii) the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 3, Section B, or a statement that the entire lot is within the Special Flood Hazard Area;
 - (iii) flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 3, Section B;
 - (iv) the boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section B;
 - (v) the Base Flood Elevation (BFE) where provided as set forth in Article 3, Section B; Article 4, Section C (11 & 12); or Article 5, Section D;
 - (vi) the old and new location of any watercourse that will be altered or relocated as a result of proposed development;
 - (vii) certification of the plot plan by a registered land surveyor or professional engineer.
- (b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
 - (i) Elevation in relation to NAVD 1988 ~~mean sea level~~ of the proposed reference level (including basement) of all structures;
 - (ii) Elevation in relation to NAVD 1988 ~~mean sea level~~ to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and
 - (iii) Elevation in relation to NAVD 1988 ~~mean sea level~~ to which any proposed utility systems will be elevated or flood proofed;
- (c) If flood proofing, a Flood proofing Certificate (*FEMA Form 81-65*) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of flood proofing measures.
- (d) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - (i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);

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- (ii) Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with Article 5, Section B (4)(d), when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30;
- (e) Usage details of any enclosed areas below the regulatory flood protection elevation.
- (f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
- (g) Copies of all other Local, State and Federal permits required prior to floodplain development permit issuance (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)
- (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure Article 5, Sections B (6 & 7) of this ordinance are met.
- (i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(2) Permit Requirements. The Floodplain Development Permit shall include, but not be limited to:

- (a) A complete description of all the development to be permitted under the floodplain development permit. (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
- (b) The Special Flood Hazard Area determination for the proposed development per available data specified in Article 3, Section B.
- (c) The regulatory flood protection elevation required for the reference level and all attendant utilities.
- (d) The regulatory flood protection elevation required for the protection of all public utilities.
- (e) All certification submittal requirements with timelines.
- (f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of Article 5, Section F have been met, as applicable.
- (g) The flood openings requirements, if in Zones A, AO, AE or A1-30.

(i) A statement, that all materials below BFE/RFPE must be flood resistant materials.

(3) Certification Requirements.

(a) Elevation Certificates

- (i) An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the reference level, in relation to mean sea level. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

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- (ii) A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(b) Flood proofing Certificate

(i)

If non-residential flood proofing is used to meet the regulatory flood protection elevation requirements, a Flood proofing Certificate (FEMA Form ~~086-0-3481-65~~), with supporting data, ~~and~~ an operational plan, ~~and an inspection and maintenance plan are~~ required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the flood-proofed design elevation of the reference level and all attendant utilities, in relation to ~~NAVD 1988 mean sea level~~. Flood-proofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The floodplain administrator shall review the certificate data, ~~the operational plan, and the inspection and maintenance plan and plan~~. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a ~~Floodplain Development Permit~~. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(ii) A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

- (c) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per Article 5, Section B (3).
- (d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
- (e) Certification Exemptions. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/flood proofing certification requirements specified in items (a) and (b) of this subsection:
 - (i) Recreational Vehicles meeting requirements of Article 5, Section B (6)(a);
 - (ii) Temporary Structures meeting requirements of Article 5, Section B (7); and

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(iii) Accessory Structures less than 150 square feet meeting requirements of Article 5, Section B (8).

(4) Determinations for existing buildings and structures.

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

(a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

(b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

(c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

(d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

SECTION C. DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR.

Duties of the local administrator shall include, but not be limited to:

- (1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- (2) Advise permittee that additional Federal or State permits may be required (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) and require that copies of such permits be provided and maintained on file with the development permit.
- (3) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (5) Prevent encroachments within floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 5, Section F are met.
- (6) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with Article 4, Section B (3).
- (7) Obtain the actual elevation (in relation to mean sea level) to which all new and substantially improved structures have been flood proofed, in accordance with Article 4, Section B (3).

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- (8) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with Article 4, Section B (3).
- (9) When flood proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Article 4, Section B (3) and Article 5, Section B (2).
- (10) Where interpretation is needed as to the exact location of boundaries of the areas of Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (11) When Base Flood Elevation (BFE) data has not been provided in accordance with Article 3, Section B, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Article 5, Section D (2)(b), in order to administer the provisions of this ordinance.
- (12) When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with Article 3, Section B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
- (13) When the lowest ground elevation of a parcel or structure in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.
- (14) Permanently maintain all records pertaining to the administration of this ordinance and make these records available for public inspection.
- (15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (17) Revoke floodplain development permits as required. The floodplain administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (18) Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The floodplain administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

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- (19) Follow through with corrective procedures of Article 4, Section D.
- (20) Review, provide input, and make recommendations for variance requests.
- (21) Maintain a current map repository to include, but not limited to, historical and effective ~~the~~ FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with Article 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- (22) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

SECTION D. CORRECTIVE PROCEDURES.

- (1) Violations to be Corrected: When the local administrator finds violations of applicable State and local laws, it shall be his duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (2) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - (a) that the building or property is in violation of the Flood Damage Prevention Ordinance;
 - (b) that a hearing will be held before the floodplain administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
 - (c) that following the hearing, the local administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
- (3) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one hundred eighty (180) calendar days. Where the administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.
- (4) Appeal: Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the floodplain administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (5) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58 and shall be punished in the discretion of the court.

SECTION E. VARIANCE PROCEDURES.

- (1) The Chatham County Board of Adjustment as established by Chatham County, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the appeal board or any taxpayer may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

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- (3) Variances may be issued for:
 - (a) the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
 - (b) functionally dependant facilities if determined to meet the definition as stated in Article 2 of this ordinance, provided provisions of Article 4, Section E (9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages.
 - (c) any other type of development provided it meets the requirements stated in this section.
- (4) In passing upon such applications, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location as defined under Article 2 of this ordinance as a functionally dependent facility, where applicable;
 - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,
 - (k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

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- (8) The floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- (9) Conditions for Variances:
- (a) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - (b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) Variances shall only be issued prior to development permit approval.
 - (e) Variances shall only be issued upon:
 - (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship; and,
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (10) A variance shall not be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION A. GENERAL STANDARDS.

In all Special Flood Hazards Areas the following provisions are required:

- (1) All new residential and non-residential construction and new structures shall be located outside the Special Flood Hazard Area, except as otherwise provided in this ordinance
- (2) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure;
- (3) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers, etc.), hot water heaters, and electric outlets/switches.
 - (a) Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.
 - (b) Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.

Chatham County Flood Damage Prevention Ordinance

- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system. New water supply wells shall be located outside the 100-year flood plain, except for new residential construction on non-conforming lots of record as provided in Article 5, Section B (2).
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters. New surface sewage disposal systems and repair areas shall be located outside the 100 year flood plain, except for new residential construction on non-conforming lots of record as provided in Article 5, Section B (2).
- (7) On-site waste disposal systems shall be located outside the 100-year flood plain and constructed to avoid impairment to them or contamination from them during flooding.
- ~~(8) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" contained in this ordinance~~
- (89) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- (940) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or flood proofed to at least the regulatory flood protection elevation and certified according to Article 4, Section B (3) of this ordinance.
- (104) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (112) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (123) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (134) Public or private roads and bridges serving more than three (3) subdivision lots shall have a travel way a ~~m~~ minimum height of three (3) feet above the base flood elevation.
- (145) Pedestrian bridges, boardwalks, greenway trails, walkways, and canoe and boat access points are allowed ~~w~~ within Special Flood Hazard Areas and shall comply with the applicable standards of Article 5, Section F. ~~Pedest~~ Pedestrian bridges and boardwalks shall be prohibited across the Haw River, Rocky River, and Deep River.
- (156) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (167) ~~Fill material shall only be allowed in Special Flood Hazard Areas when reasonably necessary for the elevation of structures in compliance with the standards of this ordinance or remediation of contaminated sites. The amount of fill material shall be the minimum necessary to meet the standards of this ordinance. Fill material shall only be allowed in Special Flood Hazard Areas when reasonably necessary for the elevation of structures in compliance with the standards of this ordinance or remediation of contaminated sites. The amount of fill material shall be the minimum necessary to meet the standards of this ordinance.~~

Chatham County Flood Damage Prevention Ordinance

SECTION B. SPECIFIC STANDARDS.

In all Special Flood Hazard Areas where Base Flood Elevation data has been provided, as set forth in Article 3, Section B, or Article 4, Section C (11 & 12), the following provisions, in addition to Article 5, Section A, are required:

- (1) (a) Residential Construction. New residential construction shall be located outside the 100-year flood plain, except as provided in Article 5, Section B (1)(b). Substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than regulatory flood protection elevation, as defined in Article 2 of this ordinance.

(b) Residential Construction on Non-conforming Lots of Record. Where the owner of a non-conforming lot of record does not own sufficient land to enable the owner to conform to the provisions of Article 5, Section B (1)(a), such lot may be used as a building site. Any new residential construction on a non-conforming lot of record shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance.
- (2) Non-Residential Construction. ~~New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 2 of this ordinance. Structures located in Zones A, AE, AH, AO, A99 may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Article 5, Section I (2). A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 4, Section B(3), along with the operational plan and the inspection and maintenance plan.~~ ~~New non-residential construction shall be located outside the 100 year flood plain. Substantial improvement of any commercial, industrial, or non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance. Substantial improvements to structures located in A, AE and A1 A30 zones may be flood proofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the flood proofing elevation shall be in accordance with Article 5, Section H (3). A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 4, Section B (3), along with the operational and maintenance plans.~~
- (3) Manufactured Homes.
 - (a) New manufactured homes shall be placed outside the 100-year flood plain. Replacement manufactured homes for manufactured homes located within Special Flood Hazard Areas shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance
 - (b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by engineer certification, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
 - (c) All enclosures or skirting below the lowest floor shall meet the requirements of Article 5, Section B (4)(a), (b), and (c).

Chatham County Flood Damage Prevention Ordinance

- (d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the floodplain administrator and the local Emergency Management coordinator.

(4) Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

- (a) shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

~~(b)~~ Shall not be temperature-controlled or conditioned;

- ~~(c)~~ shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation;

- ~~(d)~~ shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria;

- (i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
- (ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
- (iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
- (iv) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
- (v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
- (vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(5) Additions/Improvements.

- (a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (i) not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - (ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction, as defined in Article 2 of this ordinance.

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- (b) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
- (c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (i) not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction, as defined in Article 2 of this ordinance.
 - (ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction, as defined in Article 2 of this ordinance.
- (d) (d) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a 1 year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the 1 year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
 - (i) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.
 - (ii) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure. Where an independent perimeter load bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction, as defined in Article 2 of this ordinance.

(6) Recreational Vehicles. Recreational vehicles shall either:

(a) Temporary Placement

- (i) Be on site for fewer than 180 consecutive days; or
- (ii) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions.)
- (b) Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.
- (a) be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

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~~(b) —meet all the requirements for new construction.~~

- (7) Temporary Non-Residential Structures. Prior to the issuance of a development permit for a temporary structure, the applicant must submit to the floodplain administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. ~~administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification.~~ The following information shall be submitted in writing to the floodplain administrator for review and written approval;
- (a) a specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year;
 - (ii) the name, address and phone number of the individual responsible for the removal of the temporary structure;
 - (iii) the time frame prior to the event at which a structure will be removed (i.e. minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
 - (iv) a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and;
 - (v) designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
- (8) Accessory Structure. When accessory structures (sheds, detached garages, etc.) are to be placed within the Special Flood Hazard Area, the following criteria shall be met:
- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
 - (b) Accessory structures shall not be temperature controlled;
 - (c) Accessory structures shall be designed to have low flood damage potential;
 - (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - (e) Accessory structures shall be firmly anchored in accordance with Article 5, Section A (2);
 - (f) All service facilities such as electrical shall be installed in accordance with Article 5 Section A (5); and
 - (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with Article 5, Section B (4)(c).

An accessory structure shall be limited to a footprint of 150 square feet or less, shall satisfy the criteria outlined above, and not require an elevation or flood-proofing certificate.

- (9) Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

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- (a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
- (b) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
- (c) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section B (2) of this ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
- (d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
 - (i) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - (ii) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.
- (10) Other Development.
 - (a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Article 5, Section F of this ordinance.
 - (b) Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Article 5, Section F of this ordinance.
 - (c) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Article 5, Section F of this ordinance.

SECTION C. RESERVED

SECTION D. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Article 3, Section B, where no Base Flood Elevations (BFE) data has been provided by FEMA, the following provisions, in addition to Article 5, Sections A and B, shall apply:

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) The BFE used in determining the regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order:

Chatham County Flood Damage Prevention Ordinance

- (a) If Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or flood proofed in accordance with standards in Article 4, Section C (11 & 12).
- (b) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per Article 3, Section B to be utilized in implementing this ordinance.
- (c) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated to or above the regulatory flood protection elevation, as defined in Article 2.

SECTION E. STANDARDS FOR RIVERINE FLOODPLAINS WITH BFE BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where BFE data is provided but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- (1) Standards outlined in Article 5, Sections A and B; and
- (2) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

SECTION F. FLOODWAYS AND NON-ENCROACHMENT AREAS.

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Article 3, Section B. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Article 5, Sections A and B, shall apply to all development within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated that:
 - (a) the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the floodplain administrator prior to issuance of floodplain development permit, or
 - (b) a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
- (2) If Article 5, Section F (1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

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- (3) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
 - (a) the anchoring and the elevation standards of Article 5, Section B (3); and
 - (b) the no encroachment standard of Article 5, Section F (1).

G. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO).

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article 5, Section A, all new construction and substantial improvements shall meet the following requirements:

- (1) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of three (3) feet, above the highest adjacent grade; or at least two feet above the highest adjacent grade plus a freeboard of three (3) feet if no depth number is specified.
- (2) Non-residential structures may, in lieu of elevation, be flood proofed to the same level as required in Article 5, Section H (1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per Article 4, Section B (3) and Article 5, Section B (2).
- (3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

SECTION H. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AH).

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to Article 5, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

- (1) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

ARTICLE 6. LEGAL STATUS PROVISIONS

SECTION A. - EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.

This ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted February 17, 1997 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued there under are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of Chatham County enacted on February 17, 1997, as amended, which are not reenacted herein, are repealed.

SECTION B. EFFECT UPON OUTSTANDING BUILDING PERMITS.

Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the Chief Building Inspector or his authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such

Chatham County Flood Damage Prevention Ordinance

outstanding permit within a period of sixty (60) days subsequent to passage of this ordinance, construction or use shall be in conformity with the provisions of this ordinance.

SECTION C. SEVERABILITY.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

SECTION ~~DE~~. EFFECTIVE DATE

This ordinance shall become effective upon adoption.

SECTION ~~ED~~. ADOPTION CERTIFICATION

I hereby certify that this is a true and correct copy of the Flood Damage Prevention Ordinance as adopted on the 17th day of February 1997.

Revised: October 7, 2002
December 18, 2006
November 17, 2017

CHATHAM COUNTY BOARD OF COMMISSIONERS

Chairman, Chatham County Board
of Commissioners

ATTEST:

~~Sandra B. Sublett~~Lindsay Ray, CMC, Clerk to the Board
Chatham County Commissioners

Date



Chatham County, NC

Text File

File Number: 17-2259

Agenda Date: 7/17/2017

Version: 1

Status: Work Session

In Control: Planning

File Type: Agenda Item

Agenda Number:

Request to schedule a public hearing for August 21, 2017 at 6:00 PM for Chatham County Comprehensive Plan.

Action Requested:

Request to schedule a Public Hearing for Chatham County Comprehensive Plan.

Introduction & Background:

In the fall of 2015, the Chatham County Board of Commissioners appointed a steering committee to oversee the development of a comprehensive plan for Chatham County. The committee and planning department staff have been working with Land Design; a consultant hired through an RFP process, to develop the plan.

Discussion & Analysis:

Land Design has completed the final draft of the Chatham County Comprehensive Plan. Staff and the steering committee have reviewed the final draft and request that a public hearing be scheduled before the Board of Commissioners. A transmittal letter from the Steering Committee has also been attached to the notes and the SC Chair will also provide comments during the work session. Representatives from Land Design will provide a formal presentation prior to the hearing.

To review the draft plan visit www.chathamnc.org/comprehensiveplan <<http://www.chathamnc.org/comprehensiveplan>> .

Public Comment will be accepted between July 14th, 2017 to August 25th 2017 via the "comment form" link located on the website listed above.

Recommendation:

Schedule a public hearing for August 21st 2017



Chatham County Board of Commissioners

The Steering Committee hereby recommends your consideration of Plan Chatham. We have honored your trust by listening carefully to the people of Chatham over the past eighteen months. This Final Draft of the plan is a result of that dialogue. Here are some of the major themes you will find:

Chatham County growth will be significant in the next two decades and the decisions of the County Board promise to be a major influence in the direction of that growth.

Rural character is a citizen priority, but it has been eroded by recent development. Changes in Chatham County's development regulations are needed to preserve rural character in the future.

Agriculture and forestry are the heart of Chatham County and provide the "rural character" we value. Water is becoming critical to farming. The county should take any and all measures necessary to provide water to the agricultural community.

The dominance of the residential tax base is insufficient to provide the public funds necessary for the life-style and facilities envisioned in the future. New business and industry are necessary components of our future well-being. A well-educated work force system is an essential component of this future.

The existing transportation infrastructure is a lifeline to the county. To promote the county as a prime place to live and work, the county should take steps to expand transit services, implement complete streets policies where applicable, and maintain and enhance its trail system.

Chatham County has unique natural assets including the Haw River, Rocky River, Deep River, and Jordan Lake. A broad range of measures should be implemented to improve their water quality and stop further environmental degradation.

County parks and recreation are understated. Parks and recreation enhance our health and happiness as well as serving as economic development tools in Chatham County. The county should take steps to enhance park facilities and programs.

The county should consider adopting a Health in All Policies (HiAP) framework. HiAP is an approach for including health in processes and decisions.

Intergovernmental cooperation will be the key to implementing this plan. Focusing future growth in the municipalities and sharing of limited resources will take significant cooperation.

The Steering Committee appreciates this rare opportunity you have given us. Hopefully, this plan will help guide future decisions in a manner consistent with the wishes of Chatham County's citizens.

James "Jim" Elza Jr.

Chairman, BOC At-Large

John "Andy" Bailey

Vice Chairman, BOC At-Large



Chatham County, NC

Text File

File Number: 17-2262

Agenda Date: 7/17/2017

Version: 1

Status: Work Session

In Control: Board of Commissioners

File Type: Agenda Item

Agenda Number:

Closed Session to discuss matters relating to personnel and economic development.



Chatham County, NC

Text File

File Number: 17-2247

Agenda Date: 7/17/2017

Version: 1

Status: Approval of Agenda
and Consent Agenda

In Control: Board of Commissioners

File Type: Minutes

Vote on a request to approve the May 15, 2017 Work and Regular Session Minutes, the June 8, 2017 Special Meeting Minutes, the June 13, 2017 Special Meeting Minutes and the June 19, 2017 Work and Regular Session Minutes.



Chatham County, NC

Meeting Minutes

Board of Commissioners

Monday, May 15, 2017

6:00 PM

Historic Courthouse Courtroom

Rollcall

Present: 5 - Chairman Jim Crawford, Vice Chair Diana Hales, Commissioner Walter Petty, Commissioner Mike Dasher and Commissioner Karen Howard

Work Session - 3:00 PM - Historic Courthouse Courtroom

PUBLIC INPUT SESSION

Larry Ballas submitted the following comments:

I want to talk a little bit about CO2. CO2 is one of those items that you either agree with or you don't agree with. I am neutral. I don't care which way it goes, I just want to make sure that the data is honest and that people can understand it. I want to present a little bit of data I picked up for you guys. There are four items here. One comes from www.physics.org. It is a study of climate in northern Europe reconstructed for the past 2,000 years. What some scientists, and they are well known scientists, they don't have a judgement one way or another on the CO2 issue. They looked at the data from tree rings from trees that were sunk in water. That preserves them. They came to the conclusion that over 2,000 years there has been a 0.3 decrease in temperature based on tree rings. That has never been done before. Now we have a new way of measuring the CO2 levels that will affect things over a long period of time. I have a graph here. I am not making judgements on the science. I don't really know the scientists, but having read the article, the article can be believed. It is not one of those hockey stick type things. The data is really too positive. I am not saying it is right but the approach that they are taking seems to have a very positive affect on CO2. I know we are all concerned about CO2. The other article I want to bring to your attention is a continuation of one a couple of years ago having to do with the 250 year study of forests in Europe. It is a very good study because it is very long term. Scientists have been looking at the data for 250 years. The conclusion they came to is that forests don't mitigate climate change. That is pretty stunning. The reason that they give that it doesn't mitigate global warming or climate change is because the trees that they cut down were deciduous trees and the trees they planted were conifers. Conifers are known now to give off heat. They are not taking the CO2 out of the air the same way a deciduous tree would. Over a long term study they found out cutting down the forests in Europe and replacing them with conifers did absolutely nothing to climate change. In fact the level of heat went up a little bit. A lot of people don't realize that carbon dioxide was revealed as the miracle molecule of life for re-greening the planet. If you are going to eliminate CO2 not only will the plants die but the animals and we will die. We won't have food to eat. You can only go so low in the levels of CO2 in the air before you start affecting the plants and the food you are producing to try to stay alive. It is important to realize that the CO2 we put out from our lungs, plants do the opposite and give off oxygen. The biochemistry is CO2 plus water forming sugars and they require sugars for energy. CO2 is produced by plants at night because their metabolism changes from one

where they take up CO2 during the day to produce a storage energy compound that they can use to grow fruits and leaves and stems and roots at night. That metabolism then produces CO2. The levels are not the same. It is a net positive affect. It is just the biochemistry. CO2 is required for life. It used to be much much higher in the air than it is now. We are very low and almost to the point where if we get much lower it will have an affect on forests and crops. I would like for you to consider looking at these articles, not to convince you that global warming is not happening, but the science behind the CO2 claims are not definitive. It is very much still being debated and studied. We had earthquakes a few years ago which changed the angle of the earth by a couple of degrees. We don't know what affect that is going to have on climate change because now the sun is hitting different parts of the Earth in a different way than it used to. All that data that came before that may be negated. We don't know but yet we are relying on it. I would request that you change the name of the Climate Change Advisory Committee to something like Environmental Concern Committee. There isn't anything the Climate Change Committee can do to mitigate CO2 or any kind of climate that is going to occur in Chatham County, let alone the State of North Carolina or the United States of America or the World. I wish, because there is a lot more pollutants and other airborne chemicals, not just CO2, I wish it would be called something like the Environmental Concern Committee. You are talking about sulfur dioxides and all this other stuff in the air people are breathing. I also want to include in here something about the ice age that occurred between 1300 and 1700. We don't know what exactly caused that. They think maybe volcanos did. One of the items, at least for cooling of Central America, there was a big drought and the Aztecs couldn't plant corn anymore. All of their fields went to deciduous trees and they took CO2 in such a way that it lowered the CO2 levels enough to cause global cooling.

BOARD PRIORITIES

17-2176

Vote on a request to adopt a Resolution Declaring Property Surplus and Authorizing the Conveyance of Property to Chatham Habitat for Humanity.

Attachments: [0001_1_RESOLUTION Habitat for Humanity 5 15 17 BOC](#)

Tansy Long, Policy Analyst, addressed the Board. She stated the Board has identified affordable housing as being a goal it would like to tackle. This request involves tax foreclosed property that the County has presented to Habitat for Humanity. They looked at the property and decided it was a property that they would be interested in. Approving this item would start the conveyance process.

A motion was made by Vice Chair Hales, seconded by Commissioner Dasher, that Resolution #2017-19 Declaring Property Surplus and Authorizing the Conveyance of Property to Chatham Habitat for Humanity, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Petty, Commissioner Dasher and Commissioner Howard

17-2161

Vote on a resolution to review, comment, and endorse the Chatham County Triangle Area Rural Transportation Organization (TARPO) and Durham-Chapel Hill-Carrboro Metropolitan Planning Organization

(DCHC MPO) draft transportation project lists to be submitted to the State Prioritization Office of Transportation (SPOT) for the Prioritization 5.0 process.

Attachments: [Attachment A SPOT 5.0 transportation needs consideration for submittal list](#)
 [Attachment B TARPO draft project list](#)
 [Attachment C TARPO resolutions to endorse](#)

Planner Cara Coppola addressed the Board. This is a ten year construction schedule for projects usually coming from longer range plans but they do involve local jurisdictions in the process. Ms. Coppola reviewed the project list.

A motion was made by Commissioner Howard, seconded by Vice Chair Hales, that Resolution #2017-20 Endorsing the TARPO Project List Developed For Consideration In NCDOT Prioritization 5.0, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Petty, Commissioner Dasher and Commissioner Howard

[17-2173](#)

Discuss Triangle J Council of Governments' resolution supporting House Bill 903 and vote on a request to adopt A Resolution Supporting the Water Resource Management Program & State Funding for Related Work by North Carolina's Regional Councils.

Attachments: [TJCOG Water Resources Resolution](#)
 [Chatham County resolution water resources management may 2017](#)

County Manager Renee Paschal stated Triangle J Council of Governments is asking the counties in the region to adopt a resolution supporting the Water Resource Management Program and state funding for related work by North Carolina's Regional Councils.

A motion was made by Vice Chair Hales, seconded by Commissioner Howard, that Resolution #2017-21 Supporting the Water Resource Management Program and State Funding for Related Work by North Carolina's Regional Councils, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Petty, Commissioner Dasher and Commissioner Howard

CLOSED SESSION

[17-2178](#)

Closed Session to discuss matters relating to economic development and property acquisition, and personnel.

A motion was made by Commissioner Howard, seconded by Commissioner Dasher, to approve going out of the Work Session and convening in Closed Session to discuss matters relating to economic development, property acquisition, personnel and attorney-client privilege. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Petty, Commissioner Dasher and Commissioner Howard

ADJOURNMENT

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

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Petty, Commissioner Dasher and Commissioner Howard

End of Work Session

Regular Session - 6:00 PM - Historic Courthouse Courtroom

Present: 5 - Chairman Jim Crawford, Vice Chair Diana Hales, Commissioner Walter Petty, Commissioner Mike Dasher and Commissioner Karen Howard

INVOCATION and PLEDGE OF ALLEGIANCE

Commissioner Hales delivered the invocation after which the Chairman invited everyone present to stand and recite the Pledge of Allegiance.

CALL TO ORDER

Chairman Crawford welcomed those in attendance and called the meeting to order at 6:03 PM.

APPROVAL OF AGENDA and CONSENT AGENDA

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

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Petty, Commissioner Dasher and Commissioner Howard

[17-2142](#)

Vote on a request to approve the April 17, 2017 Work and Regular Session Minutes

Attachments: [Draft Minutes 04.17.2017](#)

A motion was made by Commissioner Petty, seconded by Commissioner Howard, that the Minutes be approved. The motion carried by the following vote:

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Petty, Commissioner Dasher and Commissioner Howard

[17-2170](#)

Vote on a request to approve re-appointments to the Community Care

Advisory Committee on Nursing Homes and Adult Care Homes.

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

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Petty, Commissioner Dasher and Commissioner Howard

[17-2121](#)

Vote on a request to approve the appointment of Dr. C. Frank Abrams to fill the upcoming vacant Engineer Seat on the Board of Health effective 7-1-17.

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

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Petty, Commissioner Dasher and Commissioner Howard

[17-2126](#)

Vote on a request to approve the appointment of Dr. Marcia Herman-Giddens to fill the upcoming vacant Public Seat on the Board of Health effective 7-1-17.

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

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Petty, Commissioner Dasher and Commissioner Howard

[17-2135](#)

Vote on a request to approve the appointment of Ms. Wanda Fearington to fill the upcoming vacant Public Seat on the Board of Health effective 7-1-17.

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

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Petty, Commissioner Dasher and Commissioner Howard

[17-2143](#)

Vote on a request to reappoint Debra Oldham to the Chatham County Alcoholic Beverage Control Board.

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

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Petty, Commissioner Dasher and Commissioner Howard

[17-2169](#)

Vote on a request to reappoint Jim Crawford and George Lucier to the CCCC Board of Trustees.

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

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Petty, Commissioner Dasher and Commissioner Howard

[17-2174](#)

Vote on a request to approve the Home and Community Care Block Grant for \$516,310 for fiscal year 2017/2018 as recommended by the Advisory Committee appointed by the County Commissioners.

Attachments: [HCCBG-731 17-18](#)
[HCCBGPlanningCommittee2017](#)

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

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Petty, Commissioner Dasher and Commissioner Howard

[17-2140](#)

Vote on a request to accept \$608 STD Funds

Attachments: [\\$608.00 Communicable Disease Funds](#)

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

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Petty, Commissioner Dasher and Commissioner Howard

[17-2171](#)

Vote on a request to approve the Tax Releases and Refunds.

Attachments: [April 2017 Release and Refund Report](#)
[April 2017 NCVTS Pending Refund Report](#)

A motion was made by Commissioner Petty, seconded by Commissioner Howard, 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 - Chairman Crawford, Vice Chair Hales, Commissioner Petty, Commissioner Dasher and Commissioner Howard

[17-2160](#)

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

Attachments: [RUSTIC LANE PETITION](#)
[RUSTIC LANE](#)

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

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Petty, Commissioner Dasher and Commissioner Howard

[17-2162](#)

Vote on a request to approve Fitch Creations, Inc. for the Preliminary

Plat review and approval of Fearrington P. U. D., Section X, Area "C" - Richmond, consisting of 21 lots on 17.8 acres, located off Hwy 15-501 North/East Camden, SR-1813/Millcroft, SR-1817/ parcel #18998.

Attachments: [More Information from Planning Department Website](#)

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

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Petty, Commissioner Dasher and Commissioner Howard

[17-2172](#)

Vote on a request to award the bid, in the amount of \$124,683.00, for the RTU/PLC and Instrumentation Retrofit Project at the Chatham County WTP to Rovisys, and approve Renee Paschal, County Manager, to sign the contract on behalf of the County.

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

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Petty, Commissioner Dasher and Commissioner Howard

[17-2144](#)

Vote to approve First Amendment to Chatham Trades Agreement extending the deadline for purchasing a property from June 30, 2017 to December 31, 2017 and authorize the county manager to sign the Amendment.

Attachments: [FIRST Amendment Chatham Trades for allowing 1 Year Extension to 12-31-17](#)

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

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Petty, Commissioner Dasher and Commissioner Howard

End of Consent Agenda

SPECIAL PRESENTATIONS

[17-2128](#)

Presentation: Customer Service Award Named for Dawn Stumpf

County Manager Renee Paschal introduced the Customer Service Award.

"A lot of people say that Chatham County is a special place to live. I venture to add that many of our employees believe it's a special place to work.

What makes it that way? What is the secret sauce that makes us work together like no other place I've been. Believe it or not, we often argue behind the scenes about what is the right thing to do. But at the end of the day, we come together to serve our residents. We don't let department lines and agency territories get in our way.

As county manager, I get many more positive comments about our staff and the service they provide than I do negative ones. I haven't kept an official count, but it feels like it's 10 to 1 in favor of praise for our employees. What is the secret ingredient? One day it literally dawned on me.

On February 16 of this year, as I was writing an email to let department heads know that it was Dawn Stumpf's last day, I realized that Dawn is the embodiment of what I call the Chatham Way: she did her job expertly making friends as she went. Dawn is a bright light, a beacon of friendliness and warmth intertwined with extraordinary competence and excellent customer service.

Everyone I know in the county calls Dawn 'friend'. She would greet us in that booming voice, always with a big smile and usually with a hug. She remembered our birthdays and other special occasions with gifts from Southern Supreme. She stocked her office with lots of goodies for her visitors.

It wasn't just the treats that conveyed her hospitality. She made everyone feel welcome and she did it while being the best elections director in the state.

Excellent service delivered in the friendliest way possible, that is the Chatham Way. Dawn embodies this and that is why I have named this customer service award in her honor.

This award will be presented to county employees who follow her example and deliver service the Chatham Way. I will accept nominations internally as well as from the public.

I'd like to now turn it over to the Chair to present Dawn's family with a plaque honoring her service with the county."

Chairman Crawford presented Dawn's sister, Jamie Brady, with the plaque.

[17-2175](#)

Presentation of the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting to Deputy County Manager Vicki McConnell.

Chairman Crawford stated the Certificate of Achievement for Excellence in Financial Reporting has been awarded to Chatham County by the Government Finance Officers Association of the United States and Canada for its comprehensive annual financial report. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting and its attainment represents a significant accomplishment by a government and its management.

Chairman Crawford presented Deputy County Manager Vicki McConnell with the Certificate of Achievement.

PUBLIC INPUT SESSION

John Wagner submitted the following comments:

I am here for several topics. First I want to thank you all. You deal with incredibly difficult tasks and issues that are complex that don't have easy solutions. That is what I am going to talk about right now. I feel like one area that the Board has been lax on is dealing thoroughly with toxins. Tonight you are going to be talking about stream buffers. That is an issue of toxins. You are going to be talking about the S.T. Wooten plant. Their plume of toxins is continuing to spread and still has not been

effectively dealt with. I know you can't solve it, but the Board owes it to the citizens around that area to deal with the toxins and ask DEQ and the NCDOT to do their part, to research it and to test it and do something for the citizens. In Moncure we have coal ash, which is now producing huge amounts of leachate, which gets sent to Sanford. Some of that goes into the Cape Fear River and some of it gets put in sludge, which is applied back on Chatham County fields. I don't think the county has looked at that issue enough. You need to have agencies looking into the level of toxins in the fields and how much of that is running off into the streams. Now there is the new issue of taking the leachate and saving Charah some money by spraying it into the air. If I was spraying leachate into the air what would you want to know if you lived near it? What would you want to know about what was in it and how much of that spread into the air? If that is being sprayed into the air then why hasn't anybody asked about the amount of money that we should get since it is not being paid by Charah to send it to Sanford. If they are going to spray on our soil, our lungs, our gardens then why don't we get reimbursed for all the water full of toxins that they are dispersing onto Chatham County? I am not proposing that they do that but if you are talking about money, they are saving money buy spraying it on our community. That is wrong. Thank you.

Randy Voller submitted the following comments:

Good evening Commissioners. My name is Randolph Voller and I live at 21 Randolph Court in Pittsboro. I am addressing you this evening as the chairman of the Downtown Economic Vitality Committee for Main Street Pittsboro. With the important role that Chatham County's land ownership plays in the Main Street area I am formally inviting either a member of this board and/or a member of your staff to join us for our monthly meetings. The meetings are currently held in the evening on the first Wednesday of the month at the Town of Pittsboro and if you would agree to appoint a liaison from either staff and/or your board, I would be pleased to have our chair of the organization, Maria Parker Lewis, include you in the monthly invitation. The town has a planning staff member, Victoria Bailiff, at all meetings and a liaison from its board, Michael Fiocco, who is a board member as well. Other members of the board include Jim Nass, Greg Lewis, Kitty Meacham, Lesley Landis and Doug Emmons, who is also the new chairman of the Chatham County EDC.

BOARD PRIORITIES

17-2125

Vote on a request to approve NNP-Briar Chapel, LLC, for a Compact Community Ordinance (CCO) Waiver for a 100% reduction of a 100 foot perimeter buffer adjacent to parcel #2832.

Attachments: [More Information from Planning Department Website](#)

Planning Director Jason Sullivan reviewed the specifics of the request. He stated the request is for a waiver for a 100 foot perimeter buffer. The applicant owns the property immediately to the south. The applicant and the County contacted the adjoining property owners. They only heard from the Thomas family. The applicant made some modifications to the request as a result of their discussion with the Thomases. There is a sewer pump station proposed. The applicant is proposing a revegetation plan. The Thomases are in agreement with the applicant's proposal.

Attorney for the applicant, Nick Robinson, addressed the Board. He agreed with Mr. Sullivan's summary of the request.

Vice Chair Hales asked if the applicant anticipated any additional waiver requests in the future for this area. Mr. Robinson stated they had no future waiver requests or reductions.

A motion was made by Commissioner Petty, seconded by Commissioner Howard, that the Order Approving Buffer Reduction Request of NNP-Briar Chapel, LLC Per Section 9.2 of Compact Communities Ordinance, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

Aye: 4 - Chairman Crawford, Commissioner Petty, Commissioner Dasher and Commissioner Howard

No: 1 - Vice Chair Hales

17-2163

Vote on a request to approve Mark Ashness, P. E., CE Group, on behalf of Keith Brown, Sun Forest Systems, for subdivision First Plat review and approval Stonecrest at Norwood Crossing, consisting of 49 lots on 107 acres, located off Mann's Chapel Road, SR-1532, parcel # 1693.

Attachments: [More Information from Planning Department Website](#)

Planner Lynn Richardson reviewed the specifics of the request.

The Planning Board by unanimous vote and Planning Department recommend granting approval of the road names Stonecrest Way and Kenwood Lane and approval of the First Plat with the following conditions:

- 1. The Construction Plan shall label the cemeteries as Cemetery 1 and Cemetery 2*
- 2. The Construction Plan shall state the width of riparian buffers.*
- 3. The Construction Plan and all related permits shall reflect the subdivision name "Stonecrest at Norwood Crossing" and the road names Stonecrest Way and Kenwood Lane.*
- 4. The two cemeteries shall be fenced with a placard placed on each.*

The applicant states the name of the subdivision should be Stonecrest at Norwood.

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

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Petty, Commissioner Dasher and Commissioner Howard

PUBLIC HEARINGS

17-2137

Public Hearing to receive public comments on the Fiscal Year 2017-2018 Recommended Budget

Attachments: [RecommendedBudgetPresentation--BOCInitialPresentation Final](#)

County Manager Renee Paschal gave a presentation to the Board. (Presentation attached)

Chairman Crawford opened the hearing.

John Graybeal submitted the following comments:

The Board of Commissioners established the Climate Change Advisory Committee in September 2015. We found two graduate students at UNC (Carl Kolosna and Lauren Joca) who during their 2016 Fall semester produced a greenhouse emissions inventory based on 2015 data. Ms. Joca is currently finalizing that inventory. We have also received a report from a UNC undergraduate class that focuses on various emissions reduction strategies. As you know, based on our recommendation, you re-adopted the LEED standard for new public buildings.

The obvious next step is for Chatham County to adopt a greenhouse gas emissions reduction plan. Durham County has an extensive Greenhouse Gas Emissions Reduction Plan dated September 12, 2007. This Plan was prepared by ICLEI and undoubtedly was an expensive project. Orange County also has a plan prepared by ICLEI. Many cities have adopted resolutions to become carbon free or to rely 100% on renewable sources of energy. The Climate Change Committee may be able to use these plans and others as the basis for recommendations for Chatham County. However, it is certainly an open question whether the Committee can prepare a respectable plan without expert assistance.

Durham, Orange and Wake counties all have sustainability officers. The Durham County website describes the work of its Sustainability Office as follows: "The Sustainability Office works with City and County employees to improve how government does business by developing policies, educating staff, and promoting the ethics of environmentally responsible leadership. The Sustainability Office also works with people and organizations in the community to enhance sustainable living through public education, sponsored events, and other outreach as needed. The main task of the Sustainability Office is implementing Durham's Greenhouse Gas Emissions Reduction Plan. This plan, adopted in 2007, sets ambitious goals for reducing greenhouse gas emissions by government and the community by 2030."

Although a Chatham County Sustainability Officer could tend to a variety of matters, the major task would be to update the County's emissions inventory and implement its emissions reduction plan. Accomplishing these and related tasks would certainly seem to require a Sustainability Officer. Some emission reduction possibilities require study and diligence. For example, the emissions inventory report found that transportation accounts for 74% of the total. Reducing this level will be challenging. But the effort might include consideration of electric vehicles for public transportation even though that is now only a small segment of Chatham's total transportation inventory. Greensboro has recently decided to buy three standard-size electric buses, having concluded that they are less expensive than diesel buses. Also, there are apparently electric school buses the cost effectiveness of which could be studied by a Sustainability Officer. Use of electric vehicles in the County fleet could be considered. Establishment of electric charging stations is a good way to encourage the general use of electric vehicles.

In addition, there may be many more cost-effective ways in which the County could use solar panels and could encourage private parties also to use them. Developers could be encouraged and incentivized to use passive solar house designs. It might be possible to disincentivize clear cutting. These are only some possible emission reduction steps. There are many more. But studying and implementing them would seem to call for the help of a sustainability Officer.

Jane Gallagher submitted the following comments:

I am really here on behalf of the younger mothers. This is on behalf of the moms who have no summer camp potential in this county. The reason why I know that we are very limited in this regard is because I am a treasurer for a non-profit. The social workers in the schools try to identify kids that have problems paying for summer camps. They can't buy shoes to play recreation. They might not have enough money for a class ring. They do referrals to us and we pass them as a board. One of the things we do is provide summer camps. Tracy Burnett has a great Parks and Recreation program for \$55 a week. It is a big deal in this county. They are sold out within two days. I asked Tracy if she could come out and speak with me about that. I looked at your budget and there was nothing in there related to Parks and Recreation at this level with summer camps. Tracy indicated that they are facility limited, not children limited. They are not limited by counselors. Moms were coming in and not knowing where to send their kids. \$55 is pretty inexpensive. They have 100 slots and they run for six weeks at a time. They share the facility at the Northwest Park with a 4-H camp. The 4-H camp has no more science camps. Their cooking chef program is phased out. The residential program where they send the kids away to camp has phased out. We have 10,000 school age kids. I struggled to figure out where I would put my kids and I can't imagine what the parents of these 10,000 kids do. The YMCA said that they were capped out last year. This year they said they are at about 50-60% capacity. Going from Siler City we have the Industrial Tech Center. We have the Ag Center. We have the library. We have the Sustainable Technology Center. We have the Justice Center. We have the Margaret Pollard School and the Health Science Library. These are all buildings that have been planned here in the county. We have a jail but we have no facilities for these kids for summer programs. I would ask that in that recreation master plan you might start thinking as a county where are the facilities. There is a small facility in the northwest camp but they are capped out. Tracy was really good and I didn't want to come here and speak against what her plans were. We have ninety-two acres at the Northeast Park. We have over ninety acres at the Northwest Park. At the Ag Center that was just built there are ninety-two acres. Seems like one acre should be enough to build a small facility. Thank you for listening.

Randy Voller submitted the following comments:

Besides participation with the organization, I am also respectfully requesting that Chatham County create a budget line for Main Street Programming in its 2017-2018 FY budget. The strategic plan of the Chatham County Economic Development Corporation supports Main Street programming for the municipalities of Chatham County and Pittsboro received its designation in 2011, while Siler City received support for a NC Step grant. The Town of Pittsboro is currently funding the Main Street Pittsboro program and will continue to do so with its FY 2017-2018 budget. I am requesting that the county set aside funds for Goldston and Siler City to assist with their future Main Street applications and allocate funds to Pittsboro for its program in this year's budget. The current budget prepared by our treasurer Doug Emmons is \$65,000 for 2017-2018. It is my hope that the county will fund a portion of that amount along with the Town of Pittsboro and set up a permanent line item for Main Street programming in Chatham County that includes Goldston and Siler City as well. Thank you for your time.

Mr. Voller also submitted the following resolution adopted by the Democratic Party:

*WHEREAS, Strategically concentrating growth in the municipal areas and avoiding sprawl-like growth into Chatham County's rural areas has been a goal for Chatham County policymakers for many years; and
WHEREAS, Three municipalities—Goldston, Pittsboro and Siler City—operate*

completely within the boundaries of the County and have consistent need for critical infrastructure investment and community investment; and

WHEREAS, The Chatham Economic Development Corporation (EDC) utilizes a policy-driven approach to improve the lives of County residents by supporting infrastructure improvements and preservation of the County's strong quality of place; and

WHEREAS, One of the strategic goals of the Chatham Economic Development Corporation (EDC) is to support Chatham County and its municipalities in their efforts to identify critical infrastructure needs and projects that will retain and grow businesses in Chatham County as well as attract new business opportunities for the County; and

WHEREAS, Greater financial cooperation between the County and municipalities can be advanced by direct investment from the County into its municipalities; now, therefore, be it

RESOLVED, That the Chatham County Democratic Party recommend that the County Board of Commissioners consider establishing a line item in its annual budget to provide direct funding to the municipal government units of Goldston, Pittsboro and Siler City; and

BE IT FURTHER RESOLVED, That said funds would be allocated on a per capita basis either using the latest population estimates from the state demographer and/or the most recent decennial census, with said funds to be allocated to requests such as matching grants; infrastructure improvements in potable water, reuse water, purple pipe, waste water; downtown redevelopment; parks and recreation projects; municipal buildings; and projects that would fall under the category of public works.

[17-2165](#)

A Legislative Public Hearing on a request by NNP Briar Chapel for a revision to the Chatham County Compact Community Ordinance, Section 6.2 Maximum Size, to increase the dwelling unit cap from 2,500 to 2,650.

Attachments: [More Information from Planning Department Website](#)
[Applicant presentation](#)

Zoning Administrator Angela Birchett reviewed the specifics of the request.

*Attorney for the applicant Nick Robinson gave a presentation to the Board.
(Presentation attached)*

Commissioner Petty asked if the multifamily housing could potentially accomodate student housing for the students attended the community college. Mr. Robinson stated yes.

Commissioner Dasher asked if the multifamily housing would be rentals or owner occupied. Mr. Robinson stated they will very likely be rentals.

Dr. George Lucier, Chair of the Planning Board, asked if the wastewater capacity was sufficient for the increase in dwellings. Mr. Robinson stated it was sufficient.

Chairman Crawford opened the hearing.

Cherie Dumphy submitted the following comments:

I am a retired physician after thirty-three years of practice. I am a commercial real estate broker. There are several questions that I have that I would like addressed at some point. I understand that you are trying to not have sprawl and you are trying to increase the density by 150 residences but that does impact schools and it does

impact traffic on the roadways. I think that needs to be studied before we automatically approve an increase in the density. I live on Andrews Store Road. We have already had a major impact on traffic with the schools that are there. It is a two lane state road. It is not meant necessarily to carry the traffic that this could impact. There could possibly be a repeal of the impact fee. I think that the developers for this should carry the impact and if the impact fee is repealed then we have to consider how that is going to impact the existing property owners and their property taxes. This multifamily residential that we are talking about, we are talking about having multifamily for students but are we guaranteed that this will be affordable housing. My daughter is a high school teacher at Lee County High School. She is considering taking a position in Orange County and we are having a very hard time finding affordable housing for teachers. We need to think about affordable housing for public servants. I know we are going to be talking about the perimeter buffers. I think, if we are just not having where we change the perimeter buffer so we don't have to build a retaining wall. I think these perimeter buffers were put in place for a reason. There needs to be a good reason that we are changing them. Thank you.

Shelley Colbert submitted the following comments:

I live in Briar Chapel. I am going to try to keep my remarks really brief because I have also provided written comments to the commissioners. I want to remind people of a couple of things. First and foremost the benchmark that we should be looking at here is not the current cap of 2,500. A benchmark is really the 2,389 set originally. I bought my home in Briar Chapel in 2013 and since that time, in four years, we have had three proposed increases in the total number of units. This isn't just about density. This represents actually an 11% increase in total units and that translates into a lot more people and a lot more crowding. I want to echo the previous speakers concerns about that because adding more of these units we really have to look at the facilities that are there to support them. Not just what was done based on the 2,389 but this addition of 261 units and the additional people that will bring into the community and traffic and so forth. I also want to restate, my chief objection is these incremental adjustments without additional facilities. It is just not a good way to plan a community. The sprawl is one thing but there is still the issue of how much you can cram into a space. That is not what we bought into. That is not what the surrounding communities bought into. Same incremental approach to the buffer issues. A little here and a little there all really starts to add up and the cumulative affect is really what I am trying to get to here. We have to step back and look at the bigger picture. These incremental attempts to adjust this without looking at the total impact, not only to the current residents of Briar Chapel but the folks in Manns Chapel and Fearington as well.

Lee Sullivan submitted the following comments:

We have gone through change after change at Briar Chapel. The buffers and errors of homes being built too close together and then to have to take windows out and make solid walls. They just keep wanting exceptions. The master plan was set up and it was approved. Our area worked very hard with them to set up the master plan and now this is quite a few times different down the road where they want to keep changing it. This one addition will bring a minimum of 300 cars. That is not something to ignore. There needs to be a complete study done of traffic. Andrews Store Road needs sidewalks and a bike path. The Briar Chapel Park parking overflows now on the shoulders. We would not like to have the shoulders torn up. They are ruined if cars come. We need a parking study, a traffic study, a sidewalk study and also the change would restrict anyone else in the county from making a

2,500 house subdivision because you are going to up it. That would take a lot of folks out of the range to build a compact community. We worked very hard in 2004 with the Planning Board and the County to work the details out. Everyone was satisfied when it was done. Now they keep coming back making changes and making errors. My knowledge comes from our knowledge center, the Cruizers store: the workers, the fireman, the people that are in there. The fire department has shown numerous times the fire trucks couldn't move through the area and we need to stop this thing now in its tracks. We need to do some studies on fire safety and road safety. It should be stopped until it gets in compliance with the 2004 ordinance. Thank you.

Pat Myers submitted the following comments:

I live in Briar Chapel. I am a Chatham County resident. I remember when there was only one stoplight between Pittsboro and Chapel Hill. I share the concerns of all the prior speakers about the creep, it is the only way I can put it, of Briar Chapel from 2,389 to 2,500 to 2,650. I wonder what kind of precedent approving this sets for other compact communities. If they can just keep coming back every year, every two years. My major concern is the developers brought this up and I recognized a need for rental apartments in Chatham County. We have too many people who can't afford to live within an hours drive of where they work. One problem we had was folding into the Briar Chapel residential community 350 rental units to be members of the HOA, use the amenities. We already have inadequate parking at the pool and we are only half built out. Newland did listen to us and tried to address those concerns but my understanding from the last letter we got from Mr. Bowman on the 12th was that Chatham County will not impose a conditional use permit that involves enforcement of a private covenant. So anything we have been assured of by Newland is not legally binding. In addition to the concerns people have about the traffic and congestion in that area I would add that the present residents of Briar Chapel feel like they may be excluded from promises because we can't make them legally binding. Thank you.

Bonnie McCarthy submitted the following comments:

I live in Briar Chapel. I am a new person to this area. I have been here less than a year. My eyes have been opened on many different topics. When we were first looking at purchasing a lot the number that was used for the maximum amount of houses was 2,389. In the short time since we looked at the lot and moved in that number has been bumped up at least two times with at least one attempt to take away any kind of cap. This is disturbing to me, especially because I came from New Jersey. I wanted to avoid this. My concern is these incremental changes seem like they're innocuous. When you put it together, my percentage was that this is a 10% increase in just a short amount of time. We are barely half built out. I have seen a change in the parking, in the traffic and what is that going to be like on Andrews Store Road and 15-501 when all of Briar Chapel is built out? At the very least we need to stop and do a traffic study. Adding the apartments and 300 additional cars is something you can't take lightly. You have to take your time and be thoughtful. I urge you to not support this and take the time for some further study.

Tami Schwerin submitted the following comments:

I have been a Chatham County resident for over 20 years. I've been a small business owner, helped found Chatham Marketplace Cooperative and also began Abundance

NC, a non-profit focusing on local food, renewable energy and community. I've been very active here and I love this community. I first worked with Briar Chapel when we approached them about supporting our new grocery store co-op. They were happy to purchase blocks of ownership shares to give out to their new residents as they moved into the community. This was a perfect way to welcome people into the community of Chatham while at the same time giving some financial assistance to the new co-op. We were very appreciative. Later down the road as we were getting the Abundance Foundation started we were beginning a local food and sustainable agriculture festival, The Amazing Pittsboro Pepper Festival. With the help of Briar Chapel, we took it from about 40 people to over 2,200 this past year. We are planning our tenth Pepper Festival and will keep Chatham County at the forefront of Sustainable Agriculture in the nation. We are known for our local food, small organic farms and of course peppers! It not only took money, but expertise and I'd like to recognize Briar Chapel and Newland for: Supporting what they believe in doing what they say they are going to do, offering not only funding, but guidance and other ways of helping, and introducing their residents to all the cool things happening in this county. They not only support The Abundance Foundation but the Arts Council, Triangle Offroad Cyclists, local businesses and the Chatham County Schools. Another project Briar Chapel helped with was bringing in local celebrity chefs to work with the lunch staff in all 17 schools and create new better tasting and locally sourced lunches. Briar Chapel was crucial to getting this off the ground and all 9000 of our Chatham kids were better off because of it! (not to mention the staff and administration). Again, I'd like to say that Briar Chapel and Newland have been very good corporate citizens to this community and I hope you will take that into consideration when reviewing their plans.

Roark Whitehead submitted the following comments:

Something concerned me. I have an April 12th letter and I have five copies for the Board. That letter is from Laurie Ford, Senior Vice President of NNP-Briar Chapel. It is addressed to Briar Chapel residents. I circled in the decisions section a point regarding multifamily units. It says the request to add multifamily units to the Briar Chapel North project, and I live in that portion of the project that is between Great Ridge Parkway, where the starting point of the gravel road starts, it says that will be eliminated. There will be no increased multifamily units there. I apologize if I heard you incorrectly but I am pretty sure I heard you say that there might be up to fifty multifamily added there, at the entrance to Briar Chapel at Manns Chapel.

Mr. Robinson stated what he meant to say was there would possibly be up to fifty units in the special district north which is located at the entrance of Briar Chapel on 15-501. There will be no multifamily units added to the portion of Briar Chapel north of the clubhouse.

Chairman Crawford closed the hearing.

This Agenda Item was referred to the Planning Board.

[17-2166](#)

A Legislative Public Hearing on a request from Pat Cothren for a conditional district rezoning from R-1 Residential to CD-NB Neighborhood Business for boat and RV storage facility and a landscaping contractor's yard on Parcel No. 17380 located at 61 Sugar Lake Rd at the corner of Mt Gilead Church Road.

Attachments: [More Information from Planning Department Website](#)

Zoning Administrator Angela Birchett reviewed the specifics of the request. This is a proposal for a covered RV and Boat storage facility. There will also be an area for a landscaping business and contractor storage area for a little mulching that they use on their job sites. There were two meetings with the Appearance Commission. There is a current residence on the property that the applicant plans to use as a caretaker facility. There will have to be some review of that structure as well as well and septic capabilities. Staff received thirteen emails from adjacent residents in that area. Two were in support of rezoning the other eleven were in opposition. Some of the concerns noted were increase in traffic and the 55 mph speed zone. Staff has not received anything from NCDOT to advise whether or not they see any red flags on two commercial driveway permits. There are questions about the S.T. Wooten site. Environmental Health and NCDOT are the ones who have the records on that property. Ms. Birchett received an email from Anne Lowry with Environmental Health that stated their records do not show that there is an existing working well on that property. They do have the test wells they have been monitoring as well as the state. The impervious surface calculation will be well below what is allowed. Should NCDOT not be willing to grant the applicant two commercial driveway permits, staff has a concern as to whether or not the applicant will forego the landscaping business option. This property is under continuous notice of violation with Land and Water Resources. The applicant was advised he should not do anything with the property before he went through this process. He has graded the site and brought in fill dirt.

Katye Jobe, attorney for the applicant, addressed the Board. She stated this property fits within the purpose and intent of the Neighborhood Business District for four primary reasons. First, its compatibility with the neighboring land uses. Second, the commercial district would be appropriate at the location of this site, which has excellent access to an intersection and Highway 64. Third, the demand in Chatham County, which is growing, for these services make this property an excellent site for commercial redistricting. Last, this rezoning would add to Chatham County's commercial tax base. The applicant is asking for a conditional zoning district because they understand that some properties need to be subject to certain conditions. She understands staff was concerned that the applicant listed other uses on the application. The applicant understands that the uses will be limited to boat and vehicle storage and landscape contractor storage yard. The applicant understands what is needed to bring the site into compliance with Land and Water Resources. The applicant regrets the work that has been done up until this point and he understands no further work, except what is required to bring the site into compliance, can be done. They understand that well and septic permits will need to be issued if someone is to live in the house in the future.

Chair of the Planning Board Dr. George Lucier stated the letter sent out to the community stated it would be 4.5 acres rezoned, not 19.4. Ms. Jobe stated the entire parcel is about 19 acres. She believes that may have been a typographical area. She believes the 4.5 acres is the amount of land that will be disturbed. Dr. Lucier stated there is a monitoring well on the property because of the contamination coming from the S.T. Wooten site. He asked if she had any data on the level of contamination at that site. Ms. Jobe stated she is not certain about that specific monitoring well. She knows that the monitoring wells around the S.T. Wooten plant have been negative. Dr. Lucier stated that is not true. The NCDOT report indicates the contamination to be about thirty-five times in ground water of what is considered safe. Ms. Jobe stated according to Anne Lowry the consultant stated the most recent samples collected in December of 2016 did not reveal any contamination issues on the property to the west of the applicant's property. A health risk evaluation was issued to the former owner of the applicant's property in 2009 that indicated the water was safe for drinking and for cooking. Dr. Lucier stated the contamination plume is

moving toward the east not toward the west. The monitoring wells need to be looked at towards the east.

Jim Elza, Planning Board member, asked what the house on the property is going to be used for. Ms. Jobe stated no one is living there currently. The applicant's intention is that one day one of his children may occupy the house as a caretaker facility for the property. Mr. Elza asked if she thought they should have requested residence as one of the uses. Ms. Jobe stated it is their understanding from staff that caretaker facilities are allowed.

Vice Chair Hales asked how they will be getting the mulch there. Ms. Jobe stated there will be no processing of the mulch, no grinding, no mixing. That is not a permitted use under the ordinance. It will be a landscaping storage yard.

Gray Styers, also an attorney for the applicant, stated they will be happy to confirm with additional data prior to the Planning Board meeting about the TCE contamination. His understanding is that the monitoring wells that have been placed on the south side of Sugar Lake Road have all been negative.

Allison Weakley, Planning Board Member, had a question about the stream on the site. The concept plan says "to be confirmed".

Ms. Jobe stated that is all she can tell the Board at this time. They will have to confirm that confirmed on the site plan before going to the Planning Board.

Ms. Weakley asked if there would be stormwater plans as well. Ms. Jobe stated those are required under the Stormwater Ordinances, and the impervious surface rules, and those will be dealt with before that.

Ms. Weakley asked if whether or not the applicant would have to cross the intermittent stream if the driveway requests are not approved. Ms. Jobe stated there are no indications that NCDOT wouldn't approve that, but certainly if NCDOT says the applicant can't do it, he can't do it, and they'll abide with all DOT rules and recommendations.

Ms. Weakley asked if they would then move to cross the stream. Ms. Jobe stated she would have to discuss that with the applicant. They will be ready to provide more information at the Planning Board meeting.

Vice Chair Hales asked how many units the applicant would have. Ms. Jobe stated 150 units.

Commissioner Howard asked if there was some issue out of compliance prior to the land clearing/land removal violation. Ms. Jobe stated not that she is aware of.

Chairman Crawford opened the hearing.

John Alderman submitted the following comments:

My wife and I have been Chatham County residents since 1976 and have lived at our current address since 1982. We chose our home site in a zoned area of Chatham County; because, we believed the residential-agricultural zoning provided added property value protection. Throughout the past nearly 40 years, we have fought various zoning requests from neighbors and approvals from county commissioners. At one point, our road association fought the Chatham County BOC all the way to the state Supreme Court and won. Such battles can be long, stressful, and expensive.

The fights seem to never end. Residents need predictable zoning that prioritizes the health, safety, quality of life, and property values of residents. Adjacent to the proposed zoning district change, Mt. Gilead Church Road is a two lane, curvy, rural road that is already impacted by dramatically increasing heavy truck traffic. The current proposal would only increase the traffic burden in an area that is already overburdened. We have observed that when conditional use requests are granted, the county refuses to rescind such designations even when the health and safety of citizens are threatened. I recommend that you deny this request for conditional zoning district. The Register of Deeds office today indicated that the owner of this property is James Woody Cothren, PO Box 1369, Pittsboro, possibly a resident of Arkansas. His son, Pat Cothren, is the applicant for this zoning request. Since the application requires an Owner Authorization Signature, I request that the BOC designate this an improper application, return it to the applicant, and require that the application process start anew. If the BOC continues to move forward with this application, I also request denial, since the area around Mt. Gilead Church Road continues to have accelerating residential development. People moving into this area expect the BOC to protect their residential investments. A conditional use zoning change does not protect them. For example, within the past two years, a couple planning to move into the Triangle called me about a house near the intersection of Sugar Lake Road and Mt. Gilead Church Road. They said that the house and lot they were interested in was the lowest cost per square foot property in the Triangle, and they wanted to know why this relatively new large home was selling for such a low price. I advised them to check thoroughly with Chatham County government and local newspapers. We urge you to provide the zoning protections that your residents expect and deserve. Since this area is designated residential, keep it that way. Every time the BOC allows a new conditional use in a residential area, it weakens zoning protections for your existing citizens and threatens their residential investments.

William Fischer submitted the following comments:

This happens far too often. It seems like every year, it is almost like it is kind of harassment. Somebody wants to change some of Mt. Gilead Road from residential, which has been zoned for forty years, to something else. I wasn't lucky enough to have been born here but I came here a long time ago. I came here before zoning. I had a conversation with Earl Thompson who was one of the prime movers who really believed in zoning. He told me you have to give up a little autonomy but think of what you get in return. I thought about that. I've lost the autonomy but somehow these things keep happening. I think we as citizens who live in one of the nicest residential areas in the county should be protected from this sort of request for changes. People who live in Preston in Raleigh don't have to worry about an asphalt plant or mulch business moving in next door to them because it is residential. I would urge you to please keep it residential. One of the best reasons, the lady that was up here said the reason it was a good fit was because there are other businesses there. If this business goes out of business you have 20 acres zoned business. You could have a shopping center there. I have invested my life in where I live and I beg you for the protection of not changing the zoning.

Joseph Drust submitted the following comments:

I am just amazed by the comments that I have heard here today. One thing the attorney mentioned, the time that I spent looking at the zoning application that was submitted may have been modified. After having gone through the application and reviewing all the documents it must comply with, it appears it should be immediately rejected. On behalf of that I would comment on a couple of things. One, they are

looking for a change of a residential property. They are saying the rationale for that change is the properties adjacent are the remedy for that change. You have an alleged error in zoning originally as R-1 based on consistency based on adjacent properties. If the alleged area of the property is deemed to be an error because of the adjacent area, it is a flawed logic. If the zoning change is based on adjacent properties it would imply any zone that is adjacent to a pre-existing or grandfathered zone can be changed to that zone based on consistency. An expansion and extension of that approach would be that all the properties adjacent to the S.T. Wooten asphalt plant on Sugar Lake Road could be zoned heavy industrial. In addition, the requested neighborhood business district is meant to serve a small retail market roughly equivalent to a trade area of a small 40,000 square foot grocery store. The application requests 240,000 square feet for the storage facility and an additional 60,000 square feet for landscaping and mulch business. That is a total of 307,340 square feet. 147 square feet, almost two times greater than the maximum stated for a neighborhood business zone per page three of the Chatham County Zoning Ordinance. I wish I had more than fifteen seconds because I would be able to go through line item by line item on the application to point out the errors and the flawed logic of the benefits and the changes that this would require. Thank you.

Charles Balan submitted the following comments:

I am just within a half a mile of this property. I join the many voices of the neighborhood in opposition of this rezoning for this property for this business purpose. I believe the young lady stated eleven out of thirteen neighbors adjoining or adjacent to the property oppose the usage and I agree with them. The property is in very close proximity to two other boat and RV storage facilities. One is, in fact, directly across the road. When it was first built we were a little apprehensive but they have done a good job of maintaining a discrete and lovely location and it hasn't been too bad on traffic. The other property is less than a half a mile away on the corner of Highway 64 and Mt. Gilead Church Road and is even now expanding greatly. A huge new storage facility has just been completed and is continuing to be built on Highway 64 across from Jordan Lake. It is large enough to accommodate many more boats and RV's. There is sufficient space for growth in the existing businesses. There is no real need for this in our area. There is also another RV and boat storage on Highway 64 heading west just before the Haw River. There are also two mulch and landscaping material businesses that already exist within one and a half miles of this facility on Highway 15-501. They serve our community adequately. Sight lines for traffic, the attorney stated, is no problem, it is a straight line. That is not true. I ask the attorney to drive there every morning at 8:00 AM and look for the cars coming down the curve as you try to pull out onto the road. It is doable but you have to keep watch. It is a lovely drive and is curvy. Especially with the amount of dump truck traffic coming out of Sugar Lake Road and the Wooten facility. It has already done a lot of damage to Mt. Gilead which has had to be repaired. It really concerns me adding those extra roads right onto Mt. Gilead. Lovely new neighborhoods are being constructed on Mt. Gilead right now within three quarters of a mile of this facility. Having another commercial boat and RV storage will violate the aesthetically pleasing and neighborhood friendly drive we already have on Mt. Gilead Church Road. I am a boat owner and a camper and I appreciate the value of these businesses. I also love Virlie's and the toy store but how many Virlie's do we want on Hillsboro Street. How many toy stores do we need to have facing the plaza. I am an entrepreneur and I encourage new business growth but this is the wrong business for this location. Thank you for your time.

Ginny Gregory submitted the following comments:

I live in Pittsboro. I have been there for eighteen years and I have now lived in Pittsboro longer than where I grew up, which is in Rocky Mount. I am just going to cut to the chase. I am done. I am absolutely done. You are in my neighborhood now. We don't need this stuff. We've got the storage unit that faces Highway 64. We've got the storage unit that faces Sugar Lake. We've got the storage unit that is next to Hatley. Oh, we need another one and we need more big stuff. We need campers and we need trailers and we've got the dump trucks. We have already blown it with Wooten and we all know we blew it with Wooten. We really got to cut bait now. We have to realize that my only investment in my life is at the end of Sugar Lake. It is my house and my property. I am incredibly blessed to have that. It is fascinating to me that this kind of stuff is not happening up near Fearington and Galloway Ridge. I just want you to really ponder this rezoning. It is about the only thing that we have in our county to protect us. You guys hold the key. So I really want you to think about this. Thank you for your time.

Jane Gallagher submitted the following comments:

I just couldn't let go of some of the comments that have been made tonight. And all of you, if you remember in 2002 the county fight against S.T. Wooten. Here is Mr. Styers, the S.T. Wooten attorney that played a huge role in the expansion of the S.T. Wooten plant from a small little 9,000 ton asphalt plant to the now 1.2 million ton per year asphalt plant. There he is. So I am nervous if an adjacent property, which is the property that they are talking about, flips to commercial, something could happen with S.T. Wooten. I don't trust them. They are right across the street. I am insulted because no one is looking at that contamination report. They just sent one out two weeks ago. Look at it again. The surface water coming off of Wooten should be served a notice of violation. It is exceeding the TCE. The stream goes on their property. It has vinyl chloride in it which is 100 times more potent than the TCE. Close your eyes and think of an interconnector road between two major highways anywhere in Chatham County. Maybe I am wrong about this but 15-501 and 64 are connected by Sugar Lake Road. It is a huge traffic area. Across the street is a storage zone. The Planning Board recommended not to approve it. It was approved and if we flip one more property, the people who own the Quarry, who I think might also agree with this coming in, did so, and I am speaking on their behalf and they should say no if they didn't, they would like to flip that into commercial property because it is damaged. And you guys are going to be bringing in county water so it is an important piece of property. Is this a ruse for S.T. Wooten to step in? I am insulted that Anne Lowry, you all listened to the state report that there is contamination over there. I was friends with Royce McNeil who was the last person who owned that old residence and he asked the NCDOT to put a filter on his house because he was afraid of the plume moving in that direction. We did that. There are two monitoring wells that haven't recently been looked at. Even if there is no contamination there, they have not defined the leading edge of the plume. Until you have county water going down there it is not worth it to be getting permits from the County. Please, on the precedent setting basis, sometimes without any zoning you can't do anything about it but we have residential zoning there. Leave it like that. Wooten has 395,000 tons of asphalt permitted. Divide that by the number of twenty ton trucks and figure out how many trucks, it is one truck a minute if they get up to the level that they want to. This guy will not make a profit unless he has lots of dump trucks coming in and out of his site. Thank you.

Kevin Flynn submitted the following comments:

My home is part of the Monterrane Phase 1 neighborhood. Canopy connects to Mt. Gilead Church Road. I oppose the request to change residential zoning to anything other than residential zoning for any parcels along the Mt. Gilead Church Road corridor. Mt. Gilead Church Road connects to Highway 64 at one end and 15/501 at the other end. Mt. Gilead Church Road has a number of residential neighborhoods and the expectations of the people that purchased homes or property along this corridor were that this corridor would remain residential. There are commercial operations on both 64 and 15/501. People living along the Mt. Gilead Church Road corridor have ready access to commercial goods of the types proposed and do not need these facilities so badly that it justifies altering the residential nature of the Mt. Gilead Church Road corridor. I opposed the change in zoning to allow a boat storage facility at Sugar Lake Road and Mt. Gilead Church Road, but that change was made. I opposed the proposal to add a concrete plant on Sugar Lake Road. I opposed the proposal to add a wedding event facility along Mt. Gilead Church Road adjacent to the Hamptons neighborhood. So my opposition to changing tracts of land from residential use to non-residential use along Mt. Gilead Church Road is consistent and not uniquely directed to this specific project. Any change of zoning to non-residential zoning will lead to some burden on nearby neighbors from noise, traffic, and visual impact that differ from reasonable expectations for a residential neighborhood. In this case there will be truck traffic to deliver large quantities of various materials for the landscape contracting yard. There will be trucks and trailers belonging to landscapers and homeowners carrying out purchased quantities of landscaping material. There will be some level of traffic bringing large boats into and out of the boat storage area. Mt. Gilead Church Road is a winding two lane road with a 55 MPH speed limit. The road is frequently used by bicyclists but does not have a bike lane. Large trucks and large trailers add to the likelihood of an accident with a bicyclist or with cars. While we already have some heavy truck traffic from the asphalt operations, adding additional trucks and trailers adds to the problem. It is unclear what the lighting will be within this facility but I oppose lighting that changes the characteristics of the various neighborhoods without streetlights, including the addition of lighting which makes it harder to see the stars at night. We moved out to Chatham County as we wanted a more natural feel with less lighting. In addition to the sounds of trucks coming and going, there will presumably be front end loaders and other heavy equipment to move dirt, mulch, and pallets of material. The application indicates that the operation of a combination Boat and RV Storage Facility with an associated Mulch Yard is similar to the Boat and RV Storage facility located nearby. This is not likely to be true. While the initial application indicates that there will be only one 4 by 6 sign. This is inconsistent with the norms for mulch yards. A boat storage facility has a set of long term customers and has little need to appeal to drivers passing by to alert them of the offerings of the boat storage facility. Notice the rather muted signage for the boat storage facility.

Ms. Jobe gave a rebuttal. She stated the primary traffic will occur on the weekends. Ten to fifteen houses on the property would produce much more traffic than a boat and RV facility. The facility across the street is well buffered, preserving the rural character of the county. The applicant has proposed similar vegetation so that one cannot see the site from Mt. Gilead Church Road.

Chairman Crawford closed the hearing.

This Agenda Item was referred to the Planning Board.

[17-2167](#)

A Legislative Public Hearing on a request from Glenda Toppe on behalf of Highcroft Commons, LLC for a plan amendment to the Chatham Cary Joint Land Use Plan to change the density allocation

from an area designated as Office/Institutional to the classification of MDR, Medium Density, to allow for 3-4 dwelling units per acre, and change a portion of the LDR, Low Density, to Office/Institutional on a portion of Parcel 19865.

Attachments: [More Information from Planning Department Website](#)

Planning Director Jason Sullivan gave some background on the item. The Joint Land Use Plan was adopted by the Chatham County Board of Commissioners and the Town of Cary in June of 2012. The plan serves as a guide for future land use, public infrastructure improvements and development in the plan area. There was also an interlocal agreement adopted at the same time. The interlocal agreement outlines the process for plan amendments. Glenda Toppe is present on behalf of her clients to recommend a change to the Joint Plan map. There is a separate pending application with the Town of Cary. Chatham County must approve or deny the applicaiton prior to the Town of Cary taking action on the proposal. Both jurisdictions have to approve the amendment for it to be officially changed in the Joint Plan.

Applicant representative Glenda Toppe addressed the Board. She stated Weldon Ridge was approved in 2004. When the Joint Plan was adopted that land was owned by the Catholic Church and was envisioned for a school/church/daycare. The current land use designation is office and institutional. The proposed land use designation is medium density. The amendment does affect land that is currently in the Town limits of Cary and located in Weldon Ridge. The amendment is taking the land that was approved for office and institutional, where part of the school site is located and the other part of the school site is located in residential. The residential portion of the property is approved for detached residential homes with a minimum lot size of 5,200 square feet. Also attached homes, patio homes, zero lot line and recreational facility. The reason behind locating the school where it is proposed is to have better access for the school, putting it adjacent to Yates Store Road. This will help with the traffic. The amendment is being triggered because of the residential being placed in a portion of the office and institutional.

Ms. Toppe stated the current residential tract is approved for a density of five units per acre. The proposed density of the new residential tract will be 3.3 units per acre. The overall density of Weldon Ridge today is 2.46 dwelling units per acre. With the amendment that density goes down to 2.41 units per acre. A school has never been built on the site. It has been difficult to find someone to locate a school on the boundary of Chatham County and Wake County. An opportunity has arisen for a school to be built on this location. The school would be K-12 and serve both Chatham County and Wake County students. The proposed school is Charter Schools USA. They were founded in 1997 and is the nations largest network with eighty-nine schools in eight states. They are serving 70,000 students in PreK - 12. The specific school that would be locating here is Cardinal Charter Academy. It currently is in Cary and serves grades K-8. This would be a second campus for the school and serving grades K-12.

Ms. Toppe stated the property is west of the American Tobacco Trail and surrounded to the north and west by Town of Cary park land. The Weldon Ridge amendment increases the lot size from 5,200 square feet to a minimum of 8,000 square feet. The proposed amendment to the Joint Land Use Plan modifies the boundaries of two land use categories that are currently in Weldon Ridge, while at the same time maintaining the densities that were in place at the time the Joint Land Use Plan was adopted. It is the applicant's opinion that intent of the Joint Land Use Plan is still being maintained with the amendment.

Vice Chair Hales asked the acreage of the school site. Ms. Toppe stated it is approximately sixteen acres.

Commissioner Howard asked what the purpose is of the change from low density to office and institutional. Ms. Toppe stated the school is going on a portion of the residential. Schools are permitted in office and institutional. What is triggering the Land Use Plan amendment is putting residential on the office and institutional portion.

Chairman Crawford opened the hearing:

Larry Ballas submitted the following comments:

This is in my backyard. I am very familiar with this, let me give you a quick history of it. When this land was being considered for annexation by Cary, they gave the reason, specifically Jennifer Robinson, that the only reason they were going to annex land in Chatham County was because there was a church and school going on that property. Eventually the Catholic Church had to sell the land. Then they presented a plan where there was going to be something like 250 houses. I said I have to go down to Cary and talk to them. I called out Jennifer Robinson and Mr. Smith and said if you remember right, the only reason you said you were going to annex this into Chatham County is because of a school and church and now you are saying there is going to be 250 houses. I said that was ridiculous. They threw up their hands and they told Mr. Futrell who bought that land to go find a school and go find a church. It has been like that for fifteen years. When I heard that the Catholic Church bought the land back and was going to build a church and possibly a school, it turned out to be wonderful for me. That is what Cary promised. I went down and thanked them for keeping their promise after about ten years. They were totally surprised at that. This is a project that should be approved. It has always been in the plan in some form. There is going to be a school there and it is going to attract good people to the area. You are not losing any tax base. You are just moving around some houses. There is going to be additional things coming in maybe across the street that will add some stores. But that will be Wake County. I am seriously recommending you approve this with the changes. It looks to me like the changes are being allowed for safety reasons for traffic.

Chairman Crawford closed the hearing.

This Agenda Item was referred to the Planning Board.

17-2168

A Quasi-Judicial Public Hearing on a request by NNP Briar Chapel for a revision to the Conditional Use Permit to (1) revise the civic site at the intersection of Andrews Store Rd and Parker Herndon Rd (possible Chatham County elementary school site) on master plan to allow for full development of the site (rather than just 2 acres as shown), (2) create the possibility of having up to 2,650 residential units (currently approved for 2,500), (3) revise the master plan map to reduce the perimeter buffer (a) from 100' to 50' along the frontage with Chapel in the Pines church (at the church's request); (b) from 100' to 50' along the short boundary with Duke Energy ROW at SD-N; and (c) from 100' to 75' along Phase 15-S boundary to eliminate the need to build a retaining wall within the perimeter buffer, and (4) revise the color key table on the master plan map to reflect adjustments to residential densities in particular locations.

Attachments: [More Information from Planning Department Website](#)
[Applicant Presentation](#)

Chairman Crawford administered the oath to those wishing to speak.

Chairman Crawford opened the hearing.

Zoning Administrator Angela Birchett reviewed the specifics of the request.

Ms. Birchett: This is a request for a conditional use permit revision to our compact community known as Briar Chapel. For the record I will read in the various things and I will try to circle them on the map here so that you can kind of understand where we are. The first thing is to revise the civic site I am referring to on Andrews Store Road and Parker Herndon Road, the possible Chatham County elementary school site on the master plan is to allow full development of the site rather than just the two acres shown. The second is to create the possibility of having up to 2,650 residential units. Previously the compact community was approved for up to 2,500. Three, revise the master plan to reduce the perimeter buffer from 100 feet to 50 feet along the frontage with Chapel of the Pines Church that is up here at Great Ridge Parkway. The church is kind of off this screen here, it rests up here. They are needing some additional space to expand their parking. There is also a request to take a buffer down from 100 feet to 50 feet along the short boundary with the Duke Energy right of way at SD North. Here is SD North right here on 15-501 where your restaurants and stuff are located. There is a lot four that they still haven't developed yet so they are wanting to remove the 50 foot, or reduce the buffer by 50 feet. Duke Power owns an easement that comes down the side of this property. Also a request to reduce the buffer from 100 feet to 75 feet along Phase 15 South to eliminate the need to build a retaining wall within the perimeter buffer. Earlier you approved a waiver that removed the buffer, that has already been removed here that connects to their property. They are also asking for a reduction of the buffer in this area of 15 South. Four, to revise the color key table on the master plan to reflect adjustments to the residential densities in other locations.

Ms. Birchett: As you heard earlier, there was a statement made through some concessions with Briar Chapel and the property owners that this purple area here that is currently according to the master plan scheduled to be multifamily dwellings. They have agreed to remove that from that particular area and they would be relocated and dispersed in the SD North, East or West sections. We already know there is one reason why this master plan is going to have to be revised during this process and that is to move that out, if it is Briar Chapel's intent to proceed on with that request. At this time I would like to turn it over to Briar Chapel and their attorney to give a presentation and then I would like to be able to come back to follow up.

Chairman Crawford: Absolutely

*Nick Robinson, attorney for the applicant, gave a presentation to the Board.
(Presentation attached)*

Mr. Robinson: Good evening. Nick Robinson here from Bradshaw, Robinson and Slawter. 128 Hillsboro Street. Still the same office location as previously this evening. Again, Nick Robinson here on behalf of NNP-Briar Chapel, LLC, which is, as you know, the developer of the Briar Chapel compact community. As was mentioned by the Chairman, this is a quasi-judicial proceeding so we have evidence that we need to tender into the record in support of hopefully helping you all make the five findings you have to make in order to allow an amendment of an existing conditional use permit. We will be walking through that process. This will be our

evidentiary presentation. The format we will follow is I will walk you through it. We have several members of our team here that are going to need to testify into the record. We will try to keep that moving as quickly as possible. I hope everyone recognizes that we have got some things that we just have to get in and we want to be able to do that well. If I can take just a moment to let you know, it is basically three steps we plan to go through. The first one is a general introduction of our presenters, a summary of the changes which Ms. Birchett has done a lot of it already. I should be able to skate through that and a highlight of our community meeting effort, that will be the first section. The second section will be the presentation of the evidence in support of the amendments that we are seeking. The third section, I'll review the five findings and how they apply to the evidence and then do a conclusion. I would respectfully request an opportunity to rebut any contrary evidence that occurs after it is put into the record, if any should occur. First things first. Our development team is here, many of them you know. I will just ask them to waive and say hello as I go through their names. Laurie Ford is the Senior Vice President. Lee Bowman is the Senior Project Manager at Briar Chapel. You may not know yet Dan Klausner who is here. He is the Director of Commercial Development and he will have a role to play tonight talking about the commercial areas we are dealing with. Tanya Matzen is there as well. She is a Project Manager at Briar Chapel and also a licensed North Carolina real estate broker. Those are the folks that work for NNP-Briar Chapel, LLC. In addition to that we have Lucy Gallo, who I am sure you'll recognize, principal from DPGF. She'll be speaking on the economic impacts of the amendment. Richard Adams is here as well from Kimley Horne. He is a traffic engineer to address the traffic issues. Chris Huysman is a managing partner at Wetlands and Waters to address any environmental issues. Jeff Taylor is a MAI Appraiser and will follow up on the testimony that Tanya does about the impact on property values. Mark Ashness, who I am sure you all know, he is a Civil Engineer for the limited purpose of addressing utilities issues in this project. Chris Seamster who is a long time land planner and landscape architect for the project.

Mr. Robinson: So the summary of requested changes. I will try to make it as short as I can based on what Angela did already. A couple of things require a little further explanation. Angela went through some of these and I want to highlight them for you, in addition. The first thing is, and you may already know this, but this area down here that I am circling is the civic site, which has always been a civic site on the Briar Chapel plan. It was originally shown on the map as having a two acre development site. When the Chatham County School system expressed its interest in purchasing the property to put an elementary school there it was noted that you can't put an elementary school on two acres. The map would have to be changed to allow a potential school site on that property. As part of this process we are requesting that the map be changed to take off the two acre limitation on that piece of property so that it can potentially be used as a school site. The property is under contract with the school system at this time. They are in their due diligence period. Hopefully that will all work out. Another change is the one that Angie mentioned is shown a little bit better on this map. If you come north of the clubhouse and wind your way north on what is now a gravel road, you can make your way all the way up to Manns Chapel Road. This is where the water tower is that the developer built. This other parcel in red over here is a civic site that the developer donated to the County for its civic purposes. I don't think the County has decided how it will use that yet. It has been deeded over to the County. The buffer change request here for Chapel in the Pines is exactly what Angie said. You can see that there is a 100 foot buffer that has been shown there forever. This is an unusual buffer request. The usual buffer request is to say we have a 100 foot buffer and we want to reduce it to 50 feet from our property line so that we can use more of the interior portion of that buffer. This is the opposite of that. We have a 100 foot buffer and we want to keep the interior 50 feet as a buffer but we are going to let our neighbor use the exterior 50 feet of that buffer

because they asked to be able to do it for parking purposes. I think Mr. Raymond is here who is a representative of the church. They asked us if we would allow them to do that. We have always allowed them to have an easement off of this road to cross our property and get to their landlocked property. We will continue to do that and are willing, at your discretion, to allow them to use that for parking as well if the buffer is reduced. For a second I would like to call Chris Seamster up here to describe the other two buffer changes that have to do more with technical building concerns.

Mr. Seamster: The first one we are going to talk about is at SD North, the commercial site near the entrance of Briar Chapel Parkway at 15-501. The situation is that our lot four, the blue area that is under the s and the no, that is what we are calling lot four in SD North. At the northern end it abuts the Duke Energy right of way. Actually it is not a right of way, it is an easement that crosses the site. About 10,000 square feet of lot four is actually within the Duke easement. In the Duke easement there are no trees, no buffer, nothing in there. An even larger area of the Duke easement is on the adjoining property which is Riggsbee to the north. If the perimeter buffer is to protect the adjoiners, in this case reducing the buffer on the Briar Chapel property from 100 feet to 50 feet really does nothing because Riggsbee has 150 foot wide open space on the western edge and then 300 feet on the eastern edge going to the north to his property. That is the distance from basically the buffer on the south side to the edge of the Duke easement on the north side. There is a small triangle of trees on the eastern side of lot four. It is a small triangle between the Duke clearing and then our buffer line. Taking down a few trees on our side wouldn't be a perceptible impact on the adjoiner. Plus, there is also the giant high voltage transmission line that runs through there. That is the one buffer reduction request, basically to go from 100 to 50 in that area. The other request is a 25 foot reduction in Phase 15 South, right there, that is what the red text is pointing to. You can kind of see, the purple overlaps into the green buffer just a tad. That is representing the 25 foot encroachment into that buffer. There will still be 75 feet there. The main reason for the encroachment there is purely for slope. The existing slope there is nearly 25% behind there. Just in an effort to be able to tie in grades it would be helpful to impact that first 25 feet. There is in the original CUP from 2005, there is a revegetation buffer detail. There is a practice in which we can replant and that was approved as part of the original CUP for buffer reductions.

Vice Chair Hales: Is there a retaining wall there now?

Mr. Seamster: There is not, no.

Vice Chair Hales: Why does it say retaining wall area?

Mr. Seamster: If the buffer is reduced by the 25 feet there is a good chance that we would have to put the retaining wall in.

Vice Chair Hales: You would not?

Mr. Seamster: Yes, would not have to put it in.

Mr. Robinson: Thank you Chris. Ms. Birchett mentioned and you heard earlier this evening that another one of the changes we are requesting is to increase the number of allowed units from 2,500 for this compact community to 2,650. We'll talk more about that in a little while. I do want to reiterate the additional 150 units would only be in multifamily units and they would only be in SD West, East and North along 15-501. That is important because what that means is originally Briar Chapel was approved for 2,389 residential units and there will never be more than 2,389 residential units when you exclude the commercial areas. There is never going to be any more than

that. The other technical things, and I won't go into great detail in the applications as they are part of the record, we are updating language from the conditional use permit to reflect progress that has been made since the last time we were here in 2014. We are updating our responses to the Compact Community Ordinance provisions. When this was originally approved we made responses to every Compact Community Ordinance provision. For the purposes of this amendment we have had to edit some of those and those are included in the application as well. We are also, as Ms. Birchett pointed out, we are also going to be changing the density chart as well. But as she pointed out we have had some community meetings with some residents and made a few changes to this map that we originally submitted. I have a new map to show you tonight. I want to walk you through the community meeting process and then lay out in very specific details our commitment on those things that we met with the residents about. You may not know this but this project exists and breathes under the authority of the pre-2008 Zoning Ordinance. That ordinance doesn't require you to meet with the community or have any community meetings when you do a conditional use permit or an amendment. Briar Chapel did an amendment in 2012 and in 2014 and they have always had a practice of having an extremely fulsome community meeting. Some of the changes you are going to hear about tonight are a result of that process, which is a good process. We learned a lot from it. The details of that are pretty straight forward. We had five meetings. We sent notice of those meetings out to over 1,300 people and that included all of the current residents of Briar Chapel, every single adjoiner of the Briar Chapel project, every single resident of Herndon Woods which is a property that pre-existed Briar Chapel and is kind of embedded in it, and all of the adjoiners from Fearington Village to the commercial area. We sent letters to all of them. We had meetings, two on the 27th in the morning and the evening, two on the 28th of March in the morning and evening and another on the 29th in the evening. We had a pretty good response from it. We had over 100 interested people that showed up at those meetings all told and a lot of conversation. In the meantime Lee Bowman also met with the Fearington HOA board as NNP has been doing for years and years in order to keep them up to date because they are a good neighbor.

Mr. Robinson: What were the results of the community meeting efforts? We got a lot of input, you have already heard some of it. After communicating with some of the attendees the following decisions were made regarding the requests. I'll list them. We told in a letter that somebody brought up tonight and handed to you, that we had originally requested to allow up to 100 multifamily units in this area here. This is a good exhibit, I think it will be very helpful. This is the master plan as submitted with this application. At the bottom is the master plan as we have revised it effective tonight, to address the issues that the residents and others have brought up. As Ms. Birchett pointed out, if you look at this original application, what we have asked for is this dark color of purple up here in the top is a new color to our density scheme. That color was created solely for the purpose of possibly allowing 100 multifamily units up here in this locale. When we had our community meetings we heard from a lot of residents at Briar Chapel, many of them were not pleased with the idea of there being multifamily up there for a couple of reasons. I think they thought it might impact their property values and they also thought it might over crowd their amenities. We decided after that meeting that we were going to drop that aspect of the application and we will not seek to have any multifamily units in this section here, north of the present build out of the community up to Briar Chapel. That is reflected in this revised map. You can now see, here is the full part of Briar Chapel that has been built out. These bright purple areas are the parts that are going to be single family residential that have not yet been built out. Those have always been in those locations and there is no change to that. This area has always been available for single family development as well. So we have just changed this color back to the same color as you see down here. It will be developed as single family residential

only with no multifamily there. This map introduced into the public record and this proceeding is NNP-Briar Chapel's commitment to that change. In addition to that there was another concern raised by the residents and that was they didn't want their amenities, swimming pool and tennis courts, to have too many users. If you put multifamily there that was their concern. We had originally posited the possibility of saying what we will do is, we are going to make the commitment to you right now that none of the multifamily units, if we get them approved out by the highway, we have abandoned the multifamily inside the neighborhood, if we get the additional 150 multifamily units out by the highway we will commit to you that they will not be allowed to use the main clubhouse, the swimming pool and the sport courts. Our original idea was we will put a condition in the conditional use permit that says you can't do that. After meeting with the planning staff they said we are not in the business of enforcing private covenants for people in your conditional use permit. You are going to have to take a different approach. So we made the following commitment, we will introduce this document into the record of this public hearing so that it will be a public record of our commitment to do these three things to make sure that folks inside Briar Chapel know that if there are new multifamily units out by the highway the residents of those multifamily units will not be allowed to use the amenities that exist in Briar Chapel, being the sport courts, the clubhouse and the swimming pool. It is three steps. First step is to not submit any multifamily rental apartments to the residential declaration. In other words those apartments will not be members of the residential association. The second thing we would do is not use, right now NNP controls the Residential Property Owners Association until they get to the end of the development, they will not use their control of the Board of Directors of the Briar Chapel Community Association to cause the association to grant any right of access to pool, clubhouse, or sport courts to the owners or residents of the multifamily apartments by the highway. The third thing is they will record a covenant in the Chatham County Register of Deeds office on every multifamily parcel by the highway prior to conveyance by the declarant that would provide record notice to the owners of the apartment parcels that they are not members of the Briar Chapel Residential Community Association and they have no right to access or use the pool, clubhouse or sport courts operated by the Briar Chapel Community Association. We think those three things are holding your pants up with belts and suspenders.

Commissioner Dasher: You had mentioned before this is 350 multifamily units. Is that spelled out somewhere. I guess what I am getting at is we are going from 2,389 units that would have been using those facilities to 2,300. Am I figuring that right?

Mr. Robinson: I'll get you to the chart that you need for that. As we stand here today, without anything having been approved yet, Briar Chapel is approved for 2,500 residential units. We want to go up to 2,650. Right now 200 of those can be multifamily out in the special districts. Those are already approved. They can be anywhere in the special districts. What we are asking is to increase that number of allowed multifamily units out by the highway from 200 to 350. It is not going to change the number of residents that live inside Briar Chapel proper. It will change the amount of commercial space out by the highway that get used for residential as opposed to commercial. Another way to think about that is that if you don't approve this then there will not be 150 more apartments out by the highway but there is still going to be commercial in the space where those apartments would have been and you are having to listen to the testimony of Laurie and Lee about why it is that is better for everybody to have residential mixed in with the commercial up there rather than just commercial. Does that clarify?

Commissioner Dasher: I guess what I was getting out was the concern we have heard from a lot of folks about that there are more residences within the neighborhood proper and more use of those amenities.

Vice Chair Hales: It is because with or without that extra 150 you still have 150, right? If you have 300 multifamily units but 150 are contingent upon the approval of the ordinance and the conditional use permit you still will have 150 units that will not have access to the amenities.

Commissioner Howard: Well 200. I think what you are saying is those will, unless we make a determination tonight that adds the additional 150 then you are obligating yourselves to take them out of that pool.

Mr. Robinson: That is correct. So essentially right now if you didn't change anything the 200 multifamily units that are available out by the highway could be allowed to use the amenity. But what we are saying is we are taking that 200 out and if the 150 are added we are also taking them out of the amenity. They will have no right to use the amenities that I described.

Commissioner Petty: Nick, would they move all 350 out of the Briar Chapel community and put them all out at SD North? All 350 around the commercial developed area and take them out of the other part, right?

Mr. Robinson: Correct. Now we didn't have any approval to put any multifamily inside the neighborhood proper. But what it would do is all 350 of those units would be dispersed between those three special districts. No more than 50 at SD North where Veranda is, you are familiar with that. No more than 200 on the east side, the Farrington side. No more than 350 on the west side.

Commissioner Petty: I think that is where the confusion came from the earlier presentation. The fact that you already had 200 approved. We were talking about doing 150. Then somewhere in your conversation you mentioned 350 and that is where part of the confusion came from. I think what clears that up is the fact that you will pull that 200 out and incorporate it with the 150 and keep them all within the commercial area of the development.

Mr. Robinson: That is correct. This chart, this is the density chart that we had as submitted and then as revised. What you can see is that this chart as submitted showed a dark purple section that would have allowed up to 50% multifamily in that area up by Manns Chapel Road. You can scroll down to the new chart and that dark purple is gone. Now all you have is what I have described to you. 50 dwelling units in SD North, etc. Up to 350 in SD West and up to 200 in SD East. Hopefully that clarifies. We want to leave tonight with everybody knowing that, do you have a question?

Commissioner Dasher: I am just curious what the existing attached townhomes, where do they...

Mr. Robinson: So there are existing attached townhomes located inside Briar Chapel proper. Nothing changes for them. They already have access to the amenities and they will forever. All we are saying is any new multifamily structures that are out by the highway will not have a right to use the amenities I mentioned.

Commissioner Dasher: Are you currently permitted to do more townhomes.

Ms. Ford: Inaudible

Mr. Robinson: We are allowed to do townhouses in the remaining area. Maybe Laurie can talk to that.

Mr. Bowman: Inaudible

Mr. Robinson: So multifamily is not permitted in that color but up to 25% could be townhouses.

Commissioner Dasher: But you can do more townhomes.

Mr. Robinson: Yes. Multifamily versus townhouses, that is a sticky wicket. What we are talking about when we say multifamily is essentially apartments out by the highway.

Vice Chair Hales: These are going to be rentals. Every one of these multifamily units is a rental.

Ms. Ford: Inaudible.

Mr. Robinson: Multifamily could be considered condominiums or for rent.

Chairman Crawford: At the SD North site, which is inside the Compact Community Ordinance area, are you sure you don't want to maintain some high density for that spot?

Mr. Robinson: We do. There are 50 units allowed there. That parcel that Chris Seamster was just showing is just south of the powerline right of way. That could be 50 residential units there near the shopping but we have to find the right developer for that and get that done. That has always been allowed and it would still be allowed.

Chairman Crawford: So the fact that you are changing the color coding will not affect that plan at all.

Mr. Robinson: It will not.

Chairman Crawford: I just wanted to check on that because I thought the color coding went with the Compact Community Ordinance area and that would have been one spot, if I understand your plans correctly, that would still have high density.

Mr. Robinson: Yes, it should. It has always had it and we don't intend to change.

Commissioner Howard: I have a question as well. Earlier this evening you had mentioned the possibility of the housing being available for students at our community college. Are you saying that this will be affordable housing?

Mr. Robinson: I don't know what the rate will be for those apartments. Much will depend on the type of developer. I know that Laurie and them, when they get their chance to get up and talk about what the vision is for it. I don't know exactly what an affordable apartment is to be honest. Market rate is the term that I am familiar with. If they will be market rate apartments I don't know if that will qualify as an affordable apartment or not.

Commissioner Howard: I just want to make sure that when we are talking about community college students that we are thinking about the same creature. Those are not traditionally people that can afford rents in the northeast part of Chatham County.

Ms. Ford: I do want to clarify that. The question that was asked of Nick, my name is Laurie Ford and I am with NNP-Briar Chapel. The question was asked of Nick could

these rental apartments be available for student housing. His answer was yes they could. We are not targeting those particular units for specifically as a student housing solution. That is not what we have in mind at this point in time.

Commissioner Dasher: Is there anything that actually commits these to be rentals as opposed to condominiums.

Mr. Robinson: No.

Commissioner Dasher: I just want to be clear on that.

Mr. Robinson: We got through the community meeting and we had those changes and we have now submitted as part of the record the revised master plan and the revised density chart. Those will be the ones we use going forward in this process and we have made our commitments to that. Hopefully that addresses the concerns of some of the folks that spoke earlier about that.

Mr. Robinson: So, the presentation of the evidence. First thing I want to say is a little bit of housekeeping. We want to incorporate as part of the record the entire application we submitted including these amendments as well as everything we have presented thus far and will present throughout the course of the evening. In addition, this is the original submittal from 2005 for Briar Chapel. We incorporate all of that as well as the two amendments, the evidence from the amendments from 2012 and 2014. With that I would like to hand it over to Lee Bowman who is the Senior Project Manager. He will give you an update and summary of where we have come.

Mr. Bowman: I definitely want to be mindful of everyone's time tonight. Good evening commissioners. My name is Lee Bowman. I have lived in the Baldwin Township for almost nine years. Let me get the site plan up. What I want to do is kind of walk you through where we are at since Briar Chapel started back in 2005. Just real quick run you through where we are at. We have talked through quite a few of these areas already but these areas that are kind of grayed out, those are areas of development that we have built out. You will see where my cursor is going, that is the central part of Briar Chapel and the southern part is down here. That makes about 1,200 occupied homes right now in those two areas. There is about 300 more lots to go in this area down by the great meadow. There is this linear part here (inaudible) but we hope to have those sold out within the next year. These two red areas down at the great meadow, that is our award winning school, Chatham County's own Margaret Pollard is right here where my cursor is there. To the right is Woods Charter and then across the street, I think we talked about it earlier today, but this is the Chatham park site, the sixty acre park we built and donated to the County years ago. Over here, we talked a little bit about this earlier too, the western parts of Briar Chapel. We have moved on and been before you recently with some of our plats for these areas. These are areas of development that will be happening now and in to the next couple of years. We are also starting to study this area in the northern part of Briar Chapel that connects to Manns Chapel. We will be studying that here soon and will probably be before you in the next few months with some plats for that area. We are really excited. Last year was our first offering of commercial. I think we talked a little bit already about SD North, we call that the Veranda if you have been by there you have probably seen it. It is fully built out with the exception of this potential housing area behind it. We've got about 40,000 square feet, or a little more than that actually. We have a top notch daycare that is owned by one of our residents in Briar Chapel. There are four great restaurants owned by folks that are local proprietors. There is quite a bit of medical and general office space. We are really excited about how that has provided great services that the county residents needed.

Mr. Bowman: As we have been studying the rest of the phases of the commercial at Briar Chapel a little further south, we are spending a lot of time talking about SD West and East. I wanted to show you all some renderings and some site plans of that. Here is an artist rendering of SD West. To kind of get you oriented this is the Taylor Road area. Along here would be 15-501. It is drawn with a flat line and as we know it is not very flat. Here is the Central Carolina Community College, an artist rendering of that. We are working with Central Carolina on having that pad ready by the end of this year and we are excited about the Health Sciences School that is going there. These are some pictures of what some apartments could look like in that area. Quite a mixed use type village concept. This area here is more of a smaller anchor site. We are talking to several grocers, both local ones and other ones, looking at Briar Chapel as an opportunity. Actually we think we have kind of flipped this site over to this direction. Regardless, there will still be several opportunities for quality retail offerings in addition to those I've mentioned. Then I will take you across 15-501 for a rendering of SD East. This is a drawing we have been working with the Appearance Commission on, primarily just this corridor, the viewshed buffer along 15-501. This just shows you a conceptual site plan of what the potential is out there. Here is Andrews Store Road and there is the Cruizers site and here is Taylor Road. SD West is right here if you follow along where the cursor is going. This is looking at the far south side of 15-501, a nursing home site. It is about ten or so acres in that area. This middle part could be some apartments as well as office buildings in this area. Finally, this smaller site is looking like it would be best suited to be a more retail site. That is just a quick update as to the progress we've made in Briar Chapel and what we are looking at on the horizon.

Chairman Crawford: How does the nursing home calculate into you unit count.

Mr. Bowman: It does not count as a unit.

Chairman Crawford: So it is a separate thing all together.

Mr. Bowman: It is commercial or O&I, office and institutional.

Chairman Crawford: And this area is outside the Compact Community Ordinance anyway.

Mr. Bowman: You have to have a certificate of need for that, so the folks we are talking to now have all that kind of stuff.

Mr. Robinson: A couple of follow ups with you real quick Lee. Lee, I am just going to ask you a couple of questions real quick. Do you think that the proposed amendments are desirable for the public convenience or welfare.

Mr. Bowman: Yes, definitely. Adding those 150 units to the highway area along 15-501 will be desirable for the public convenience and welfare.

Mr. Robinson: How did you arrive at that conclusion?

Mr. Bowman: A couple of different levels. We think by increasing those units the likelihood more quality commercial will come to that area and also be an accelerated basis there. Also, there are very few multifamily dwellings between Pittsboro and Chapel Hill. There is definitely a need there.

Mr. Robinson: Have you heard from anybody in the community about that.

Mr. Bowman: I have heard from several folks, knowledgeable people in the

community. They have provided their comments as well as feedback in letters.

Mr. Robinson: So you mentioned a couple of letters. I have here a letter from Colleen Jelley who is a resident and also a letter from Julie Cummins who is a local realtor. Are those two of the letters you are talking about?

Mr. Bowman: Correct.

Mr. Robinson: Do you want to take a look at those and make sure they are the letters you were referring to?

Mr. Bowman: Yes, these are the letters.

Mr. Robinson: I would like to submit these into the record as part of the public hearing evidence.

Mr. Robinson: Moving on to the next presenter Laurie Ford.

Ms. Ford: It is an hour and a half past my bedtime so I am going to make this quick. This is kind of a big deal from our perspective. We have been working really hard on the commercial aspects of this community. We think that the Compact Community Ordinance as it was envisioned is doing its job. We feel like we can see the end in sight and we feel like we need a little bit of a lift. Currently to date, Briar Chapel sits as the top selling community in the Triangle. It is the fortieth top selling community in the nation right now. There are a couple of really good reasons for that. We currently offer 1,200 new green certified homes in the community, which is a key differentiator. We've also worked really hard on bringing the right mix of recreational and amenity type improvements to this community. We've worked hard also in terms of making the right and appropriate contributions from a civic standpoint. We hope that we have been good partners and have been able to add value to not only just living in Briar Chapel but also to Chatham County. What we feel we've created is this beautiful, iconic community that does a phenomenal job of attracting a very diverse set of residents, from every type of lifestyle, life stage and income level. One of the things that I wanted to spend just a couple of minutes talking about, and that is the range of housing and the various types of housing that are actually offered in the community. Nick, there was a chart that we were going to share, do you have access to that? I am going to start talking about it while he is looking for it. We did a study to just kind of determine how Briar Chapel has been contributing to the price range of housing in Chatham County. What you may not know is that Chatham County actually has very high housing prices. If you look at what is actually listed in the multiple listing service the average price for homes that were closed in 2016, there were 428 homes closed in 2016. They averaged \$432,000. In 2017 eighty-three homes have closed so far this year in Chatham County and that is averaging \$436,000. If you look at active listings it is even higher than that, \$480,000. You compare that to Briar Chapel and the contributions we are making here. Our housing prices start in the low \$200,000's. They go to about one million. You'll start to see the breakdown here. I think one thing that was really interesting is if you look at 2016 you will see that in 2016 we actually sold thirteen homes between \$210,000 and \$245,000. Another fairly sizeable chunk of thirty-two homes in the \$250,000 to \$286,000 range. We are doing a significant, we are making a strong impact. When you start to pull Briar Chapel out of the numbers for Chatham County you will see what those numbers are looking like. They are over half a million. We are working hard. We think that the density solution is allowing us to get there. Some of those cottages we are producing are getting us there.

Ms. Ford: The other question that was brought up earlier has to do with affordable

housing. Briar Chapel's contribution from that perspective in addition to the density solution and offering homes in a much more affordable price range than you typically find in the county, is to offer a fee in lieu of actually building subsidized housing within Briar Chapel. If you recall early on there were some housing units that were built specifically to satisfy an affordable housing component and it was determined at that point that a fee in lieu was the more appropriate application within the county for Briar Chapel. The commitment was a two million dollar commitment to promote affordable housing in Chatham County, of which 1.6 million dollars has been collected by the County to date. There is another \$400,000 that will be collected between now and the life of the project. Let's talk for a minute about commercial. There are a number of requests in that application but the primary request has to do with those additional 150 units that we are talking about. The reason why we feel it is critical to make those 150 units become additive to the project is that we believe in the mixed use concept. We think that mixed use development as opposed to a pure commercial application is what is really going to produce the highest quality commercial, mixed use application. Based on our last year and a half of conversations that we have been having with a variety of users, developers, both multifamily and otherwise, that 200 unit limit is sort of a sticking point for a lot of them. Given the fact that Briar Chapel is the majority of the growth that is right now occurring in the Chatham County area, that marketing effort needs a lift. We believe that the addition of multifamily units will add value overall to the commercial and allow us to do a better job of bringing higher quality commercial at a more rapid pace to the area. One of the questions at one of our resident meetings was why do you think the commercial in the Veranda is doing so well when it seems like so much of the commercial along 15-501 seems to be struggling. There could be a whole series of answers to that question but I am convinced that one of them has to do with the quality of the environment that we are creating in the commercial spaces interior to Briar Chapel. There is a paradigm shift occurring in retail and commercial. There are commercial applications where the primary emphasis is convenience and discount pricing. The types of commercial that kind of fall into that category are Wal-Marts and fast food. Those are important components to commercial. Then there is another bifurcation which is strictly about creating the types of commercial environments where people want to stick around. They call them sticky places where we build in place making components and amenities to bring people together and create synergies between the residential and commercial. That is what we are trying to achieve within the Briar Chapel community. I think we have done a great job so far in the Veranda and that is the vision that we have in place for what we are wanting to accomplish at SD West and SD East. One of the first steps we took about a year ago, we actually hired a Director of Commercial Real Estate for Briar Chapel. His name is Dan Klausner. Dan has been working on the site for the last year and has been the one gathering the information from the various users and I would like to introduce Dan to share some of his evidence.

Mr. Klausner: Hello county commissioners, Planning Board, my name is Dan Klausner. My office is at 1342 Briar Chapel Parkway. I am employed by Newland Real Estate Group. As a professional engineer, LEED accredited professional, graduate of Keenan-Flager Business School, I have practiced real estate since 2004 in multiple jurisdictions in North Carolina under my own company as well as for other developers as well as nationally. I've worked on a range of development focused around mixed use projects ranging from suburban properties, such as Briar Chapel, as well as medical mixed use, mostly including retail, office, medical, multifamily and hospitality. In my capacity as Director of Commercial Real Estate with Newland I have been engaged in development of the commercial parcels of Briar Chapel for more than a year, as Laurie Ford said, as well as seven other properties in four other states ranging from twelve acres of commercial property up to 400 acres of mixed use. I've reviewed the existing CUP approvals and have been involved in multiple

ongoing discussions with potential commercial developers interested in Briar Chapel commercial acreage, including multifamily residential developers. As Laurie stated, there have been several overtures by developers that are very interested with the consistent thread is the desire to see the possibility of more onsite multifamily residential units, particularly for two reasons: To gain efficiencies of scale on both constructions and operations. That is something that comes from them every time we talk to them. The other point speaks to something we talked about a little bit earlier going back to the amenities for them to be able to offer amenities such as the pool that they would not be able to leverage within Briar Chapel. To go from 200 to 350 gives them the opportunity to offer those types of amenities to the residents. We have been studying this approach and over the last year have concluded that increasing the possibility of multifamily units from 200 to 350 is the best approach to secure the higher quality commercial development in the balance of the special area districts. Reasons given for why more multifamily residential units in the commercial areas are needed revolve around needing a critical mass of both day and off hour population to facilitate mixed use commercial development at the desired level. It is necessary to help to sustain surrounding retail development. When you think about mixed use and creating that activity throughout the course of the day, you have the community college with 400 students that will be there for daytime population. Then you have multifamily residential units that would be there at night and some working from home that would be there during the daytime as well to help keep that retail activated. We have gotten multiple requests, literally in the last week, from different groups that we are working with, particularly broker Rob Coleman who previously worked for Bell Partners and now works for Walker Dunlop that focuses strictly on multifamily residential. They have confirmed that they would be looking for the 300 multifamily units as they broker deals for this property at SD West. I received an email on Friday from Alliance Residential Company, one of their developers for this region, requesting additional units to make the efficiencies work for them as well as a broker from Colliers that has stated the same thing. There are more examples than that but this was in the last week of our discussions. This is consistent with what we are seeing regionally. Locations in Tampa, Atlanta and Wilmington. This is not unique to just this location. I think one of the key points too is that the infrastructure, water, sewer, schools are all available locally here as it exists. There wouldn't be that additional strain being put on the systems if it is located out on 15-501. The current availability of multifamily in this critical transportation corridor is essentially non-existent. One of our resources is looking at the units that are available and there is limited amount of anything over a twenty unit development that may be here and there but nothing of significant size that can create that kind of energy in a mixed use community.

Vice Chair Hales: When you are talking about developers looking for a larger number like the 350 units, would they also be attracted if those 350 units were dispersed among your east, west and north? In other words you wouldn't have a complex of 350 only in one place, at least that was the discussion I was hearing earlier. You would have some in east, west, and north. Is that correct?

Mr. Klausner: There are different developers that look for different things but the common thread is in one location. That could be a combination of SD West and SD East but typically they would be looking for a site that is centrally located in one location. We do also have interest for both market rate and senior apartments as well. There is interest on all levels but your point is well taken. Most would look for the 350 units in one site. In summary, my experience and the independent analysis that we have had from some people that have been looking at the site, results of our work in the market all confirm that the request for additional multifamily units are needed and would be helpful in ensuring high quality commercial to SD West, SD East, and SD North.

Mr. Robinson: If I could ask you just one followup question. You mentioned a letter that you recieved from Rob Coleman. Is that a copy of that letter?

Mr. Klausner: Yes it is.

Mr. Robinson: I would like to introduce that into the record.

Mr. Robinson: It will move a little more quickly from here. We have gotten through some of the main things. One thing I wanted to point out that I skipped over, this is a small point, and I don't think anybody had any concerns about it but I do want to make sure you all know about it and it is in the record. Over the years, there has been an opportunity and an availability in Briar Chapel to try and create some commercial inside the center of the neighborhood. Some of the residents would really like to see that happen. We have never really been able to attract somebody that far off the highway into a small 10,000 square foot type use. We still keep the dream alive and we have been meeting with our residents a lot over the years on this and those three purple sites there that you see on the map there, I will circle them. Those three little ones are the spaces we want to reserve on this master plan for a potentially commercial area. Don't know if that will come to fruition but if we do do it would be in one of those locations. I would like to call now Lucy Gallo to talk about the economic impact of the requested changes.

Ms. Gallow: My name is Lucy Gallo. I am a principal with Development Planning and Financing Group, a national real estate consulting firm. I prepared the original Briar Chapel fiscal impact analysis in 2004 and have been preparing fiscal and economic analysis on the project ever since. A more detailed technical memorandum discussing the fiscal impact of the proposed Briar Chapel CUP amendment on Chatham County is being submitted. In our firm's experience multifamily component of a successful mixed use master plan community generally doesn't raise any significant fiscal concerns because the units generally generate significantly fewer people and fewer public school students than single family homes. Most public service costs in fiscal analysis are usually allocated on a per capita or per student basis. The fiscal impact of the additional 150 multifamily units planned for Briar Chapel should be fiscally positive, particularly considering the \$2,000 per unit voluntary school impact fee which would apply to these additional 150 units or at a minimum fiscally neutral.

Mr. Robinson: The next person we would like to come up is Richard Adams who is a traffic engineer.

Mr. Adams: My name is Richard Adams. I am with Kimley-Horn and am a traffic engineer. What we have done in response to the potential CUP amendment is, I've gone through a similar process we did with the last CUP amendment. We looked at the change, in this case the change in units and what that would do to the overall trip impact considering a likely commercial development that would still remain on the project. With that we developed a trip generation calculation for the entire Briar Chapel development. I developed a letter report which we provided to the applicant who then provided it to the County. With that and based on that analysis and that comparison to the previous analysis, the TIA would continue to be a reasonable estimate of trip traffic impact for the development. When I say TIA I am talking about the original traffic impact analysis prepared for Briar Chapel which we did prepare. I did want to address one other matter that has come up and that is the potential for an elementary school on the property on Andrews Store Road and how that would impact traffic. That is a question that has come up and it is certainly a very valid question. I did want to mention that there is a traffic study that has been done or is in

the process of being done, I am not sure if it is finalized yet, that is being done on behalf of the school system for the new elementary school. We have talked a little bit with the consultant doing that study and our understanding is that it includes all of the relevant intersections that would be of concern on Andrews Store Road, including Granite Mill Boulevard, Woodland Grove Lane, and Parker Herndon Road as well as other intersections on that corridor. It will include the entire development of Briar Chapel and the new elementary school on top of that. That is really doing a deep dive into how that elementary school would work, what the access would be and what the improvements would need to be in order to make that school work.

Chairman Crawford: You don't happen to have an ETA on that study have you.

Mr. Adams: I do not have an ETA on that. I do know that NCDOT, as I am sure you are aware, all the relevant roads we are talking about are or will be NCDOT streets. NCDOT is helping scope that study. They will scrutinize it very closely. They have a special group in Raleigh that looks at school studies. That will get a thorough and rigorous review. In conclusion I did want to say that based on our review and the future analysis and associated improvements by the school system it is our opinion that from a traffic standpoint the requested amendment will not impair the integrity or character of the surrounding or adjoining districts and will not be detrimental to the health, safety or welfare of the community.

Commissioner Dasher: Have you or NNP looked at connectivity, particularly across 15-501 to the park, the schools? I am just wondering if you guys have considered a sidewalk or bike path arrangement there.

Mr. Robinson: Across 15-501 or across Andrews Store Road?

Commissioner Dasher: I guess I am thinking more across 15-501 and along Andrews Store Road.

Mr. Adams: I do know that Andrews Store Road is a very long corridor with a relatively narrow right of way and very little of that controlled by NNP. Short answer is no, we have not done a pedestrian analysis of that corridor or what might be needed to make that all connected from a pedestrian standpoint.

Commissioner Dasher: I guess what I am getting at is adding 350 units and having some connectivity for traffic to schools and the park.

Mr. Robinson: There has always been a requirement in the conditional use permit for Briar Chapel that there be....SD North that I am circling, there has always been a requirement to make sure that is connected by trail or some combination of trails or sidewalks back to the main community. That has occurred. There has also been a requirement that there be a connection at SD West by sidewalk or trail or some combination of the two back to the main development. That will definitely occur. There has also been a requirement that within SD North, SD West and SD East there be pedestrian walkability in each one of those three separate locations. There has never been a requirement that there be a crossing for pedestrians across 15-501, mainly for safety reasons. If you start at the 64 Bypass in Pittsboro and work all the way up 15-501 you will never find a cross walk all the way up to the Chatham County line. I think the first one might be past Chapel Hill actually. There has never been a requirement for that but what we are doing is connecting everything that we can connect within itself and then connecting the other two back to the neighborhood.

Commissioner Dasher: There was also never a plan to have 350 units over there.

Mr. Robinson: Yes. I think the most likely outcome is if you wind up with 350 units it is most likely that they are going to be in SD West sort of along the lines of what Lee showed you in that schematic near the community college. So they will be connected. Keep in mind that our density chart shows that there will not be more than 200 on the east side anyway. There will never be more than 200 multifamily units on the east side anyway. We think that fits in with the concept anyway of keeping those 200 people there near the commercial and keeping them safe. Everybody else can connect to the neighborhood. I would like to move on to Chris Huysman who has a very short presentation about the environmental issues.

Mr. Huysman: Thank you commissioners. Chris Huysman, Managing Partner of Wetlands and Waters. My office is at 170 Dew Drop Road, Sparta, NC. In light of this proposal, we reviewed the following documents. We reviewed environmental impact assessments that were developed in the original project. We reviewed US Army Corps of Engineers permits as they were issued, renewed and amended as well as the 401 water quality certification for that. We have then also queried the North Carolina and Natural Heritage database program for protected species and natural areas. We've reviewed the current documents for that as well as the State Historic Preservation Office. In conclusion, we find that the CUP amendment being sought by NNP, if approved, are not inconsistent with prior documents and the renewed permits.

Mr. Robinson: So I introduced you to Tanya Matzen before who is a North Carolina licensed realtor. Some of you may recall that we did a study back in 2014 where we looked at Southern Village. We said that is a neighborhood where there were residences already built and then they came in later and built a commercial area nearby. We did a study in 2014 showing that house prices on those pre-existing houses after the commercial came in, the house prices went up. What Tanya has done is updated that study from 2014 to 2017. She is just going to quickly summarize that.

Ms. Matzen: I am Tanya Matzen. I am the Project Manager for Briar Chapel and have been for the last three years. I am also a licensed North Carolina real estate broker since 2005. I did update the Southern Village case study from 2014 to 2017. Basically the analysis shows that home prices have steadily increased for both new homes during the time of new home construction and looking at the resale analysis have steadily increased. We started out with an average sale price of \$278,000 in the first four years of development introducing the first commercial properties in and around 1999. Today the average sale price is \$560,000. In this case study you can see that over time property values have maintained and even enhanced by their adjoining districts following the introduction of commercial properties. For similar uses proposed by Briar Chapel, this type of commercial development only enhances the property prices over time. There is no detrimental or erosion of property values with the introduction of this type of use. Residents thrive and flourish in a community that meets their retail, civic, and daily needs. This type of real estate continues to remain in high demand. Thank you.

Mr. Robinson: Tanya, in the process of doing that did you put together a written analysis to summarize what you just said?

Ms. Matzen: I did.

Mr. Robinson: Is this a copy of that?

Ms. Matzen: That is correct.

Mr. Robinson: I would like to introduce that into the record.

Mr. Robinson: Thank you Tanya. If I can, we are getting toward the end here. Just two more witnesses that should be brief. Jeff Taylor who is an appraiser, MAI, looked over Tanya's shoulder as a licensed realtor and is just going to make a brief statement about his review of that analysis that Tanya just gave.

Mr. Taylor: Good evening. My name is Jeff Taylor. I am a commercial real estate appraiser and North Carolina certified general appraiser. I've got my MAI designation from the Appraisal Institute. I have a letter that I wrote that is a review of that document that Tanya put together. I can submit this in a little bit. Basically in connection with this proceeding I was asked to review the Southern Village Single Family Home Market Study produced by Tanya Matzen, previously introduced into the public hearing. I have reviewed the summary report but have not independently verified this data. I have not provided my own independent analysis of this property. The sales data in this report by Tanya Matzen shows an overall increasing average sales price per square foot an increasing overall sales price for the single family homes throughout the construction of Southern Village. Given the proximity of Southern Village it is reasonable for Tanya to conclude that the same results would happen with Briar Chapel. This conclusion is based on limited information provided to myself. It is my opinion that when retail amenities are constructed, high quality retail amenities and retail tenants often have a positive impact on the demand and the sales prices of surrounding neighborhoods. Since I have not done my own impact analysis, I will not conclude an opinion on the impact of values in the neighborhood surrounding Briar Chapel, but with this being said the proposed plan, which is adding a higher multifamily density, should increase the attractiveness of this location to retail tenants, therefore improving the quality of retail amenities. Do you have any questions from me? Thank you.

Mr. Robinson: Is this a copy of your letter?

Mr. Taylor: This is the letter, yes sir.

Mr. Robinson: I would like to enter this into the record.

Chairman Crawford: Thank you.

Mr. Robinson: Ok, Mark Ashness, if you could just come up and talk about the utilities, that would be great.

Mr. Ashness: Good evening Board members and staff. Mark Ashness with the CE Group, 301 Glenwood Avenue, Raleigh, North Carolina. I am a registered professional engineer in the state of North Carolina. I have been engaged with NNP-Briar Chapel on the Briar Chapel project as a consultant for the utility related issues. I have reviewed the CUP amendment application, particularly the request to add 150 multifamily units to the already approved 200 multifamily units in the special district areas. With respect to finding number five regarding the adequacy of utilities necessitated by the proposed amendment, it is my considered opinion that there is adequate water and waste water capacity available to the project to more than accommodate the additional 150 multifamily units. Briar Chapel has adequate waste water capacity, an overall approval of up to 750,000 gallons a day currently permitted. The proposed density change will not increase the overall impervious coverage. Briar Chapel has also constructed a one million gallon elevated potable water storage tank within the project near Manns Chapel Road. That tank serves the community and extended neighborhoods outside of Briar Chapel as well. The existing county water system, which includes treatment, storage and line distribution

is more than adequate to serve the additional 150 multifamily units. Thank you.

Chairman Crawford: Any questions colleagues since this touches on the question of utilities? Often times that is a sticking point for us.

Mr. Robinson: Jason was asking if I had any extra copies to give to some of the Planning Board to pass around. There are a few extra copies there. A couple of additional things. I don't think the Planning Board would need to look at these but these are resumes of the various professionals that we have had come to testify for you tonight. One for Richard Adams. One for Chris Seamster. One for Lucy Gallo, Tanya Matzen, Jeff Taylor and Mark Ashness as well as Chris Huysman. I would like to introduce those into the record.

Mr. Robinson: That kind of brings us to the last stage here of the presentation. I think it would probably be useful too to introduce this most recent amended version of the master plan in a hard copy for the record.

Vice Chair Hales: Is this a revised map?

Mr. Robinson: Yes, this is a revised version. I would like to admit into the official record all of the evidence and testimony and tender the professionals that have testified as experts in this proceeding. The last thing that I want to do is to review the five findings of fact that you need to make in order to approve this amendment. I realize what time it is, it is late, and I don't know what else follows behind this so I am going to do this just as fast as I can. You all know that you have to make five findings in order to approve a conditional use permit amendment. The first finding is that the use requested is among those listed as an eligible conditional use in the district in which the subject property is located or to be located. A compact community continues to be a permitted use within the compact communities conditional use district. There is no problem there. Finding number two, the requested conditional use permit is either essential or desirable for the public convenience or welfare. There has been a lot of evidence in the record tonight about that. Certainly it will be desirable to revise the civic site to afford the possibility of a Chatham County elementary school site. The administration of Chatham County's School Board confirms by virtue of the fact that the property is under contract, that the new elementary school is needed. Their consultants list this location as within their targeted location area. That would make it, by definition convenient and desirable and in the best welfare of our students. The second subpoint under essentialness or desirability is the revision of the perimeter buffer for Chapel in the Pines. Certainly this buffer reduction by the impact the adjoiner will allow the church to accommodate more parking.

Commissioner Dasher: Sorry to interrupt. Are they intending to park on Briar Chapel's Property?

Mr. Robinson: Yes. What would happen is if the waiver is granted, we would then lease the property to them to allow them to use the property for that purpose. That is a good question. Then the addition of the residential units, the up to 150 additional multifamily units and allowing a total of 350 multifamily units among the commercial areas where 200 are already allowed will likely have the impact of expediting development, as Laurie Ford testified, of the balance of the commercial areas. Present and projected demands indicate the need and desirability for requested additional usage of multifamily in those districts as is warranted and testified to by Dan Klausner and others. We think that will be responsive to the market and hence necessary and desirable. I have included a lot of these comments in the written portion of the application that was submitted so I am not going through every detail now but I will just hit the highlights. The balance of the requests are minor apart from

the ones that I have mentioned. Essentially we intend to show the progress we've made to date and facilitate continued development. I think it is also important for you all to note, and I won't go into the detail, the County asks us at this point of the proceeding in determining whether or not it is desirable to make a statement about a survey of similar uses. I think it is pretty important to note that there are no similar uses such as the multifamily that we are asking for anywhere near this location. I think it is important to have it in the location where the infrastructure exists. If that is a relevant inquiry to that finding then the evidence is going to show we really do need that there. The third thing the County asks us to discuss in connection with need or desirability is whether or not there will be a requirement of publicly provided improvements. The beauty of this request is there will be no publicly provided improvements. All of the improvements will be made by the developer itself thereby inherently making it more desirable.

Mr. Robinson: Finding number three. The requested permit will not impair the integrity or character of the surrounding or adjoining districts and will not be detrimental to the health, safety and welfare of the community. There is a lot of evidence in the record about that. Nothing is changing with respect to the footprint of the development. If you look at SD East, which is down at the very bottom, there is a 300 foot buffer between there and Fearrington Village. None of that is going to change. That will remain the same. In addition there is a 200 foot buffer up here by Herndon Woods. None of that will change either. The places where the multifamily would go are still protected by those buffers. I think the evidence in the record tonight about traffic and the various other matters would indicate that the requested amendment would not be detrimental to the health, safety and welfare of the community and will not impair the integrity or character of the surrounding districts. The County asks us about lighting, noise, chemicals, signs, all of those and there is no change to any of that from our prior approvals. I think that is it for the third finding. The fourth finding. The requested permit will be consistent with the objectives of the land conservation and development plan. Certainly true, everything about Briar Chapel has three times been deemed consistent with the existing land development plan. A question you might have in your mind is whether or not it is consistent with what is presently proposed to be the Comprehensive Land Use Plan that has been in the works over the last couple of years. I am glad to report that this requested change is consistent with what we now know of that plan. For example, just a few quick points. The key recommendations under the new plan include providing equitable access to high quality education, which of course making that site available to the school system would do that. It also says to provide flexibility for developers to match target demographic, accommodate a mix of housing near transportation, utilities, and schools. This would certainly do that. We will have a park n' ride at SD East. We will have a multifamily in some of these districts and that will create transportation flexibility and it is certainly near the schools and certainly near the utilities as we've said. Another recommendation from the new plan is support development in planned growth areas. This is certainly a planned growth area. It is smack dab in the middle of the compact community corridor. The last finding is that there are adequate utilities, access roads, drainage, sanitation and or other necessary facilities have been or are being provided. That is certainly the case based upon the evidence that we have submitted thus far tonight.

Mr. Robinson: I am down to the very end. The last three things are housekeeping. First thing is my custom, I just want to make a general evidentiary objection because it does occur from time to time that there will be testimony following our presentation that may be inconsistent with the rules of evidence. It might be hearsay, it might be incompetent evidence. It might be otherwise not substantial material and I am not going to stand up and object every time that happens but I am lodging a general objection into the record to keep the efficiency of the proceedings moving to just note

that in the record. The other thing that I would say is we want to reserve an opportunity to respond to any opposing evidence if there is some. Other than that, thank you very much for your patience. I am sorry it is so late. We would request that you pass this along to the Planning Board and then back to you and hope that we can reach an approval. Thank you very much.

Chairman Crawford: Thank you. Before you leave are there any questions from the panel or from the Planning Board members who are here?

Dr. George Lucier (Chair of the Planning Board): Just two quick questions. What is the size of the school site with those limitations taken off of it? I couldn't find that anywhere. I know you are only two acres of developable property now but what will the available property for the schools be if this is granted?

Mr. Robinson: That is a great question. If you look at the site up there you can see first of all the parcels that would be sold to the school are a total of twenty-five acres approximately. There is a big portion of it down toward the southern side that has a giant riparian buffer on it, which would never be used. It is that part that you can see in that certain color right there and the developable part of that would probably be sixteen or seventeen acres. Mr. Lucier that is a good question. Right above this parcel right here is a small triangular piece, I am circling it with the cursor. It is about two acres. That is also owned by NNP-Briar Chapel and is also under contract with the school system but it is not subject to the conditional use permit. It is completely outside of it. That would give the school system a little more road frontage there as well.

Dr. Lucier: If this contract goes through, the school system will be a subtraction of the acreage from Briar Chapel?

Mr. Robinson: No. Oh, the two acres?

Dr. Lucier: Well, whatever...it must have been added in at some point and now it will be subtracted. Would the twenty-five acres be subtracted or just the two acres?

Mr. Robinson: No, it wouldn't be subtracted at all. It would be no different than selling a parcel to the office building, for example. It is still a part of Briar Chapel so for the purposes of all of the density calculations and the impervious surface calculations it would still be included.

Dr. Lucier: I assume that you have to use the extra 150 for apartments and they have to be in the special districts.

Mr. Robinson: Yes, that is correct.

Dr. Lucier: What you wind up having is 2,300. You can have no more than 2,300 single family residences...

Mr. Robinson: That is right. If we used all 350 units as apartments out in the business districts then inside the development proper there would be no more than 2,300 but if we use fewer than that there could be up to 2,389.

Allison Weakley (Planning Board member): The parking for these 350 units, where will that be?

Mr. Robinson: They would be wherever the multifamily units are built in accordance with the applicable requirements of the zoning ordinance.

Ms. Weakley: Any changes in impervious surface?

Mr. Robinson: No.

Ms. Weakley: Is it required to accomodate that?

Mr. Robinson: I think the question is would there be any changes to the overall impervious surface for the project required by adding multifamily units. I think I understood that to be the question. No, the footprint is still exactly the same. We still can't use more than 24% of the overall footprint and as I mentioned before in SD West, for example, that is all going to be developed one way or another. It is either going to be an apartment or an office building or a restaurant. It is not going to change the footprint of where the buildings go.

Ms. Weakley: I also noticed that the stream in the southern-most portion of SD East, that buffered stream right there, one of your drawings that you had up previously showed it as a stormwater pond, and not a stream with a buffer.

Mr. Robinson: There is a stormwater pond down there but it is not in the stream.

Ms. Weakley: I just wanted clarity on that

Mr. Robinson: Good point.

Bill Arthur (Planning Board member): How high are you going to go up with these apartments?

Mr. Robinson: So there is requirement in all of Chatham County under the Zoning Ordinance of no higher than sixty feet. That would be three or four stories max. That is true throughout Chatham and it is also true throughout the compact community.

Emily Moose (Planning Board member): Can I ask if your goal is to have more multi-family units on the highway, why is the request not to just transfer some of the dwelling units you are committed for, over to that location?

Ms. Ford: Well obviously that could be a solution. We have actually quite a bit of land left available to develop and consistent with the type of housing we are offering in order to hit those price ranges that we think are sort of ... in demand in the marketplace, we need to acheive a certain amount of density on the balance of the land proper to Briar Chapel, outside of that commercial area.

Ms. Moose: Just one last question: what do you anticipate the average price to be for those multi-family rental units?

Ms. Ford: I don't know. It is quite possible they could be rental properties as opposed to for sale properties and I wouldn't want to guess at what that is.

Chairman Crawford: Now, the public hearing, we are ready to move to that. Anyone that signed up to speak please raise your hand.

Pat Meyers: For whoever is keeping the record my name is Pat Meyers and considering the hour I am going to decline to speak. Thank you.

Chairman Crawford: So we will start with the list.

Commissioner Petty: There was someone that signed up late and I don't know if they were here for the oath. Are they allowed to speak?

Clerk: Betsy Krauss?

Chairman Crawford: Could you stand up quickly and affirm that the evidence or the testimony that you are about to provide is factual and truthful to the best of your knowledge.

Ms. Krauss: I do

Chairman Crawford: Thanks Commissioner Petty, we have to make sure everything is straight. So the first name that we have then?

Clerk: Shelley Colbert

Ms. Colbert: Hi, Shelley Colbert again. Commissioner Crawford I promise I will be as brief as possible. Let me just restate some of the earlier objections that I raised with respect to the CCO itself, regarding the incrementalism and some of the other aspects that I think directly impact the five findings for the commissioners and later for the board. I submitted written comments to the board and rather than repeat what I have submitted to you, I will just leave it at that. Obviously that is part of the public record, that was uploaded on to the county website today. That said and still trying to be quick here I want to raise an objection that concerns the manner in which some of the information was disseminated to the public, including up to this evening where some of us are seeing for the very first time some of these changes and that makes it a little bit difficult for us to really provide the kind of public feedback that I think something of this nature warrants. I am really not too happy about that. Beyond that, I do want to note that, again going back to this incrementalist approach to things, certainly we have heard a lot of the positive side yet nothing negative, or no consideration of the potential negatives. I am sure the community would have a lot to say about that and I will have a lot more to say about that in terms of the five findings when we get to the Planning Board. I thank you for your time.

Clerk: Michael Cunningham

Mr. Cunningham: Good evening. I am Michael Cunningham. Like about twenty other people in Briar Chapel I am a licensed real estate broker. I have a vested interest in how Briar Chapel performed over the years. I whole heartedly approve of this project. As I guess a quasi-character witness for Newland, they have shown time and time again how they pivot and change with the market and as market demands change so does Newland. I believe they had their big opening party the day Lehman Brothers collapsed in 2008, which is probably the worst time in the history of the world to start a new planned community. They took that higher price point home and they changed it down to a lower price point because that is what the market demanded. I have access to the triangle MLS and I pulled some real estate stats. The average sales price in Briar Chapel from launch date to January of this year rose 37%. If you go into some less development, frankly, jurisdictions in the immediate area, Chapel Hill, they only had a 22% increase. That was back from January 2004 to January of this year. That was a twelve month rolling out versus just trying to smooth out any of the peaks. Chatham County wide over that same period, January 2004 to January 2017, a 39% increase. That was more in line with the entire region which is sixteen counties around Wake County. It rose 36%. I am a numbers nerd and I know it is late so I want to try and wrap this up just as soon as I can. If you take that average percent year over year increase, Briar Chapel was at 4.1% average sales price increase. They really, the product they create is in demand and is evident

by supply and demand market forces. If you look in some other areas like Chapel Hill it was only a 1.69% increase. Orange County overall 1.89% increase. Chatham County overall in that same period was a 3% year over year average sales price increase. Newland and Briar Chapel really are listening to the market and it wouldn't make any sense for them, obviously, to build something no one wants to buy. They are in it to make property values higher. That is all I have to say about that. Thank you very much.

Clerk: Bruce Raymond

Mr. Raymond: I would like to say good evening but I would rather be saying good night. I am from Chapel in the Pines Presbyterian Church, which is the church that was asking the request from Newland Properties. We did have quite a few other people from our church but the hour has made it such that many of them are gone. Those that are still here, there are a few strong people. We are obviously in support of all of the changes that they are asking for. I don't know if you all have any questions about our request to Newland if there was an opportunity that I might answer or help you understand.

Vice Chair Hales: I attend concerts at the Chapel in the Pines.

Mr. Raymond: Then you know what a beautiful church we have.

Vice Chair Hales: It is absolutely breathtaking and I also have a problem with parking. I really understand your desire to increase the parking.

Mr. Raymond: And we are concerned from a safety point of view because our overflow ends up being on Great Ridge which once it becomes paved, that is a serious safety issue. I'll keep it brief and say good night.

Clerk: Besty Kraus

Ms. Kraus: Thank you for the opportunity to talk to you. I understand how you are feeling, I haven't had dinner either. I live off Andrews Store Road. I am concerned about traffic. I don't feel like the development's proposal has addressed traffic issues. We have right now two schools on the road. There have been close call accidents. There have been some people run off the end of there. I think there are some real public concerns as far as safety on that road that need to be addressed. That can only be addressed by actually having publically provided improvements because it is a state road. The county doesn't have funding for state road improvements. What do we do? We have two schools on the road now. There already are issues. We have two more schools coming, the elementary school and Willow Oaks, which is also from Newland's parcel collection. There is a problem here for traffic safety and I think we have a real opportunity now to solve it because we have two new schools coming in. We have a lot of build out happening in the development. We want everybody to work together to make the schools safe. I am sure Newland really feels strongly about that because it is one thing you use in your marketing, is the schools and how close they are and how the people are going to have walkability and bikability to the schools. I would like to propose that Briar Chapel commit to working with the county and with the community to provide a solution to the traffic problems that their development has created in our community. One thing you should consider is roundabouts at schools. Roundabouts have been shown to have a traffic calming affect and they slow people down. They have been shown to increase safety for motorists, pedestrians and bicyclists. We want a walkable community. I think that putting this sort of traffic issue as part of their planning process is an important thing for Briar Chapel and Newland to do. Thank

you for your time. Here are my documents about safety and roundabouts.

Commissioner Dasher: Is it an appropriate time for me to follow up on her?

Chairman Crawford: No, not at all sir.

Commissioner Dasher: That is really what I think my concern is as well. I guess I want us to think, and I know a lot of these aren't Newland's responsibilities necessarily, but you are talking about a village that at build out will have seven to ten thousand residents probably. The idea that there are no crosswalks on 15-501, you are talking about adding a village of 10,000 people and I think connectivity and walkability and safety are real important issues. We need to figure out how to work with them to make sure that is all being addressed. I hope that we do that.

Chairman Crawford: That is right, it will be larger than Siler City.

Commissioner Petty: I think it is a good opportunity to reflect on our RPO meeting that we had earlier talking about the roads and improvements that is going to be coming to us to make sure that information is taken into consideration as we continue to do our road studies. The state moves pretty slowly when it comes to highways and things like that but there are five, ten, fifteen, twenty year plans that are looked at. As things like this come up we can start putting this in front of the state to be considered as one of the state projects. It is not being totally forgotten and it does take a while and that is the reason these plans go out as far as they do. It is one thing that can be looked at as we go forward.

Clerk: Cherie Dumphy

Ms. Dumphy: Thank you. This is my husband Frank Dumphy. Just a couple of things that I wanted to note as I was listening to people. One of the reasons that a lot of people move out to Chatham County, and I know a lot of people that have moved out, we moved out in 2009 onto twenty-nine acres, was because of the property taxes. Again I really implore the county to see what the impact fee might be on the property taxes as part of that infrastructure. The other thing is I know, we've got this school, it depends on the size of the multifamily units as to whether or not they are going to have school age children. There really needs to be a plan. There needs to be an impact study done on what they're planning. I did hear, they were describing how this commercial multi use development would thrive. I heard high end multifamily. Again, I am getting back to affordable housing. I am a little bit confused. I hear that we are talking about affordable housing. By the way, affordable housing I would define, for example, a public employee such as a teacher being able to rent an apartment. They have to make a third of their salary to pay for their rent. That is what I call affordable housing. Some people may not need to know that definition because they don't need to worry about it but a lot of people do. There is not much affordable housing in the area. Also, we talked about this traffic study with the elementary school but it sounded like it is not completed yet. I would implore us to get the final study on that. It sounds like a lot of these studies are done or engaged by NNP but perhaps there needs to be an independent analysis done on the traffic and the infrastructure by the county. Also, has the traffic study taken into account the new montessori school that is being planned? I doubt that it has. Andrews Store Road is three miles long. I know, I am a walker. I don't walk it anymore. I can't walk on that road anymore and I walk four miles a day. The other thing about the retaining wall; I am going to let my husband talk about that because it is not exactly at the back of our property but it is very close to the back of our property. We own the swamp and we own where our property goes along that creek on the back.

Frank Dumphy: My name is Frank Dumphy. My address to this body is primarily to buffers. You have discussed some buffers at this meeting. You discussed what I am going to call an internal buffer where a church parking lot is going to be made possible. That encroaches on Briar Chapel main property. I heard Mr. Robinson say that they were going to lease that property, to the church, I did not hear him say he would gift that parking lot to the church. I think that should be something you want to consider.

Chairman Crawford: We can't...

Mr. Dumphy: You can approve or disapprove depending on his decision.

Chairman Crawford: We can't...

Mr. Dumphy: That impacts on the desirable welfare of the community sir.

Chairman Crawford: I know but we can't do what you are asking.

Mr. Dumphy: Second, I heard him talk about the Duke Energy right of way. I consider that an internal buffer. They are encroaching on an electrical right of way, maybe not such a debatable issue. The most important right of way I want to discuss, and it is self serving, is the back of our property. There is a pristine creek and a riparian, 100 feet on each side. For those in this body that don't know what a riparian is, that is the 100 feet of woods and plants on either side of a creek. It functions to filter the water so that the water runs into the creek and is pristine. If you eliminate the buffer you end up fouling the creek. So that they don't have to build a retainer wall, because of the 25% slope, they want to encroach on the riparian. It is my self service but I am just bringing it to the body's attention. Excavation of a retainer wall and the construction is expensive. Moving dirt and building walls is expensive. To save money from building a retainer wall they want to encroach on the riparian. That either reflects what I would discuss as poor planning at best or at worst pure commercial desire to build on every postage stamp piece of land. That is a part of your density solution sir. What's theirs is theirs and your riparian and your buffers are theirs. That is what is happening at this meeting. I want you to think about that because you are entrusted with the public protection of the buffers. I will conclude by respectfully asking this body to not approve the buffer variance for the riparian at the back of the property so they don't have to have the expense of a retainer wall. Consider gifting to the church rather than leasing to the church. Don't forfeit your buffer for a desirable welfare of the community. Lets have some desirable welfare. I'll stop my discussion.

Clerk: That is all that signed up.

Chairman Crawford allowed Stacy Donelan to come forward.

Ms. Donelan: My name is Stacy Donelan.

Chairman Crawford: Do you affirm that the evidence or testimony that you are about to provide is factual and truthful to the best of your knowledge.

Ms. Donelan: Yes. I just had a couple of questions since we still have all of the experts here and people who gave the testimony. Sometimes when they were speaking one of their other group would speak up and correct them. I just wanted to make sure we were all on the same base. I think it was already cleared up that the Comprehensive Plan that includes all of Briar Chapel, that is what includes the entirety of the 2,650 units. Is that right? Lee, you had said at one point that the part

down in SD East or West didn't but then you had said oh yes it does. Does that sound fair?

Jason Sullivan, Planning Director: Everything that is colored on the map is within that conditional use permit.

Ms. Donelan: Ok, great. I just wanted to make sure since the numbers were flying earlier that the Board was aware of that. Also, the 350 multifamily units, I know there were sort of these carrots that were being put out that we could sort of split those up between the SD areas but then we heard from another expert that said it is more desirable for the developers who are interested in building those multifamily units to build them all together at once. I guess my concern is that if they contract with someone who develops SD East or something for the entire 350, or West, because East said it was only going to be 200, one or two years down the line they are going to come back with another CUP amendment and say they found out they could build another 200. Just something for the Board to keep in mind there. Not that I am against that, I just want to make sure that we are looking at all the i's and t's as all of you decide to approve or disapprove this. The other thing I thought was said and I wanted to get clarification on was Mr. Robinson said that the amenities up in SD North, the commercial area, had connections to the greater Briar Chapel area through trails and that would also extend to the commercial areas that were to be built up in the future. To my knowledge, and again it is truthful as far as my knowledge, the trail that extends from Briar Chapel proper into SD North doesn't actually fully connect those areas. It is a woodsy trail and is very rough terrain as far as I know and it sort of just stops very close to where the SD North area is but if you had a walker or a wheel chair, even if you were me and not in great shape I don't think you could travel from where that stops into the commercial area at SD North. Some things were probably said in the best of intentions but might not be exactly true. I hope that when they do build out the other areas that everything might be connected with walking trails or biking trails. That is all. Thank you very much.

Mr. Robinson: Two very short statements. I just want to make one clarification. I fully respect the Dumphys on their concerns and hear them but I did want to clarify that the buffer reduction from 100 feet to 75 feet is not a riparian buffer. It is not on a stream. It is a perimeter buffer. The other thing I would say in response to Ms. Donelan that just spoke. I run, I am a runner. I've run from SD North all the way back into Briar Chapel on that trail. If there is any disconnection it is something we don't know about. Certainly the intent is for there to always be a connection by trail or sidewalk back into the neighborhood so I am not sure what she is talking about there but we will look into it.

Vice Chair Hales: What about, the other two that are disconnected.

Mr. Robinson: So SD West, which is the one where the CCCC campus will be, it is currently disconnected but it will have a greenway plan.

Commissioner Petty: You said earlier it wasn't currently but it was in the plan.

Mr. Bowman: It is in the plan. We've got a permit with the DOT to go with a right of way with a hard surface trail. The one at SD North is more of a mulch type trail. The one that connects SD West to the neighborhood will be a paved surface.

Vice Chair Hales: But east still doesn't have any trail connecting it to the others.

Commissioner Petty: Well you can't get across the highway.

Commissioner Dasher: I was just going to ask is there any idea of how close you are to that stream that the Dumphys...

Mr. Bowman: I could probably look it up but I would just be kind of guessing. I believe if they say they own near the swamp, this is that swamp area that comes down to Andrews Store Road. I am not sure, our request is right here.

Chairman Crawford: Are we going to get a close up of the area?

Commissioner Dasher: I was just curious, if nobody knows...

Chairman Crawford: Sir you obviously want to speak again, you have the floor.

Mr. Dumphy: Did they just clarify for you what this buffer was? They didn't do it for me. I think they look confused.

Chairman Crawford: It is my understanding we are talking about a perimeter buffer and not a riparian buffer.

Mr. Dumphy: So I have a solution and I am just here complaining. Why don't we make that buffer 150 feet so you don't have to build your retainer wall? Or maybe 200 feet so you don't have to build your retainer wall. That might be good will for the community.

Chairman Crawford: If we made them do that we would be taken to Superior Court and it would be reversed...

Mr. Robinson: I would make one more comment and this is to the general thing and then I will sit down and be quiet. There has been a lot of discussion about traffic. Our traffic engineers have looked at this really carefully and I do want to say and hope that people will know and understand that there are multiple millions of dollars of roadway improvements being made by this development in Chatham County. We are not just plopping all those houses down there and then forgetting about them. I just wanted to make sure the record was clear on that.

Commissioner Howard: I want to ask about, this is a general question for us, the severability of the asks. There are seven or eight asks if you look at the individual ones on that fourth request. The ones on the buffers but there were also five...is each one of those addressed and decided upon individually.

Mr. Sullivan: You don't take separate votes on it but as far as your consideration when this comes back to you from the Planning Board, it is a negotiation with the developer at that point. If there are things you don't agree with as a Board that need to be taken out you can just say we don't agree that this particular request meets the findings and that needs to come out. They may disagree. If the applicant disagrees with either the removal of something they have requested or you may say you want to add additional conditions. If they disagree with those then we can't move forward. We would be left in a position of you would have to deny the request. If they agree to the modifications then you can certainly approve the conditional use permit with their agreement to whatever changes are made. It is truly an open negotiation. Does that answer your question?

Commissioner Howard: Yes. Then I want to make a little statement to us as we have this conversation. When we hear from a developer and they are talking about the benefit to residents or the advantages to accrue to residents they are not talking about current residents. As we are having that conversation we have to be thinking

current residents. I am a newcomer and I moved into a neighborhood in the northeast, but when we are talking about a community like Briar Chapel, that is significantly newcomers. We are not actually addressing the need, when we discuss the need we are talking about the need of current residents. We are talking about affordable housing. We are talking about whatever is important to us. That is a very different population that we are contemplating than what a developer is contemplating. To say that, and I don't think anyone is being disingenuous, we just have a different audience. To say that something is necessary, essential, important to Chatham County residents, for us that is a very different creature than what I think a developer is contemplating. I think that we can't put that on the side. We can't discount that. I think once we are sitting here in this seat our responsibility is to the current Chatham resident. That is the only group that we are called upon to represent. Aside from if your developer lives in Chatham County you are still representing them as a resident of Chatham County. I think when we are making these decisions, I am glad to hear that they are severable to some extent, there are different ways that you arrive at your answer depending on who your audience is, who you are trying to benefit. Who the recipient of your grace is. For me, I am going, I am having a very difficult time thinking about how I make a decision in favor of my constituents which are not just residents of the northsat or the residents of Briar Chapel but really also the residents of the greater community when we talk about we need affordable housing. We need access to quality education. We need diversity for opportunities for living. We need communities that offer opportunities to a diverse community. Building that offers opportunity to a diverse community. I am not saying that I am arriving at a decision but I am making a statement that we are talking about, Briar Chapel continues to be a community that reflects a very successful, upper middle class, educated portion of our population that has choices. I want us when we are talking about housing, are talking about affordability, talking about access, I want us to be thinking about people that aren't at the table when that negotiation is being done.

Chairman Crawford: That takes a lot of work outside the confines of sitting here in front of a live microphone. That is the kind of work that this board is being called to do, increasingly as we go forward. I will take issue, it is not the case of the residents versus the developer. The developer is an entity who represents future residents. We are called upon to mediate these different parties and while, obviously, the ones who are current residents are the ones who voted us in and will hold us accountable, twenty years ago they weren't here. Somebody back then made the decisions creating the processes by which we have come in here, if we are recent residents. You and I are by some people's reckoning. I am not so sure it is as cut and dry as you suggest.

Commissioner Howard: I don't think it is cut and dry. I think it is actually very nuanced and I don't think it is residents versus developers.

Chairman Crawford: I think we see this kind of energy being carried into the subcommittee work and the other things that need to be done to resolve this.

Commissioner Howard: I certainly hope you are not questioning my excitement and passion. I am not saying, and I hope that nobody in this room has any contention in what I am saying. Briar Chapel has been an excellent corporate neighbor. That community, there is a very strong sense of community. They have done wonderful things in Chatham County. They have their audience. They have their responsibility. They are very successful in what they are doing. I am saying that we have a different set of criteria and interests that we are looking at. I don't think it is versus but I think it is important to maintain the distinction between those two pools of people that we are looking to serve. You are right, I probably wouldn't have been elected in Chatham

County twenty years ago. I am a product of something that drew me here. These are the people that voted me in. I don't just represent the people who voted for me. I represent also who didn't vote. I think we need to keep these things at the forefront when we are thinking about who it is we are making a decision for.

Chairman Crawford: Other questions or comments colleagues?

Vice Chair Hales: There were only two things I noted for me and I am not sure we got an answer about that. We heard that the multifamily units will not have access to amenities. What about trails? A trail is an amenity. We heard not the pool, not the sport complex but they would have access to the trails. Then I also heard briefly that in looking at one of the multifamily developers if they get the size that they need they could possibly create their own amenity? They could create their own pool. Also, we heard Briar Chapel talk about, very proudly so and you should be, about green building. I would hope that would extend to the multifamily units so that you not only have green building process in the single family homes but you also try to incorporate as much as you can into multifamily. I still am troubled, and I know this will come out later, Commissioner Petty hit on this, we need a way to get pedestrians across the road. Siler City still has an enormous problem crossing highway 64. There is nowhere to do it because they have no crosswalks. They are working on it. That is one of their projects in the TARPO. To me, my concern is that isolates that community. If the only thing you can do is get in a car and drive across the street then you haven't achieved anything. Another thing, and I know that will come up later too is transit. I think we heard initially that we were going to have Chatham Transit on SD West. Did I hear tonight that it was East?

Mr. Robinson: There are eighteen guaranteed spaces for a park n' ride in SD West.

Vice Chair Hales: Thank you.

Chairman Crawford: Anyone else? Alright, Planning Director.

Mr. Sullivan: Good evening. We have several questions as staff that we would like to ask the applicant. We are going to start, well before I start that. There was a question or comment from one of the speakers tonight who said they would be able to provide additional comments on the five findings after the hearing tonight. I want to clarify with the quasi-judicial process. Once the hearing is closed you have the information that has been presented tonight. From a Planning Board standpoint they can ask for clarification but at the Planning Board meeting they are not going to be receiving any new information because it would violate that quasi-judicial process. I want to make sure everybody in the room is comfortable that if the hearing is closed tonight that you are comfortable with the information you have received since you can't receive any new information. If you are not comfortable then you need to continue the hearing to your next meeting.

Vice Chair Hales: Question about that. Shelley Colbert, and I believe she is gone. She had submitted a very detailed letter, I read it earlier today, to the commissioners and you, and she referred to it tonight but she did not go through all of the detail.

Commissioner Petty: She said it was posted on the County website so it is a public record.

Mr. Sullivan: It is not posted on our website because it is part of the quasi-judicial process. We had emailed her and let her know she needed to be here to present that information. The question is since she stated she provided her comments is it technically entered into the record or not.

Vice Chair Hales: That is a question I would like answered.

County Attorney Jep Rose: It is not part of the record.

Mr. Sullivan: Her comments are not part of the record. Because of the way they were submitted, by email last week, that is why I responded to her and said you need to be here tonight to present your comments. It sounds like she is gone so you have her verbal comments for consideration.

Commissioner Dasher: Is the issue that there is not a written copy. Could I make a motion that her comments be submitted.

Commissioner Howard: The fact that she previously submitted the comments that she referred to it had to be a simultaneous submission.

County Attorney: She needed to be here.

Commissioner Howard: Could she have submitted the comments in writing and not have said anything?

County Attorney: She could have appeared and submitted her comments in writing.

Chairman Crawford: I have her email right here so I could read it into the record.

(Several comments made at one time that Ms. Colbert would have to be present to have her comments read into the record)

Mr. Sullivan: I know it is getting late but we do have a number of questions we would like to ask before you close the hearing tonight. This is in regard to fire access issues. North Chatham Fire Department is invited to all of our technical review committee meetings. They have expressed over the years a number of concerns with the fire truck turning movements within Briar Chapel. We have gone out in the field with the fire department and taken some video footage as well as some photographs. We want to run through some of the issues that they are experiencing so you can see that. We also have Tom Bender who is the Fire Marshal here who will provide some additional comments about the roadway widths within Briar Chapel. These were all taken on two different trips in May. We can provide the dates.

Ms. Birchett: The reason we are doing this is so that you know, you have heard a lot of discussion about why we need multifamily housing and all of these other great things that they want to add to Briar Chapel. When you open up a conditional use permit you open up everything about that conditional use permit. This is an opportunity for us as well as the County to discuss issues that have been arising over the last several years and problems that we know exist to see if we can come to some type of resolution or reconciliation on how we can fix some of these things that we know are going wrong. This is what we are bringing to you now.

Mr. Sullivan: This is just a photo of the ladder truck from North Chatham Fire Department. This is one of the roadways, this is a one way road with a two lane divided median section. This is a road that does have restrictions on parking. This is just to give you a feel for the size of truck that would be deployed in case of a significant event in Briar Chapel. This is a video taken from inside that same vehicle. This is coming into the main entrance of Briar Chapel. The speed is a little deceptive in this. We were probably going about thirty, thirty-five miles an hour but it appears we are going much faster. This is just to give you an idea of what it looks like in the

interior of the vehicle as you are driving on some of the main roads. This is within the development and inside the fire truck taking a turning movement off of one of the roads in the community onto another road in the community. You can see the wide turning radius.

Vice Chair Hales: And that is a two way road.

Mr. Sullivan: That is correct. This stretch doesn't have any designated on street parking until you get to this point. You'll see where there is on street parking provided. There is a wider roadway in this particular area. This is another video of another section of roadway in Briar Chapel. There is no designated on street parking but the on street parking is occurring in the development. He is a good driver, I was really impressed. This is just a photo showing where you have cars parked on both sides of the road. This is just showing some construction debris. This is what you would typically find at a construction site. These are things that are going to occur in any development where you have construction occurring. You are going to have things in the road. These are more temporary conditions where you have things that are a limited duration but we did want to show you some photos of that as well. This is a picture of the same truck moving between two vehicles. One of the things to point out in talking to the driver, when they set up for deploying this vehicle and set up at an event they have out riggers that have to come out on either side. They have got to have room for those to be deployed so that they can set up the equipment to use it. Just another example of turning movements, again this is with construction traffic and you also have a resident parked on the road. In this picture looking from the back just maneuvering that same construction trailer that had been parked on the road. Another picture of two vehicles parked on either side of the road. You can see it is somewhat narrow. Also, in these situations the driver had to slow down to almost a crawl to make sure they had the clearance. This is a picture where the out riggers are not fully deployed but just showing the issues that can arise. One, you have got the vehicle on the left that is an obstruction and then on the right hand side a deployment of that out rigger onto a grass area, which can create its own problems from a stability standpoint. Another picture of a turning movement. It is not that this is an exaggerated photo. The driver is having to deal with a number of things. One, they've got the projection of the ladder sticking out over the front of the vehicle but they also have to deal with the fact that the rear of the vehicle with the turning movement just doesn't turn like a car. You can see that picture as well. This is a video. This is turning from one of the roads that does have a restriction on parking onto a road that does not have a restriction on parking. The driver, it looks like they are kind of exaggerated turning movement but it is the fact that he has to deal with the back of the vehicle to make sure he is not running into things. You can also get a good perspective on how slow they are having to drive on this particular street.

Commissioner Dasher: What would you propose?

Mr. Sullivan: That is something when the Fire Marshal comes up, I think he will talk about some of the issues and maybe provide more perspective. I also have this video similar to what you have seen before. I will play this video. This was an interesting situation. There was a vehicle parked close to the intersection.

Commissioner Howard: Are there minimum road widths.

Mr. Sullivan: The Fire Marshal will cover some of that when he is up here on the fire code requirements.

Commissioner Howard: Are any of the videos in the newer section with the tighter home spacing?

Mr. Sullivan: I think this is a good representation of what is occurring in different sections. This is a video, you saw the previous video from inside the vehicle and this is looking from the rear. This gives you a good perspective on what they are having to deal with and why they are having to make the exaggerated turning movements. I will turn it over to the Fire Marshal at this point. Here are some sections of the fire code and if we need to we may need to blow them up.

Fire Marshal Tom Bender: Good evening commissioners and members of the Planning Board. I appreciate the work that Jason and his bunch did here. The code you are looking at up there is Code Section 503 of North Carolina Fire Prevention Code. Basically that code requires twenty foot width of unobstructed width of access. It is applicable to when you have three or more residential dwellings on a road. It is always applicable to commercial occupancies. Where it kicks in with the fire code with residential is when three or more one or two family dwellings. It requires a twenty foot wide access. Requires a thirteen foot six inch vertical clearance from trees and obstruction of that nature. Also requires an all weather driving surface that will withstand the 75,000 pound load on the pavement. That is what the fire code requires. A little background on the video you just saw. Tower two is approximately a forty-seven foot long truck. It has those outriggers as Jason alluded to, when they are expanded they go out fifteen feet from that vehicle. They cannot be short jacked because the vehicle is not designed that way. Placing the one out riggor on top of the grass or a sidewalk is not a safe thing to do. First of all, you don't know what is under the grass. You don't what compaction rate it is. You don't know if there are utilities under there. You don't know if you are going to go on the sidewalk if you are going to crush the sidewalk. It really is only practical to deploy those out riggors on the road. People have asked why this truck. It is bigger than the engines as some of you know. Why does this truck respond to a residential area like this? As you are probably all aware of, the building code allows for these buildings, and I am talking residential structures, six feet apart. We used to be able to take firefighters to protect the homes next to the one unfortunately burning, we used to take firefighters and place them between those houses. With a six foot distance you can't put fire fighters in there safely so we have, in this particular case this truck can produce 2,000 gallons of water to protect the two houses on each side of the one that is burning. The engines will be coming before the ladder trucks. The engines are normally thirty-four to thirty-six feet long. The things I am giving you are things I have recieved directly from Chief John Stroud of North Chatham Fire Department. He also anticipates that God forbid there is some sort of fire in an area like this, Carborro and Chapel Hill will also be bringing their ladder truck too. Any fire is congested. Time is a factor getting there and with as many vehicles as we can we want to get them there safely. The concerns of the Chief are listed here for the commissioners and the Planning Board. They would like to see in the future some consideration for the overswing of the aerial platform section such as signage and especialy trees that are so close. You kept seeing the T 2 above where you were looking out, that is the actual platform and that is the thing that takes up so much room to move around trees and objects. The Chief has indicated his concern as POV's are parking on both sides of the street. POV's staggered on both sides of the street. Construction vehicles, same issues with the parking. Construction trailers unhooked and as Jason Sullivan said, that is kind of a temporary thing. I don't think things occur like that on a permanent basis. Construction vehicles blocking fire hydrants. On street parking needs to be wider. At T intersections no blocking. When we came to that T intersection, some sort of provision to take that parking away from that intersection where that truck can make that swing without having to do the backup, go forward, backup, then finally getting around the corner. The Chief has listed his main concern as mobility and accessibility of apparatus. I think he has some solutions and ideas to this and is glad to work with the County Commissioners and Planning Board and Newland

Community. This is something that we wanted to bring forward and show you there is a concern here. If there are any other questions I am available for them.

Vice Chair Hales: Your primary recommendations have to do with parking?

Mr. Bender: I think in this case it is the parking. I am just going to throw this out. If there are places where there is no parking on some roads and only limited to one side that might be a remedy. I think you really have to look at a case by case basis in the locations, proximity and density. The density is going to be a concern with the new parts, the multifamily dwellings.

Vice Chair Hales: Didn't I hear there was a problem with some of the alley widths? I am forgetting if it was Briar Chapel or somewhere else.

Mr. Bender: In regards to the alleys we never, and I say we, me and the fire departments when we are reviewing the plans, the alleys were never intended to have a fire truck. The main reason there is the close proximity of the structures. Very few fire ground commanders will want to commit their trucks to a burning structure close to another structure where you can't get out.

Vice Chair Hales: So is this going to be brought to the Planning Board as well?

Inaudible

Mr. Bender: I thank you very much for your time.

Chairman Crawford: Thank you sir for staying with us so late.

Ms. Birchett: The next thing we are bringing up, and I apologize but these are things we need to get entered into the record. Some people don't know this evidently that all of our departments communicate and when something comes in they come and ask us is this ok. That doesn't always happen with some state agencies. The state kind of does what they want to how they want to and when they want to and there is no consideration to whether the county is ok with it or not. We were advised that Briar Chapel Newland Communities had applied with the Army Corps of Engineers in February 2017 to revise their 404 permit for stream impacts. That map is being brought up to you today. Environmental Quality came to us and asked us, hey do y'all know about this? Does this match what you currently have approved? We pulled the current existing master plan of which it does not. The proposed one that they have submitted into evidence tonight, their revised master plan, does not match the plan they submitted to the state. With that being said, the permit also shows there is an increase in total linear footage. The applicant advised Environmental Quality during a meeting that we had with them that it was a one to one swap. If we are going to take out this stream we are going to preserve this one. According to the review that we've had of the 404 permits that is not the case. There is an increase in linear feet of impacts to the water features in Briar Chapel. We are asking for an explanation for the discrepancy between the revised permits and master plan under consideration tonight. Are they considering submitting a waiver request in the future? Do you want me to go point by point or just through everything now? Point by Point? Ok.

Mr. Robinson: Couple of things. With regard from the testimony from the Fire Marshal. We appreciate that very much. It has certainly been an issue. To bring a little more information into the record. Some of you may know, some of you were here when it was approved and originally Briar Chapel was approved as part of the Compact Communities Ordinance there were some street guidelines called Traditional Neighborhood Design promulgated by the DOT. Those roads were even

more narrow than the roads that Briar Chapel ended up building. This issue came up early on in the development. We had an extensive conversation and negotiation with the Board of Commissioners and the North Carolina Department of Transportation which resulted in a letter which was sent by the Board of Commissioners of Chatham County to the State Highway Administrator. I will hand in a copy. I've highlighted that section and I'll tender that into the record. Basically there was a lot of back and forth and we need to make the streets safe and the streets wound up being twenty-seven feet from curb to curb. There was a whole set of internal street guidelines for Briar Chapel that was promulgated and the Board of Commissioners communicated to the DOT a letter, which said in part, we want it to be clear that the County supports these internal street guidelines and finds them consistent with the intent and approvals of Briar Chapel. NCDOT approval of the internal street guidelines is sufficient for Chatham County and in compliance with its ordinances. At its meeting on October 15, 2011 the Chatham County Board of Commissioners unanimously approved the contents of this letter. Hopefully this clarifies any ambiguity that may have existed as to our county position with respect to this issue. All of that to say, there is a whole history of how we got to where we are. I don't dispute what the Fire Marshal is saying about the fire code needing to have twenty foot widths. We've got more than that. I also don't dispute that there are some issues that you can see in the videos. I think it is important to say that we got to where we are through a very considered process that we relied on when constructing the neighborhood.

Chairman Crawford: I might have to stop you there and ask. This shows that the process allows to have this situation that we currently have obtained. My question is why aren't you, why don't you want to fix it? Why don't you want to inconvenience your people by saying only parking on this side? Put up the signs. It seems to me the safety issue kind of indicates your commitment getting those trucks in and out as fast as possible and if it means no parking on the street at all and then enforcing it then that solves the problem. This gives you permission to be wrong.

Mr. Robinson: I agree. All I intended that for was not to say this is not what we are going to do evermore. I intend that to say this was all considered a while ago and we received permission to do what has been done and built in accordance with the permission that was given. Certainly the conversation about are there some things that can be done to make it so that now in practice when there are people living in the houses and they have cars and some of them want to try to park them where they know they are not supposed to park them are the things that can be done. The answer to that I am sure is yes.

Chairman Crawford: You are an attorney. You know when the worst case scenario happens. I don't even want to bring it up. But that is what we are looking at in terms of emergency vehicles not being able to get to where they need to be and houses that are in close proximity.

Mr. Robinson: The other thing I want to do, and I can't remember now whether I introduced Lucy Gallo's report. Here is another one just in case.

Commissioner Petty: Nick, if I could back you up for just a second. Part of the problem too is the fire service is no different than any other entity that we deal with. As time goes things change. Trucks are bigger, they are longer, they have ladders on them that they didn't have at one time. I don't know what age this truck is but I dare say, was it in service in 2011?

Inaudible

Commissioner Petty: You don't always anticipate everything that you need to do. It

doesn't mean we don't need to do anything but obviously we've got an issue that needs to be dealt with. You don't have a crystal ball. You can't visualize all of these potential problems sometimes.

Commissioner Howard: There is also the issue of where do you park if you are visiting someone? If the only parking is your garage.

Mr. Robinson: There are all kinds of different neighborhoods with different arrangements in Briar Chapel. Some of them have a little cut out that you saw where you see where visitors could park. Others have enough space on the car pad that is outside the garage for more cars to park. Theoretically, if the kids haven't left the tricycle on the car pad then a visitor could park there. That is the idea. There is a solution for all these things. The other thing is Briar Chapel in the middle of all this conversation that occurred several years ago, Briar Chapel also voluntarily built a few satellite parking lots sprinkled around the areas where they have been building for exactly that. To allow visitors to park near where they are going but not exactly in front of it.

Commissioner Petty: Didn't we come back a few years later and redo some ordinances because we did the same thing where we went through and widened the street and made sure it was part of the development of future projects?

Inaudible

Chairman Crawford: Mr. Sullivan said that was for minor subdivisions.

Commissioner Petty: Because at the same time we dealt with eliminating only one way in and one way out. Having multiple paths, we dealt with that. Street width and all of that all at the same time a few years ago.

Mr. Sullivan: That primarily dealt with the issues of minor subdivision roads, which serve up to four lots, trying to make sure we were compliant with the fire code requirements. It was an opinion that was issued from the State Fire Marshal's Office that we needed to make sure we were in compliance with that. It didn't have an affect on DOT approved roads. We have kind of a unique situation here with Briar Chapel.

Commissioner Petty: But if we were to go through this same process again would we not use those same guidelines? This is something that was put in place before we knew it was an issue.

Mr. Sullivan: We wouldn't use the new guidelines that were approved to deal with minor subdivisions. We would be looking at a different issue with a high density development.

Commissioner Petty: Why would we not use the same guidelines for a high density development if they have the same problem?

Mr. Sullivan: The minor subdivision deals with up to four lots.

Commissioner Petty: The higher density just multiplies the problem.

Mr. Sullivan: These are public roads so you are serving more than four lots. It is just a unique situation we had to address with a minor subdivision.

Commissioner Petty: Ok

Mr. Sullivan: I think with a UDO rewrite we are going to be reevaluating this specific issue. I do have one follow up question with regard to the letter that was handed out. This was a letter that was in response from Newland Communities to support their submittal to NCDOT for internal street guidelines. It is my recollection that those were not approved by the Department of Transportation. Is that your recollection?

Mr. Robinson: I remember that there was a booklet..

Mr. Sullivan: And DOT did not approve those standards.

Mr. Adams: Richard Adams again. I know that some of the departments saw them and I don't know if they issued a letter of approval but I do know that it went through their process and I don't believe they had any objection to them. We did go through a detailed process with DOT to agree upon the standard widths of the roads going forward. This was an issue that came to light and there was a great deal of debate and discussion went on. It is very much a trade off. With wider streets, obviously more impervious and the fire trucks can go faster and faster that means cut through traffic goes faster and faster. It is a trade off of a lot of different priorities. Lots of different places have gone through this type of discussion. As an example, where I live in the City of Raleigh I live on a twenty-seven foot wide road where the parking is allowed on both sides. I have seen fire trucks come up and down when my neighbors have made calls. The current Raleigh ordinance, which is actually a fairly new ordinance, does allow twenty-seven foot wide, they actually call it a neighborhood yield street. The whole idea is that opposing traffic, you don't necessarily always want them to be able to pass at high speeds. The neighborhood yield street does allow a twenty-seven foot wide road allowing parking on both sides in neighborhoods with the net effect of slowing traffic down. Yes, it does slow the fire truck down as well. You have to be very careful. You don't want it everywhere but on very local short streets it is in many places considered a very appropriate street width to allow parking on the streets. As the video demonstrated you really need to look at intersections, in particular, and make sure you don't create those problems that can occur. I do think that the twenty-seven foot wide street is appropriate with on street parking. Again, looking at it on a case by case basis making sure all those tight points are covered.

Vice Chair Hales: Is Briar Chapel twenty-seven or twenty-six?

Mr. Adams: I believe it is twenty-seven.

Vice Chair Hales: I thought I heard twenty-six.

Mr. Adams: Twenty-seven back to back which is exactly what the Raleigh code, back to back like back of a curb to back of a curb.

Mr. Robinson: With respect to the 401 and 404 permit revisions. Mr. Huysman is here and he was in charge of that and that is a whole separate permitting agency. We recognize that there are some elements of that permit that are different than what our master plan for Briar Chapel says. To the extent they are different we can't implement them unless we get the master plan changed to allow that. That would be done, historically speaking, either by a requested waiver where we came back to you and requested a waiver or it would be done by an additional amendment to the conditional use permit where we come back to you and ask for permission. That is what we would do. They don't have any present intent to request a waiver at this time.

Chairman Crawford: So the question I heard our staff ask is do you intend to file

waivers and your answer is at this point, no.

Mr. Robinson: Right, but that could change. I think too, we could in a year seek an amendment to the conditional use permit.

Chairman Crawford: So your answer is maybe.

Mr. Robinson: Correct. The main answer is we would have to come back to you.

Vice Chair Hales: It sounds like staff is wanting this aired because of the conditional use permit changes that you are requesting. What are the differences between what you had been permitted before and what you have one here now..

Mr. Huysman: First of all the Army Corps and state process, Chris Huysman, Wetlands and Waters. The Army Corps process is very different than a local process. What kind of confounds some of this is the Army Corps for their permitting purposes looks at a different project boundary than what the county is looking at. One instance is we had to include the US Steel property as part of our current Army Corps permit. According to our tallies we had a slight increase of just five feet of stream impacts when you net out what the permitted impacts were versus some of the temporary impacts. We increased the wetland impacts by seventy-two square feet. It is very trivial impacts. Then there is another whole layer of confusion that gets added in there when you talk about perennial streams and intermittent streams and what your mitigation ratios are. At the end of the day through their analysis being the Army Corps of Engineers, they essentially found that the permit modifications, which could basically be looked at as swapping some of those impacts around, were very minimal and they passed their findings. They passed the US Fish and Wildlife Service and the North Carolina Division of Water Quality. Everyone reviewed those and approved those. Again, as Nick stated, we have an Army Corps permit but you as a local controlling authority, you have the final say on where that gets applied.

Commissioner Dasher: So what instigated the new permit application?

Mr. Huysman: Our existing permit was in the process of expiring. So Army Corps permits are issued for durations where you then go in and get your permit revised.

Ms. Weakley: The Planning Board deliberated just last month a possible stream crossing that would link two neighborhoods within Briar Chapel. On the preliminary plan, it showed a bulb not a stub out. Staff thankfully reviewed the plan before it came to us, and realized that it was showing something that had previously not been approved, so Briar Chapel had to come before us to get a revised plan. I noticed on the 401/404 that stream is shown as an impact area. I feel like it's disingenuous when you are showing certain things on that plan and different things here, and coming back piece meal with waivers and changes. You obviously have a plan that you've gone through the process with the Corps to submit and get approved. I would think it should reflect what is going through the County process. Can you explain that?

Mr. Robinson: I appreciate the question. There are a lot of things as you can tell when you draw out a little further on this map, there are a lot of things on there. There are a lot of buffers that were, there were a lot of impacts that Briar Chapel was entitled to make to streams that it did not make. What is good for the goose is good for the gander sometimes. The Army Corps of Engineers acknowledged that and said yes, look you were allowed to impact this stream here and you didn't do it. You get some credit for that. Where we wind up is with this five foot differential on the streams and seventy-two foot differential on the wetlands. It is true that this shows an array of potential impacts that could occur but it doesn't necessarily mean that

they are ones that will occur. We have a big project. We had a time where we had to renew a permit on a large project with many different moving parts with a market that is constantly shifting. We have preserved for ourselves as developer options to do a number of things. Whether or not we come back and ask for permission to do those remains to be seen. That doesn't mean that we can't get a permit from another agency to allow it if we should decide to ask for it.

Ms. Weakley: My concern is that the Army Corps approves this stream crossing, and you then come back to us and say the Corp gave us permission so you should give us permission too.

Mr. Robinson: I just said that we would come back to you all...

Ms. Weakley: And then the pressure is on because you have a permit to cross the stream...

Mr. Robinson: I just disagree.

Ms. Weakley: ...this was the discussion we had at the Planning Board level about the stub out vs. the bulb. And the four of us who voted that evening [against approval] thought it should not be approved because of that very concern.

Ms. Birchett: On that same subject before I move on I will say that it wasn't just a permit with the Corps of Engineers, the applicant actually submitted plans to the subdivision administrator as well for the preliminary and final plat for Phase sixteen south, which originally included a stub out, the cul-de-sac which now shows a stub road to the riparian buffer indicating in some point in time a road crossing. Lynn Richardson is here. She is the one that caught that. It got issued in more than one spot and still never matched the master plan and we didn't know what was going on. So it is not just the Corps involved there was also official plans submitted to the subdivision administrator that showed this same change that never got approval from the Board or anyone to take care of. The next issue we want to raise is the revised master plan shows a reduction of the perimeter buffer from 100 feet to 75 feet where Phase South is proposed. They have submitted a preliminary plat application for that phase for the June Planning Board meeting, this is the one where they want the reductions to the retaining wall, which still shows the 100 foot buffer intact. The lots are platted. Land and Water Resources also has a plan that shows the retaining wall without the buffer reduction. We are really confused if this reduction is actually necessary and can they not do it the way they have submitted to the subdivision administrator?

Chairman Crawford: So you have paperwork where you are abiding by the 100 foot buffer but tonight we have a request to allow it to change in this one instance. How do we reconcile your asks? Which one do you really want?

Mr. Bowman: It was a timing request. Based on the timing of the submittals we went forward with the one with the retaining wall. We can get the plat approval from a preliminary standpoint, go back during the construction phase if we got the approval then we would do the construction without the retaining wall.

Ms. Birchett: Just as a side note. This was their second submittal. The first submittal was back in the first part of March, end of February, a couple months before that plan came in. The next clarification that we are asking for is, I think we talked about that earlier or at least we heard testimony earlier that the reduction, the actual need for the reduction in the perimeter buffer in SD North is for the proposed multifamily units. We don't know exactly why they need the buffer reduced. We are

still not clear as to why they need it other than is it just something that they want because our concern is if you put a three or four story apartment building on lot number four and you have taken out half of that buffer, it is going to be way visible because of the cleared transmission line easement that it backs up to.

Mr. Bowman: Let me see if I can pull that up here to kind of give you a visual. You can see kind of right here, this exhibit shows a proposed building and a stormwater pond and we have looked at a couple of different ways of how we can develop that. In getting this buffer reduction, that is the tower right there for the overhead power line, the only thing that we could do in the overhead power line easement is parking. That buffer reduction in the perimeter buffer would be used for parking. It wouldn't be for buildings, it wouldn't be for stormwater. Duke Power would allow for parking so that is the reason for the request. This drawing shows just a block but that is basically what the request would be for.

Mr. Sullivan: Could you provide an exhibit of the overlay of the utility right of way in relation to the buffer moving forward? I think that would give us a better idea if the entirety of the buffer is impacted or what part of it.

Mr. Robinson: I agree. I looked at an overhead of that and I wish I had an exhibit of it. A large chunk of the 100 foot buffer is already cleared because it is a part of that 300 foot powerline right of way. There is a small section in a corner because of the way the right of way cuts across the property that has some trees in it where they would put some parking. We can put this in the record. I don't expect anybody to be able to parse through it and see it but this will help lodge the place in the record for a more visible exhibit. What this shows, for the record, it shows that lot four, it shows the way that the 300 foot high voltage powerline right of way crosses it diagonally. It shows where the 100 foot buffer is. If you look at the line where the waiver would be given you can see the handful of trees that would be implicated in that. We will get a clearer exhibit of that to replace it with.

Ms. Birchett: Next question or concern for clarification. Since the Dollar property has been removed, let me just get the master plan pulled back up here. This white square in the middle was the Dollar property that got rezoned and pulled out of the compact community. Since it is no longer part of the compact community we are concerned as to why they are not showing a perimeter buffer around that property.

Mr. Robinson: Good question. It has been that way since 2012 when it came out, I think. It never has shown a perimeter buffer there. It is interesting because I don't know, it is an interior property and not a perimeter property so I am not sure technically if it requires one. To be honest with you I haven't thought of it.

Mr. Sullivan: In reviewing this, I think what brought it to our attention was the original application submittal showed the multifamily being in that area. It really raised something that we had missed previously in 2014 of asking should there be some type of buffer around that particular piece of property because it is a donut hole in the project now. Just something that we wanted to present to the Board and present it in the record if that is a point of discussion moving forward of whether or not there needs to be some mitigation for that property.

Vice Chair Hales: You are referring to the little white rectangle in the purple part there?

Mr. Sullivan: Yes.

Mr. Robinson: That property was originally part of the conditional use permit but the

developers never could contract a purchase of that property. In 2014 the landowner of the white, we call it a donut but it is a square donut, applied on their own to have it zoned back to residential. Since that time we have never changed the land plan with respect to whether there was a buffer there or not.

Mr. Sullivan: I think we are nearing the end of our questions. Just a few more. The Compact Communities Ordinance includes a requirement for provision of affordable housing units in a compact community or approval of an alternative method. The original conditional use permit in 2005 provided for a payment in lieu option for 2.5% of the lots based on the maximum of 2,389 units. In 2014 the conditional use permit amendment included the remaining 2.5% allocation converted to a lump sum payment. At the same time the dwelling unit count was also increased by 111 units to 2,500 and there was no commitment for affordable housing for those additional units and then the application presented tonight includes an increase in the dwelling unit cap by an additional 150 units to 2,650 for a total. There is no indication that any of the additional units are allocated for affordable housing so how do you propose to address Section 12.3A of the Compact Communities Ordinance to address moderately priced dwelling unit requirement for the additional 261 lots?

Mr. Robinson: We haven't heard any of these questions before tonight. I may take a moment to confer. I hope I will get all this right. You all may not know this level of granular detail but for every lot at Briar Chapel that gets approved on a plat, every residential unit, they pay an affordable housing fee of \$460.44 per unit. That is an affordable housing fee that is paid to the county. In addition Jason mentioned the lump sum that was paid of \$900,000. For all of the additional units that we are requesting we would continue to pay the \$460.44 per unit. If it was implied that we weren't we didn't mean that and we certainly would have budgeted for that and anticipated doing that.

Commissioner Dasher: I thought there was a max amount that was agreed upon.

Ms. Ford: That two million probably did not incorporate the new units. I think whatever we would need to do to address the language for affordable housing....inaudible. It is our intention that the current system that is in place for affordable housing, which was a combination of a lump sum payment along with \$460.44 per unit would continue with any additional units that were added both in the previous update. What is it 261? 261.

Mr. Sullivan: To clarify on the way it worked previously. The original conditional use permit amendment we negotiated \$1.1 million for 2.5% of the original 2,389 units. That is where that \$460.44 came from. That represented 2.5% of the 2,389. The remaining 2.5% was a lump sum payment so for the additional lots, again I am not trying to hit you for more money, but I think the number would need to be increased because it would be 5% of the 261 new lots and not 2.5%, unless the Board is comfortable that the lump sum payment was still for the remaining 2.5%. We have a 5% requirement that would apply to the 261 units. I don't know if that makes sense for the Board. I just want to make sure everybody is on the same page. If everybody is comfortable with the \$460.44 I am comfortable with that. I just want to make sure we understand the ordinance provisions. The ordinance does provide for other alternative methods. Just want to make sure we are all on the same page moving forward and everybody is comfortable.

Commissioner Howard: Did the original arrangement extend to future increases in the cap?

Mr. Sullivan: It was just based on the 2,389. I think the way the condition was

worded it actually tied to the 2.5%. Which in theory the 2.5% for that portion could carry forward for the remaining 261 units. Then that leaves you a 2.5% gap that needs to be covered.

Mr. Robinson: I would reiterate what Laurie Ford said. I appreciate the comment. I think what we will do is bring more clarity to this at the Planning Board Meeting, just go back and look and make sure that the percentages you are talking about are right and make a presentation to the Planning Board about how to get back in the right on that. Whatever it might take to do that.

Mr. Sullivan: I think we are at the final question. This is in regards to the traffic information that was provided. I know Richard spoke tonight on the information that I think has been provided in the application. I do want to clarify for Richard's comments tonight the information that was submitted in the application was based on the multifamily units being in the northern property boundary or the northern area as well as possibly scattered within the commercial areas. Are you still comfortable that with all of the multifamily being allocated to the commercial areas that you still don't see any impacts as it relates to the original TIA? Similarly, I was just wanting clarification of whether or not, well I think the school was not included in the original study. I am sorry not the original study but your analysis in the application. Is that correct? Inaudible. Ok.

Mr. Adams: Again, Richard Adams. To answer the two questions. Regarding the specific location of the additional multifamily units. Yes, I am comfortable that if the multifamily units are located in the commercial areas along 15-501 that my statement still stands and my analysis. It was not specific to a particular part. It was a trip generation comparison. It is certainly still valid with the location specifically along the highway. The school question. We did not include the elementary school in our trip generation comparison but as I said before the TIA being done for the school system actually adds on to what we've done. Also to answer another question that came up earlier, it does include the Willow Montessori School. That traffic study is kind of the answer to the question about the elementary school. It does include all of Briar Chapel and it does include the Willow Montessori School as well.

Ms. Birchett: I just have one last one. There was an impervious surface calculation document that was given and the impervious surface is based on the resulted acreage from when the Dollar property was part of the CUP. They corrected the application to take that out but the impervious surface calculation sheet hasn't been changed. It also needs to incorporate the parking area that they are going to allow the church to have on their property as well. We need to see what those numbers are going to be. We need new impervious surface calculations for the whole project.

Mr. Robinson: We can certainly facilitate that for the Planning Board meeting too. We have a note to that affect. I am not sure what the status was of holding the hearing open for Ms. Colbert's comments to get in but if that is the only thing holding us up we would give consent to allow them in. I've never seen them but we would consent to allowing them in in order to keep the process moving.

Vice Chair Hales: Can we do that?

County Attorney: If he consents to it you can.

Chairman Crawford: He has consented to it so we will make sure her comments, which have already been distributed to this Board, will become formally part of the record.

Mr. Robinson: We would like to get a copy at some point.

Vice Chair Hales: Sure. The Clerk can do that.

Shelley Colbert submitted the following written comments:

I object to this application as follows, for failing to meet all requirements under the Conditional Use Permit Requirements (Five Findings). Below I quote the exact language that the county uses on its website and I have indicated (in caps) where the county version differs from the language submitted by the applicant under Tab F in the application:

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

- *The applicant too narrowly construes the meaning of the word "district" to render this requirement a meaningless tautology by ignoring the uses applicable to sub-districts within the CCO and clearly identified in the site plan. This finding is not met or addressed specifically at Tab D, which describes significant changes to use, especially with respect to multi-family housing in an area where it was previously prohibited.*

- *This application attempts to change a previously ineligible use to an eligible use within a specific portion of the master plan subject to the CCO.*

2. *"The requested conditional use permit OR REVISION TO THE EXISTING PERMIT is either essential or desirable for the public convenience or welfare." The applicant has not demonstrated the need or desirability for revisions as required under this finding except to assert it, without persuasive evidence, as follows:*

- *A-2 Buffer Request, to which I again restate the objection as noted on the CCO to the incremental approach to key components of the master plan such as buffers. Buffer waivers are deserving of your highest level of skepticism and scrutiny because the cumulative effect can be environmentally significant.*

- *A-3 Additional high density residential units are not desirable for public convenience or welfare in areas where they will negatively impact existing infrastructure, facilities, homes and residences. The applicant proposed to put up to 350 apartments in areas either previously prohibited for such use, or for which such scale would exceed prior unit limitations. A large-scale project as specifically described is not essential or desirable in any location within the CCO, especially with respect to related/impacted Finding Number 5.*

- *A-4 Revised Table of Uses should be rejected outright for reasons noted above under A-3 and below with respect to negative impacts under Findings 3, 4 and 5.*

- *The fact that there are no comparable high-density projects in Chatham shouldn't be much of an intellectual stretch in order for the applicant to consider negative impact given comparable examples available outside the county but within the commuting area/region. A large-scale apartment complex nearly double the size previously permissible (to 350 from 200) is incompatible with the character of Chatham County and would be a detriment to the public safety and welfare.*

3. *The requested PERMIT OR REVISION TO THE EXISTING PERMIT use will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community."*

- *The applicant's statements under this finding do not address at all the impact of revisions and changes to the Table of Uses for current residents of Briar Chapel, Mann's Chapel and Fearrington who would be affected directly by an increase to the number and density of units. Despite the fact that the CUP /CCO total represents a cumulative 11% increase of units to the master plan, this finding indicates "no changes" for traffic, lighting, noise, chemicals and signage, and is simply not credible on the face of it. Noise, for example, is addressed only as to volume but not*

frequency. More specifically with respect to traffic under 3A, the Kimley traffic study letter specifically notes its impact assessment "for the development as a whole" [emphasis added] without noting that significant impact will occur in certain areas of the community and surrounding neighborhoods involving hundreds of existing residential units.

- This application will, with certainty, negatively impact the integrity and character of the existing homes and business in the surrounding community and will be detrimental to the health, safety and welfare of the community. I invite the commissioners to visit the community and see firsthand how the already-narrow streets will not be able to safely absorb activity of all kinds (vehicle and pedestrian traffic, parking, emergency services, etc) caused by increased density and total units.

4. "The requested permit will be OR REMAIN consistent with the objectives of the Land Conservation and Development Plan."

- The CUP application is inconsistent with the land conservation and development plan and the "wild nature" setting for Chatham County. The proposed unit increase and densities revisions are not matched with ANY proposed increases to open space or recreational facilities. Putting a large apartment complex in the heart of (or adjacent to) an existing residential area, without adequate, identified access to public transportation subverts the planning requirements under this finding.

- In addition, I have previously contacted the commissioners concerning the applicant's poor stewardship of the existing Briar Chapel community on environmental issues, and its failure to execute its responsibilities for ensuring compliance with current CCO requirements for impervious surfaces, runoff, native plants, etc.

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

- Astoundingly, despite a proposed cumulative increase to the CCO unit size by 11%, the applicant indicates "no change" to this requirement. I note that the applicant also changes the county's language of Finding 5 to "other necessary facilities" and omits specific reference to "recreation" and "open space" "consistent with the County's plans, policies and regulations" found on the planning website.

- This is no small omission. These incomplete assertions are inconsistent with county requirements and will negatively impact current and newer residents alike in their access to all facilities, recreation, open space and infrastructure in the community.

- This finding doesn't come close to being met in the application, since it makes no additional provisions to support a significant increase of population that could reasonably be extrapolated from the proposed increases and usage changes. I couldn't find any population projections in the application, but that's something I urge you to question the applicant about. (261 additional units to the original master plan would add at least 652 people at 2.5 persons per household/unit- which I suspect is a low estimate.)

The related Newland CCO and CUP applications before you do not meet the requirements under the five findings. The application doesn't adequately or completely explain the scope of changes and admits no foreseeable negative impact whatsoever (nor does it make any attempt to mitigate or address any negative impacts). The application(s) subverts the master plan with a piecemeal approach that threatens the quality of life for current and future residents, ignores environmental impacts, and fails to address any need for a commensurate increase to facilities, recreation, open space and infrastructure.

If approved, the applications will ultimately result in shifting the cost of the applicant's inadequacies onto the citizens of Chatham County. I urge you to reject them.

Chairman Crawford closed the hearing.

This Agenda Item was referred to the Planning Board.

MANAGER' S REPORTS

The Manager had nothing to report.

COMMISSIONERS' REPORTS

The Commissioners had nothing to report.

ADJOURNMENT

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

Aye: 5 - Chairman Crawford, Vice Chair Hales, Commissioner Petty,
Commissioner Dasher and Commissioner Howard



Chatham County, NC

Meeting Minutes

Board of Commissioners

Thursday, June 8, 2017

6:00 PM

Agriculture & Conference Center - Rooms A & B

Special Meeting with the Board of Education

CALL TO ORDER

Vice Chair Hales called the meeting to order at 6:10 PM. She stated Chairman Crawford would be a little late.

Present from the Board of Education: Superintendent Dr. Derrick D. Jordan, Attorney Eva DuBuisson, and members Gary Leonard, Jane Allen Wilson, David Hamm, Melissa Hlavac, and Del Turner.

Present: 4 - Chairman Jim Crawford, Vice Chair Diana Hales, Commissioner Mike Dasher and Commissioner Karen Howard

Absent: 1 - Commissioner Walter Petty

BOARD PRIORITIES

17-2219

Accreditation Report

Attachments: [AdvancED Exit Report PPT Chatham](#)

[AdvancED External Review Report approved Chatham](#)

Dr. Derrick D. Jordan gave a presentation to the group. (Presentation attached)

Vice Chair Hales asked how long the accreditation process lasts. Dr. Jordan stated about one year.

Vice Chair Hales asked if having an advocate for each student was already something Chatham County Schools was considering. Dr. Jordan stated yes. Communities in Schools is a big part of that.

Commissioner Howard asked if accreditation is voluntary. Dr. Jordan stated it is voluntary and the school system initiates the process. Commissioner Howard asked if it is voluntary everywhere. Dr. Jordan stated he is unsure if it is voluntary in other states but it is voluntary in North Carolina.

Commissioner Howard asked if the team had access to Flight Plan 2020. Dr. Jordan stated they did have access.

Vice Chair Hales asked if these were different findings than were found five years ago. Dr. Jordan stated the findings were very different. The last process found the school system to be greatly fragmented. The latest process found that the school system has improved.

Commissioner Dasher asked if they have a good evaluation process for programs. Dr. Jordan stated yes. Chatham County Schools is engaged in assessment but a formal process has not been identified for every program. They are currently working on evaluating and strengthening the dual language program. They are also in the process of creating a list of programs and putting them on a review cycle.

17-2220

Legislative update and impacts

Attachments: [CCS Legislative Updates and Impacts](#)

Dr. Jordan gave a presentation to the group. (Presentation attached)

Commissioner Dasher asked if it is legal to make the Driver's Education a need based fee structure. Dr. Jordan stated more than likely but it could become muddy trying to orchestrate that. Mr. Leonard stated the state limits the fee (\$60/student max).

Commissioner Howard asked if the schools would maintain the level of teachers in grades 4-12. Dr. Jordan stated they have wide flexibility. There is the potential for HB 13 to impact higher grades. Commissioner Howard asked if the thirty teachers needed by 2018-2019 is in addition to current staff. Dr. Jordan stated it depends on who you ask. According to the state it is not in addition to current staff. According to school districts it is absolutely in addition to if you desire to maintain the status quo. Commissioner Howard stated the schools already have the challenge of finding teachers and the state is not giving much more money to pay for the teachers required.

Commissioner Dasher asked if the \$485,000 has been determined not to be spent. Dr. Jordan stated the Board of Education has agreed that if HB 13 is approved, they would use this money to fill the hole created.

Commissioner Dasher stated he appreciates the Board of Education planning ahead.

Chairman Crawford also asked if increasing class sizes in grades 4-12 would be across the board. Dr. Jordan stated yes across the board but the principals would need to make decisions regarding who needed more support not having more students. There is research around the most effective teachers taking on larger classes. Commissioner Howard asked if we have spaces large enough to do university style classes. Dr. Jordan responded yes, in some cases, with a bit of creativity. The Charlotte-Mecklenburg school district is currently testing out university style classes.

17-2221

Capital Improvement Plan update

Attachments: [CCS CIP Updates including status of new Elementary and High Schools](#)

Chief Operations Officer Chris Blice gave a presentation to the group. (Presentation attached)

Vice Chair Hales asked if the plan for the high school included re-use water. Director of Maintenance and Construction Randy Drumheller stated not at this time but they can take a look at it and come back with a cost.

Dr. Jordan stated the Board of Education has charged him with coming to them with a

small list of names for the high school and elementary school.

Commissioner Howard asked if both access points for the high school are on Seaforth Road. Mr. Blice stated yes but things are not completely finalized yet. Commissioner Hales asked if a blueprint was available. Mr. Blice stated yes there is a design schematic but nothing is nailed down at this point. Mr. Drumheller added that the current drawing has buses & cars in one lane and students in the other.

Commissioner Hales asked what CRA, the architect, has done for the county. County Manager Renee Paschal stated the Justice Center and the Joint Transportation Facility.

Commissioner Howard asked if the elementary school is a faster build than the high school. Dr. Jordan stated yes. Commissioner Hales asked if county water can be used for both schools. Mr. Blice stated yes.

Commissioner Dasher asked if DOT would get involved or if a traffic study would be done for the area, specifically with the light near Margaret Pollard School. Mr. Blice stated DOT will assist and traffic will be considered when building.

Chairman Crawford asked that the traffic impact analysis be shared with the commissioners.

Commissioner Howard asked if the entrance to the elementary school entrance is on Parker Herndon. Mr. Blice stated yes. Commissioner Howard also asked if there would be an entrance on Andrews Store Road. Mr. Blice stated no, but things are still preliminary. Dr. Jordan stated there is potential but still very early in the process.

Dr. Jordan stated that the Board of Education did not want to use eminent domain unless absolutely necessary. Mr. Leonard mentioned an interest in landbanking. Commissioner Dasher asked if there was ownership of the land on Pea Ridge Road. The County Manager stated the County owns it, not the school system. Chairman Crawford asked if there was enough land to build a school. The County Manager stated yes, it is over 100 acres.

Commissioner Howard asked if the speed limit would be lowered. Mr. Drumheller stated not at this time.

Chairman Crawford asked if principals are asked to do assessments of their structures and then district weed out and submit to Board. Mr. Blice stated yes. Mr. Leonard stated some schools even survey staff, parents and students.

17-2222

Discussion

Dr. Jordan distributed a handout comparing the House, Senate and Governor's budget. Dr. Jordan also distributed documents with salary supplement comparisons.

Ms. Wilson was not sure if the County Commissioners were aware of the sunset that could have happened with HB 13 and how that would have affected the schools. Dr. Jordan stated it would have been catastrophic in terms of having to add more resources without forewarning. They have been told superintendents have been too vocal on this issue and now superintendents will have to certify the class sizes and have the document notarized. If you are found out of compliance there have been some legislators that have said they want written into law that the superintendent's contract as issued is null and void. Ms. DuBuisson stated the law already states that the superintendent's pay will be withheld.

Dr. Jordan stated he is thankful for the good relationship between the Board of Education and the Board of County Commissioners. Members of both boards agreed that isn't always the case.

Commissioner Dasher asked if there are any performance based supplements. Dr. Jordan stated Chatham County had a performance based supplement. It was based on student performance but they found they were losing ground in the competition against neighboring counties.

Chairman Crawford mentioned a joint effort in continuing to improve Chatham County Schools and have plan and strong consensus behind those plans.

Commissioner Hales asked for an update regarding lottery funds. The County Manager stated the state isn't using the funds like initially intended and the pot of money is small.

Ms. Wilson would like to have a landbanking committee again. Vice Chair Hales agreed that landbanking should be a priority.

Commissioner Dasher asked about Chatham Park land. Dr. Jordan stated they will provide land as long as their project will generate schools and they will work with the district as needed.

Commissioner Hales mentioned workforce development and creating a similar set-up as Lee County with community college.

Chairman Crawford stated if you have a school near the lake that provides water to the central part of the state, this high school could be dedicated to environmental science. The school could be a lesson in environmental engineering.

Commissioner Dasher wants to look at water reclamation options and know the trade off with cost. Mr. Leonard stated money is the issue but is open to bringing forward other options.

Dr. Jordan announced upcoming graduation information.

ADJOURNMENT



Chatham County, NC

Meeting Minutes

Board of Commissioners

Tuesday, June 13, 2017

6:00 PM

Agriculture & Conference Center - Exhibit Hall

Special Meeting

CALL TO ORDER

6:08

Present: 4 - Chairman Jim Crawford, Vice Chair Diana Hales, Commissioner Mike Dasher and Commissioner Karen Howard

Absent: 1 - Commissioner Walter Petty

BOARD PRIORITIES

17-2190

Presentation and update on a Natural Gas Development Impacts Study in Chatham County by Charles Yuill.

Attachments: [Fracking Moratorium Ordinance](#)
[chatham ppdraft613](#)

Planning Director Jason Sullivan introduced Dr. Charlie Yuill.

Dr. Yuill gave a presentation to the group. (Presentation attached)

17-2191

Input from invited Advisory Boards and Committees

Vice Chair Hales asked if the water quality issues were increasing in the Marcellus shale. Dr. Yuill stated the issues from the actual bore hole source pollution is actually being reduced but the issues of water pollution in surface water and shallow ground water is being maintained.

Vice Chair Hales stated they are moving away from the underground injection and North Carolina will not allow injection wells. She asked how the solids would be managed because one would assume they are hazardous. Dr. Yuill stated they are hazardous. There are landfills designed for hazardous waste.

Vice Chair Hales asked how are they managing to make the water less toxic. Dr. Yuill stated there is an exploding industry in water treatment. Vice Chair Hales asked if anyone has developed a strategy for treatment of water to a place where it can be used. Dr. Yuill stated yes, for things like irrigation.

Vice Chair Hales reported Dr. Yuill stated that no where in Chatham County could have horizontal fracking, just vertical. Dr. Yuill stated that is correct. She asked if you can pack wells any closer. Dr. Yuill stated yes and that would likely happen.

Vice Chair Hales asked if it would be possible for an energy company to seek a permit so they can claim the asset. Dr. Yuill stated yes, that has happened in Pennsylvania.

Commissioner Howard asked how you assess if the water is of reasonably good quality if you aren't allowed to know the chemicals involved. Dr. Yuill stated you would be doing the testing out of the treatment facilities.

Commissioner Dasher asked where they get the water used in fracking. Dr. Yuill stated from surface and ground water.

Vice Chair Hales stated in the state of North Carolina there is no restriction on how much water you can draw from a stream.

Commissioner Howard asked if there was any evidence communities have looked at the long term financial impact to the counties. Dr. Yuill stated Pennsylvania is a good example. He used to drive up central Pennsylvania and there was a two year period where you could not get a hotel room because they were booked up by the energy companies six months at a time. All the mobile home parks were packed.

Commissioner Dasher asked if he would say we were in a bust. Dr. Yuill stated we are in a holding pattern.

Chairman Crawford stated he was glad they touched on the social impacts. The number of local jobs created is small and they come on the back end. On the front end is road damage. He stated it seems the Board needs to be meeting with Lee County. He also believes the opioid problem spikes during fracking booms.

Chairman Crawford asked if this may also impact Moore County. Dr. Yuill stated it is quite possible. Chairman Crawford stated it could also impact Harnett County.

Mike Petruska with the Climate Change Committee stated members of the committee are concerned about methane. He asked if someone is trying to measure the amounts of methane. Dr. Yuill stated yes. Mr. Petruska asked if any of the jurisdictions Dr. Yuill looked at are trying to set limits or standards on the methane. Dr. Yuill stated no.

John Dykers with the Agriculture Advisory Board asked if there were any chemists present. Two people raised their hands. Mr. Dykers stated there are over 300 chemicals used in fracking and he asked about the recipes used in the slurries. A third of those chemicals are benign. Another third of those chemicals he wouldn't touch with a 1,000 foot pole. The other third of the chemicals he did not recognize even with his chemistry background. The recipe has to be a matter of public record.

Roy Girolami with the Transportation Advisory Committee doesn't think in North Carolina that we could afford to repair the roads because they aren't designed for heavy loads each day. What would they do if there was a drought and they couldn't get the water? Dr. Yuill stated they haven't been faced with that in West Virginia or Pennsylvania but they would have to close the operation down.

George Pauly with the Comprehensive Plan Steering Committee represents the Recreation Advisory Committee. There is interest in trails in the Deep River area, both land trails and water trails. He asked if there are regulations or constraints. It would really mess up one of the county's nicest natural areas. Dr. Yuill stated that is up to the county as long as it is compliant with whatever the state regulations are. The area that he looked at was just 1,000 acres with a buffer of only 100 feet. A

more realistic buffer would be 1,200 feet. Mr. Pauly asked if the 1,200 foot liability range from the well heads to drinking water wells means the groundwater only moves 1,200 feet. Dr. Yuill stated that is just something he came up with for liability. The EPA would not consider any well affected outside of the 1,200 feet as a violation.

Sharon Garbutt with the Comprehensive Plan Steering Committee stated she went to all the Mining and Energy Commission meetings and she came away thinking that this is a process where a few people get rich and the rest of us pay. She asked if Dr. Yuill could find out how much money the county would actually get from fracking versus how much it is going to cost the county. She believes Chatham County is in the same pot of money as Lee County for fixing roads and therefore the county would be competing to get the roads fixed. Dr. Yuill stated that is out of his wheelhouse but that kind of study would be worth while. Counties as a rule are not making money on fracking. Ms. Garbutt stated there was a contaminant in Pittsboro water for years and they didn't know it because they didn't know to test for it. No one knows what is in the fracking fluid but even the frackers get chemicals from other companies that are trade secrets. So frackers don't even know what is in their own fracking fluid. Chatham is largely an agricultural county and the water is used for irrigation. Citizens won't know what chemicals to test for in their private wells. She asked if shallow fracking can lead to more contamination than other types. Dr. Yuill stated it can. Shallow wells are inherently problematic.

Vice Chair Hales stated there is a history of explosions on the Deep River from coal mining. They didn't know it was the methane at the time. She asked if shallow fracking meant you could anticipate more explosions. Dr. Yuill stated yes. Vice Chair Hales stated perhaps there needs to be further examination of shallow wells. Dr. Yuill agreed.

Sherri Stuewer with the Environmental Review Advisory Committee asked about the chemicals used in fracking. It is her understanding that the industry has a voluntary database. She asked how effective they are for the communities and also for first responders. Dr. Yuill stated there is a list of over 300 chemicals. The chemicals are identified by well.

Esta Cohen with the Agriculture Advisory Board asked if there is any aspect of fracking that can impact the integrity of the geology under Shearon Harris or Jordan Lake. Dr. Yuill stated he did not believe it would impact those areas.

17-2192

Public Input

Martha Girolami stated she has looked at the composition of the water and sometimes they are full of VOC's. Sometimes the material is radioactive. She can never see that water going on the land. She believes there will be high pressure to put the water at the Sanford treatment plant. Dr. Yuill stated that is illegal. Ms. Girolami stated the pressure is going to be there and we are under a new administration. That is what is going to happen because we don't have a specialized treatment place and no one is going to spend money on it. The Triassic Basin is mostly plant based and tends to be less radioactive. She wants Dr. Yuill to really break down the chemicals. Which are carcinogens, petroleum products, etc. She believes we need another moratorium because of the vertical wells. Vertical wells can be as tight as every ten acres. She asked how much of the industry is recycling the water and if there is 100 gallons how much of that gets recycled. Dr. Yuill stated a lot compared to where it was five years ago.

Amanda Robertson submitted the following comments:

Fracking. Anyone following the horrors that citizens in Pennsylvania have experienced would do everything in their power not to have this happen in their own community. Much of Pennsylvania sits on top of one of the largest natural gas fields in the world, the Marcellus Shale, and the heart of fracking in the U.S. The lives of people that live there have been impacted in ways I hope we never have to experience. Burning eyes, nose, and throat, along with headaches, nosebleeds, and rashes. Upper respiratory and skin conditions have been more common. Instances of asthmatic attacks increased by up to four times. In feed animals stillbirths and failures to breed have been reported. Water contamination. We have all seen videos of the flaming water coming from faucets. Noise from drilling, which can go on for weeks and weeks at a time, has been described as "intolerable noise not meant for humans." Road damage, overturned tanker trucks, diesel exhaust entering local homes and businesses. This is not worth any amount of money. But this is not all. The methane leaks from natural gas is something the fossil fuel industry is trying their best to keep quiet. You see, the process of extraction leaks methane, a gas that is 80-100 times more potent than CO2 at trapping Earth's heat, and has become the driving force behind the rapid heating of the planet. So while they tell us that natural gas doesn't contribute to the rise in CO2, they aren't lying, per se, but they sure are being deceptive. And it does leak. Methane leaks at extraction sites. Methane leaks along the pipelines. Methane leaks during spills. As Chatham County works to lower its emissions, we should note that just the 2015 gas leak in California's Aliso Canyon released the equivalent of the yearly emissions from more than half a million vehicles. To put it in perspective, methane emissions that exceed a range of 1.1 to 1.9 percent of total natural gas production make natural gas worse than burning coal for electricity in terms of global warming. And methane emissions rates have been observed to be as high as 12% across the supply chain. Natural gas is most definitely not a "clean" fuel nor should it be considered as a "bridge fuel." We know our regulations are held hostage by gas and oil-financed legislators. And the rollback of regulations designed to limit methane leakage from wells was one of the first acts of the Trump administration. We must do something. So, I stand before you tonight to ask you to please ask our Governor, in your authority as commissioners and on behalf of Chatham County citizens, to ban fracking and fracked natural gas from the State of North Carolina. I ask that you join businesses and leaders across the state and adopt the resolution I have put before you. Governor Cooper has it in his authority to do this, as the governors of Maryland and New York have already done. Thank you.

Matt Stark asked what the site cleanup consists of and what happens to the land after fracking. Dr. Yuill stated that would be current state regulations where there would be a total sealing of the well and everything would be removed.

Martha Girolami asked what happens to the well casing when a well is refracked. Dr. Yuill stated they could do a well resiliency test. Ms. Girolami was told that 5% of all well casings fail.

Alice Berry stated there are a lot of hurricanes in North Carolina and the pictures of the ponds looked like they were open ponds where wildlife can visit. What kind of pumping is there if these ponds become overwhelmed in a hurricane. Dr. Yuill stated there are state regulations in place for the design of the ponds. The ponds do suffer failures at a pretty significant rate. Ms. Berry stated earthquakes in Oklahoma have risen. If the administration decides we could go with injection wells and have three earthquakes a day it could cause problems for the Shearon Harris Nuclear Plant.

Terica Luxton stated she has been fighting fracking since 2012. She had flyers on who could be harmed by fracking and forced pooling.

ADJOURNMENT

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty



Chatham County, NC

Meeting Minutes

Board of Commissioners

Monday, June 19, 2017

6:00 PM

Historic Courthouse Courtroom

Work Session - 2:30 PM - Historic Courthouse Courtroom

Present: 4 - Chairman Jim Crawford, Vice Chair Diana Hales, Commissioner Mike Dasher and Commissioner Karen Howard

Absent: 1 - Commissioner Walter Petty

PUBLIC INPUT SESSION

Amanda Robertson submitted the following comments:

On Tuesday, June 13 I spoke as a Chatham County citizen during public comments before this board after Charles Yuill's presentation of the Natural Gas Development Impacts Study. I put before you a resolution to ask Governor Cooper to use his constitutionally granted executive authority to ban fracked gas from entering our state, to ban the use of natural gas in North Carolina unless it can be verified to produce less than .5% in methane emissions, and to prohibit construction of any new natural gas-fired power plants or pipelines and to phase out existing pipelines and plants expeditiously and replace them with clean, renewable energy. There have since been questions and assertions that the Governor does not have it within his executive authority to implement these policies. I am here to assert that he does have it within his authority as per NC Warn and their attorney, John Runkle.

The governor could take many other steps toward implementing these goals, however.

- He can issue an executive order banning fracking in North Carolina until and unless the impacts of venting and leaking are reduced.*
- He could appoint a green ribbon panel to develop a strategy on how to minimize the impacts of the climate crisis in North Carolina. This study should include a review of sources and types of natural gas used in North Carolina by utilities, industry, government, residential and other users as well as polluting sources of energy production. State and Federal subsidies to the fracking industry should also be reviewed. An analysis of distributed solar and wind energy and storage should be included in this study to identify clean opportunities to meet the same energy needs.*
- He could join with the governors of Maryland, Vermont and New York, and other governors across the country to create a national strategy to eliminate fracking and natural gas infrastructure.*
- He could direct his Attorney General to determine whether he has the authority to meet these goals and, if not, to what extent – what other constitutional channels could be pursued to protect State interests? Interstate commerce? Health and safety considerations?*

Governor Cooper has already declared that North Carolina will follow the Paris Climate Accords. He can stand behind this and use this opportunity and his esteemed position as Governor to speak out about the seriousness of climate change, the dire need for immediate reduction of methane emissions, and the

economic future that renewable energy and the related jobs could mean for North Carolina. As a citizen who voted him into office, I plan to hold him accountable in this. This resolution is on the June 20 agenda of the Orange County Commissioners. I ask you to please add this measure on your formal agenda for discussion and a vote to adopt. Thank you.

Nancy Jacobs submitted the following comments:

I came to the meeting last Tuesday night and it is the first Board of Commissioners meeting I ever went to. After listening to Mr. Yuill and learning a lot about what goes into fracking and shooting poison into the earth, I was so shocked that it could even be considered to have this in Chatham County or anywhere else. I wrote a letter to Mr. Sullivan on email and I hope he reads it. I really am against any future fracking because all the problems that were described were horrendous. Please consider what I am saying. Thank you.

Martha Girolami submitted the following comments:

I definitely support the Board of Commissioners voting in favor of the emergency methane plan. I also support the resolution supporting a state and national goal of 100% clean energy by 2050. I thought as a part of that I would give you this carbon countdown. It is an interesting schematic. It says how many years current emissions would use up the IPCC's carbon budget for different levels of warming. Here we have 1.5 degrees, 2 degrees and 3 degrees. 1.5 degrees at the Paris Climate Accord is what they were hoping to stay below. But definitely 2 degrees. 2 degrees could still have some disastrous affects, particularly acidification of the ocean. 1.5 degrees wouldn't drown out too many countries but look at this. 5.2 years of our current emissions, we have a 66% chance of staying below 1.5 degrees. If we wait 8.9 years doing the same old, that means adding gas pipelines, adding fracking, we have a 50% chance. The clock is really ticking. We have very little time left. There is another website that is called drawdown.org. It is a summary of solutions by overall rank. There is a little test on the New York Times that asks you to compare two different things like refrigerant management versus wind turbines and things like that. Turns out the most important thing we can do is manage our refrigerants because we talked about methane being so bad because it is 86 times more potent than carbon dioxide and carbon global warming. These things are like thousands of times, just a little bit of refrigerant loss can be harmful. It has 80 items. Some of them like plant rich diet, reduce food waste, some things I am sure the Climate task force is looking at, looks like we are doing pretty good because we are educating women. In Chatham County at least we have something that we are doing right. We have to look farther than rooftop solar. We have to ask ourselves do we really do some of these, at least top twenty things. I did write to Dr. Ingrafia about casing failures because he is one of the experts there, works at Cornell. Dr. Yuill was claiming that there were fewer casing failures based on the last eighteen months. I think that one of the things I wanted to see from Dr. Yuill and I hope you will insist on is he really gives you the studies. You can't just make that claim. These industries, what is the pressure now for them to really do casing tests after you have fracked it ten times. Are you still going to be doing casing tests. His glib response was you just put another smaller casing inside the older casing and you would be fine. How many of those guys do that? We need to know about casing failures. Really how good is the recycling. What are the equipments for recycling? How good is that water? What tests have been done? What happened to the radioactivity? He just kind of dismissed that. These specialized treatment systems, how good are they? You don't filter water and instantly remove the potentially 700 types of chemicals in

there. Many of them are water soluble or organics that are soluble in water at least to a degree. He is making a lot of claims and maybe he has good data behind them but we didn't see signs of that in his report the other day. I think there is a lot of opportunity for him to really do some studies. Then the impact of vertical fracking. Vertical fracking could be very high density. Out west they do it every ten acres. I know a lot of little ten acre places around where I live in the Triassic Basin. Wouldn't it be fun to have one of those frack sites stuck in there with its water, its storage tanks. You've got to ask yourself how does this kind of vertical fracking build out? We do not have a vision of that. We don't know if that much explosives, if that much water being put down, how it affects in a cumulative manner. Thank you for the extra time.

Sharon Garbutt submitted the following comments:

I have come here today to ask you to support the extension of the moratorium on fracking. The reasons being Dr. Yuill, I asked the other night at the meeting if he had done a study of the economic impacts on Chatham County. He did make the general statement that in general counties with fracking lose money. It is definitely an industry where a few people get rich and the rest of us pay to make them rich. I think it is very important to do a study. Even Dr. Yuill agreed that although he could not do the study he thought it was important for Chatham County itself to do that study, to get a good estimate of how much money it is going to cost Chatham citizens to have this industry in our county. I would definitely like to support that kind of study being done. Dr. Yuill, I believe part of the RFP was to look at regulations and steps that other areas had taken to lessen the impact of fracking and I really didn't hear him talk about what other areas, other counties, other states have been able to do to lessen the impacts of fracking. I may have missed it but I think that is important. We need to know how best to lessen the impacts not only of fracking but of all industrial activity. I would like to support, I know you all said you might be working with Lee County, it was a little unclear to me from Dr. Yuill's report what kind of fracking were they going to do in Lee County. I believe he said the shale depth is deeper there than in Chatham County. I can't remember but it was unclear to me if they would be doing shallow fracking or horizontal fracking. If they did horizontal versus vertical the water table doesn't recognize county boundaries so what impact of each of those types of fracking would happen in Lee County. It wasn't even clear to me of why he was so sure it would be done in Lee County. He made the blanket statement there is a lot of gas there. I've never heard that there is a lot of gas in North Carolina. I have always heard doubts about that. I don't think anyone really knows. I don't think they have done enough studies to even know. I would like to know more about the water recycling he talked about. How exactly, what is the science behind that, what is the exact filtering with that. How will we know when it has failed. It would be good to know that before we put that water on our fields. I think we need more information about the new types of well casings he said are preventing well failures. He said this has been since 2015 that the improvements have occurred. We know that wells continue to crack over a period of thirty to forty years. He has two years of data at the most. What is the long term data on these new casings he says are so successful. It is really important for us to get case studies on shallow fracking in other parts of the country as in Wyoming. Pavillion, Wyoming is a well known case of where there is serious pollution. The EPA said first it happened because of the fracking and then they said maybe not and I think now they are back to maybe it did happen because of fracking. I would like to know what kind of infrastructure if we do not have fracking in Chatham County, are we likely to get in Chatham County due to Lee County's fracking. Are we likely to get compressor stations? Are we likely to get pipelines? What is going to happen to our roads? Are we likely to get storage ponds or maybe one of these new fancy recycling water plants? What is likely to happen

here? For all these reasons, there is a lot of outstanding information still. We do need an extension of the moratorium to address all these issues.

Jeannie Ambrose submitted the following comments:

I would like an extension for the deadline for public comments. I just came back from vacation and found out that public comments on the Yuill report are due at 5pm tomorrow. I realize that he needs to complete his final report to you but I am hoping that would be possible. I just want to thank you for having a two year moratorium on oil and gas development in Chatham County. I think it was very important that you understood the significance of having such a study presented. I would support an extension on the moratorium because I think there are issues that need to be looked at more closely. From the Yuill report, just looking at the presentation, the handling of the waste water really bothers me. I don't know if he had or thought about our agricultural needs for water and what would happen if we have a drought and we have to decide should we continue fracking or should we hold back. You can't water lawns and things like that. I think there needs to be more information on vertical fracking in other areas of the country because I don't know if he is going to elaborate more in his final study, I hope so, but in the very end on references he said just read more articles on vertical fracking. I have really not been able to find some in depth information. I think that we should work with Lee County and have an overall regional approach to what would happen, how it would affect our economics.

The County Manager asked that all comments be submitted as quickly as possible. It is important that he finish his study in order for the Board to consider a moratorium extension in August and hold the public hearing in July.

Chairman Crawford stated people could send written comments to the Board and the comments would be considered in the deliberations.

The County Manager stated the County should have Dr. Yuill's report by the end of June.

BOARD PRIORITIES

17-2203

2017 Second Quarter Employee of the Quarter Award-Denise Estridge, Accounting Specialist, Health Department

Courtney Goldston introduced Denise Estridge, Accounting Specialist with the Health Department.

Chairman Crawford presented Ms. Estridge with the 2017 Second Quarter Employee of the Quarter.

17-2232

Chatham County Climate Change Advisory Committee Presentation on Forestlands and Farmlands Subcommittee Recommendations and Report

Attachments: [FINALDRAFTChathamCountyForestlandsJune12017.docx](#)

Pittsboro Town Commissioner and Climate Change Advisory Committee member John Bonitz reviewed the Forestlands and Farmlands Report. (Report attached)

Vice Chair Hales stated she had never thought of composting as an economic development opportunity. She stated there may be an opportunity for Soil and Water Conservation, Cooperative Extension, Planning, the Agriculture Advisory Board, and the EDC to be involved in some discussions and come up with some recommendations. They all reach the agricultural community in different ways.

Vice Chair Hales asked what other local governments are doing. Mr. Bonitz stated he did not know but the Climate Change Advisory Committee could look into that.

Commissioner Dasher stated it may be beneficial for the Board of Commissioners to receive presentations on composting.

Commissioner Howard wonders whether the best way to implement these kinds of things is to have that push come from within the agricultural community rather than have it pushed down from the county level. Mr. Bonitz stated he agrees and thinks the educational hurdles may not be as great as we might first think. Commissioner Howard asked if anyone from Cooperative Extension is on the Climate Change Advisory Committee. Mr. Bonitz stated no. Commissioner Howard asked if there was an opportunity to bring this information to the Comprehensive Steering Committee. Mr. Bonitz stated there have been efforts from the Climate Change Committee to engage in the comprehensive plan process but not specially on this report.

John Graybeal, Chair of the Climate Change Advisory Committee stated the committee did make several recommendations to the Steering Committee and many of them related indirectly to what they are now discussing such as preserving farmland and encouraging new developments go where existing developments exist.

Vice Chair Hales stated some of this runs into state law like the present use value system.

Commissioner Dasher asked if the county has an inventory of agricultural land use and how recent it might be in terms of percentage of agricultural land that is livestock versus crops. Chairman Crawford stated you will find those numbers in the draft of the Comprehensive Plan.

Chairman Crawford stated the report mentions some species of broadleaf trees that have better sequestration qualities than lob lollies. Mr. Bonitz stated he would like to follow up with Chairman Crawford on that.

Vice Chair Hales asked the County Attorney to investigate whether or not the County would have the authority to add or amend the present use value program. She stated she would like the opportunity to bring more people to the table and have a discussion.

Chairman Crawford stated the Board could vote to create a sub-committee. The sub-committee could bring back a report. Commissionr Dasher asked if the Board should give staff an opportunity to review the report first.

County Manager stated she would prefer that staff review the report and come back to the Board. Staff will be organizing departments around the Comprehensive Plan. There is a possibility this effort could be folded into that but it is not something that would happen immediately.

[17-2228](#)

Vote on a request to adopt a Resolution Supporting a State and National Goal of 100% Clean Energy by 2050 and the Creation of

Clean Jobs.

Attachments: [Resolution SUPPORTING A STATE AND NATIONAL GOAL OF 100% CLEAN ENERGY BY 2050 AND THE CREATION OF GREEN JOBS](#)

Amanda Robertson submitted the following comments:

In 2009 Professor Mark Jacobson, a civil and environmental engineer at Stanford University and director of the Stanford Atmosphere and Energy Program, developed a plan to power 100 percent of the planet with renewable energy. He further identified a plan for every state in the United States to pursue 100% renewable energy by 2050. In North Carolina, Jacobson's study shows that pursuing 100% renewable energy would bring approximately 165,000 jobs to our state. It would save the state \$19 billion in mortality and illness costs. And it would save each person in North Carolina an average of over \$6,000 in annual savings for related clean energy use by 2050. On December 15, 2016 the Town of Boone was the first municipality in North Carolina to adopt a resolution to pursue 100% renewable energy by 2050. Watauga County, where Boone is located, adopted the resolution shortly thereafter on January 17. On April 13, 2017 the Town of Sylva adopted a similar resolution. Just last week on June 13 the City of Asheville adopted a resolution to pursue 100% renewable energy by 2050. On March 16 of this year Representatives Pricey Harrison, John Autry, Susan Fisher and Jean Farmer-Butterfield put forward House Resolution 401, a resolution supporting a state goal of 100 percent clean energy by 2050 and the creation of green jobs. I spoke with Representative Harrison after the press conference that day. She told me that, while this is only a resolution and not binding, and even at that it would still be a challenge to get through our state legislature at this time, she felt it was an important step that must be taken for climate. First, using her position as a representative to publically identify this as an important issue, but also, she said, it is a first step in the process. She is looking to communities across the state to lend strength to the state resolution by adopting their own resolutions. This will give HR401 a foundation to stand on when they bring this resolution forward for a formal vote. The resolution will be before the Orange County Commissioners in an upcoming meeting and has been recommended by their Commission for the Environment. As citizens continue to work with their own community leaders, Durham, Buncombe, Wake and Mecklenburg Counties are also anticipated to adopt the resolution later this summer, along with the cities of Raleigh, Charlotte and Winston-Salem. Currently, following the adoption of the 100% Resolution, a graduate student from App State University is working with the Town of Boone to develop an emissions inventory and identify appropriate sources of renewable energy for their town based on existing resources as well as state and national renewable energy opportunities. With the Chatham County emissions inventory in hand and a path to continue to manage our county emissions, we are already ahead of the game! The 100% Renewable Energy resolution you have before you today has been reviewed, edited and recommended to you by your climate Change Advisory Committee. I ask you as a Chatham County Citizen and on behalf of NC Climate Solutions Coalition members across the state, to please adopt this resolution and help move North Carolina into a clean energy future. Thank you.

A motion was made by Commissioner Dasher, seconded by Commissioner Howard, that Resolution #2017-22 Supporting a State and National Goal of 100% Clean Energy by 2050 and the Creation of Green Jobs, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2208](#)

Update on the temporary moratorium on oil and gas development activities within Chatham County adopted in August 2015 and vote on a request to schedule a public hearing on July 17, 2017 to consider an extension of the temporary moratorium on oil and gas development in the county.

Attachments: [Fracking Moratorium Ordinance](#)

Planning Director Jason Sullivan addressed the Board. He stated in August of 2015 the Board adopted a moratorium that had a twenty-four month expiration. There were two tasks identified as part of the moratorium. The first is a study of Chatham County to analyze state and federal regulatory programs and to prepare a report regarding the full range of expected impacts to the county. It is also intended to include current analysis of impacts on localities similar to Chatham County and the effectiveness of local ordinances and managing those impacts. The study is currently underway with the presentation of the initial findings last Tuesday. The final report will be prepared by the end of June and will be presented to the Board at its August meeting. The second task of the moratorium is the development of a conditional use ordinance and/or other ordinances based on the report. Today the Board needs to decide if it wants to hold a public hearing on the consideration of extending the moratorium.

A motion was made by Vice Chair Hales, seconded by Commissioner Howard, to set a public hearing on July 17, 2017 at 6:00 PM. The motion carried by the following vote:

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2238](#)

FY 2018 Budget Critique

Attachments: [Financial Indicators](#)
[Trends](#)
[Progress on Current Year Goals](#)
[Heads Up Document](#)

Budget Manager Lisa West addressed the Board. She asked the Board for feedback on the budget process.

The commissioners all agreed they are happy with the current process.

CLOSED SESSION

[17-2230](#)

Closed Session to discuss Economic Development and Personnel.

A motion was made by Commissioner Howard, seconded by Vice Chair Hales, to approve going out of the Work Session and convening in Closed Session to discuss matters relating to economic development and personnel. The motion

carried by the following vote:

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

ADJOURNMENT

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

End of Work Session

Regular Session - 6:00 PM - Historic Courthouse Courtroom

Present: 4 - Chairman Jim Crawford, Vice Chair Diana Hales, Commissioner Mike Dasher and Commissioner Karen Howard

Absent: 1 - Commissioner Walter Petty

INVOCATION and PLEDGE OF ALLEGIANCE

CALL TO ORDER

6:04PM

APPROVAL OF AGENDA and CONSENT AGENDA

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

17-2233

Vote on a request to approve the May 1, 2017 Regular Session Minutes, the May 16, 2017 Budget Public Hearing Minutes, and the May 23, 2017 Budget Work Session Minutes.

Attachments: [Draft Minutes 05.01.2017](#)
 [Draft Minutes 05.16.2017](#)
 [Draft Minutes 05.23.2017](#)

A motion was made by Commissioner Howard, seconded by Vice Chair Hales, that the Minutes be approved. The motion carried by the following vote:

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2237](#)

Vote on a request to approve Fiscal Year 2016-2017 Budget Amendments

Attachments: [Budget Amendment 2016-2017 June](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2179](#)

Vote on a request to approve Project Ordinance Concerning the Lower Haw River Recreational Trail as proposed by staff.

Attachments: [Project Ordinance Lower Haw River Trail 1](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2180](#)

Vote on a request to approve \$14,250 Minority Diabetes Prevention Program Funds

Attachments: [\\$ 14,250 Minority Diabetes Prevention Program](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2182](#)

Vote on a request to approve \$634.00 Diabetes Smart Grant Funds

Attachments: [\\$634.00 Diabetes Smart Grant Funds](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2204](#)

Vote on a request to approve the Tax Releases and Refunds.

Attachments: [May 2017 Release and Refund Report](#)
[May 2017 NCVTS Pending Refund Report](#)
[March 2017 Manual NCVTS Pending Refund Report](#)
[April 2017 Manual NCVTS Pending Refund Report](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2201](#)

Vote on a request to approve the naming of three private roads in Chatham County

Attachments: [FAMLET FOREST PETITION](#)
[FAMLET FOREST](#)
[PRESTON FARM DRIVE PETITION](#)
[PRESTON FARM DRIVE](#)
[SUTTON PLACE PETITION](#)
[SUTTON PLACE](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2206](#)

Vote on a request to approve a Pyrotechnics Display at the Governor's Club Clubhouse on July 4, 2017

Attachments: [Attachment A-N.C.G.S. 14-410.pdf](#)
[Attachment B-Pyrotechnic Display request.pdf](#)
[Attachment C-NC Pyrotechnic Display Operator License.pdf](#)
[Attachment D-Certificate of Insurance.pdf](#)
[Attachment E-ATF License.pdf](#)
[Attachment F-Display Area Site Drawing.pdf](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2183](#)

Vote on a request to appoint Don Knowles to the Library Advisory Committee.

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2225](#)

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

A motion was made by Commissioner Howard, seconded by Vice Chair Hales, that the Appointments be approved. The motion carried by the following vote:

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2215](#)

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

A motion was made by Commissioner Howard, seconded by Vice Chair Hales, that the Appointments be approved. The motion carried by the following vote:

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2224](#)

Vote on a request to approve appointments to the Appearance Commission.

A motion was made by Commissioner Howard, seconded by Vice Chair Hales, that the Appointments be approved. The motion carried by the following vote:

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2223](#)

Vote on a request to approve reappointments to the Recreation Advisory Committee.

A motion was made by Commissioner Howard, seconded by Vice Chair Hales, that the Appointments be approved. The motion carried by the following vote:

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2234](#)

Vote to approve the appointment of Loyda Estrada to the Chatham

County Board of Social Services.

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2184](#)

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

A motion was made by Commissioner Howard, seconded by Vice Chair Hales, that the Appointments be approved. The motion carried by the following vote:

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2185](#)

Vote on a request to Approve the Lease Inducement Agreement with Town of Pittsboro and authorize the county manager to sign the Agreement.

Attachments: [5.23.17 Lease Inducement Agt \(4\)](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2226](#)

Vote to approve a month-to-month extension for space currently being occupied by YMCA at the Performance Building located at 964 East Street, Pittsboro, North Carolina.

Attachments: [Signed Month to Month YMCA](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2231](#)

Vote on a request to approve a Lease between the County and North Chatham Volunteer Fire Department and to have the County Manager execute the Agreement.

Attachments: [Final Sheriff Boat Storage Lease](#)

A motion was made by Commissioner Howard, seconded by Vice Chair Hales,

that this Contract, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2200](#)

Vote on a Request to award bid to Lankford Protective Services, Inc. for Staffing and Operating Chatham County Collection Centers, approve the contract and authorize the County Manager to execute the contract.

Attachments: [Service Agreement Lankford Protective Services FINAL FY18 SDC](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2211](#)

Vote on a request to approve contract for Chatham Transit for Social Services for the fiscal year 07/01/2017 to 06/30/2018

Attachments: [Chatham Transit Contract](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2212](#)

Vote on a request to adopt a Resolution authorizing the County Manager to dispose of surplus personal property owned by the County of Chatham whenever an item or group of items has a fair market value of less than thirty thousand dollars (\$30,000.00).

Attachments: [Resolution](#)

A motion was made by Commissioner Howard, seconded by Vice Chair Hales, that Resolution #2017-23 Prescribing Procedures for Disposing of Personal Property Valued at Less than \$30,000, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2229](#)

Vote on a request to approve the Health and Dental Insurance Contracts for Fiscal Year 2018 and authorize the County Manager to

execute the contract.

Attachments: [2017 ASO Renewal Amendment County of Chatham](#)
[Agent Fees Collection Agreement](#)
[Dental contract FY 18](#)
[Group Application](#)
[Renewal Change Form](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2177](#)

Vote on a request to approve an Agreement with Election Systems & Software, LLC for Maintenance fees of elections equipment.

Attachments: [Election Systems & Software FY 18 Maintenance Agreement](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2213](#)

Vote on a request to approve contracts with Chatham Trades for the Fiscal 2017-2018 budget appropriation and authorize the Manager to execute the contract.

Attachments: [Signed Chatham Trades](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2214](#)

Vote on a request to approve contracts with Chatham Transit for the Fiscal 2018-2018 budget appropriation and authorize the Manager to execute the contract.

Attachments: [Signed Transit](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2235](#)

Vote on a request to approve contracts with the N.C. Forestry Service for the FY 2017-2018 budget appropriation in the amount of \$115,147.

Attachments: [FORESTRY BUDGET CONTRACT CHATHAM 16-17](#)
[Signed Forestry](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2216](#)

Vote on a request to approve contracts with Council on Aging for the FY 2017-2018 budget appropriation.

Attachments: [FY18 FINAL COA Agreement July 1 2017-June 30 2018](#)
[Signed COA](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2217](#)

Vote on a request to approve contracts with Economic Development Corporation for the Fiscal FY 2017-2018 budget appropriation.

Attachments: [Signed EDC](#)
[EDC AGREEMENT to execute 07 01 17 Legistar](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2218](#)

Vote on a request to approve a contract for Holcomb & Stephenson for Social Services for the fiscal year 07/01/2017 to 06/30/2018.

Attachments: [Contract -FY18-1902 Holcomb&StephensonChildren'sServices with state update](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2198](#)

Chatham County Juvenile Crime Prevention Council Annual Plan and Certification

Attachments: [Chatham JCPC 17-18 Annual Plan](#)
[Chatham JCPC 17-18 Certification](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

[17-2205](#)

Vote on a request to approve Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision **Final Plat** review and approval of **Briar Chapel, Phase 10, Section 2**, consisting of 65 lots on 17.96 acres, located off SR-1528, Andrews Store Road, Baldwin Township, parcel #2714 and grant approval of the road name Brookline Drive

Attachments: [More Information from Planning Department Website](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

End of Consent Agenda

PUBLIC INPUT SESSION

Larry Ballas submitted the following comments:

I just want to take a couple minutes here and talk some more about climate change. I understand you had a meeting this afternoon and probably had some good input from people. There are two types of climate change people, those who are skeptics and those who are enthusiasts. The skeptics usually rely on data that has actually been collected from the real world and the enthusiasts tend to rely on simulations of events that haven't even happened yet. It is like trying to listen to Greg Fishel talk about the weather next week compared to what happened yesterday based on what his comments were. Back in 2013, some of the governmental agencies reevaluated the amount of CO2 that was predicted to be in the future where they lowered their values

by about 30% based on new data. That is pretty significant because what it does is give us more time to work on things. If we generally look at when homosapiens became a real integral part of the earth, way back in the ice age, homosapiens have been on the earth since about 60,000 years ago. When the ice started to melt, homosapiens were hunter/gatherers 15,000 years ago, when the ice started to melt it wasn't because of them, it was just a natural process. That allowed agriculture to occur. It allowed hunter/gatherers to settle in certain areas, build cities, to be farmers and produce food so they could feed a lot of people. Over time we have actually come to the point where we have seven billion people on the earth. Seven billion people is a lot different compared to when the ice age was around. The CO2 levels that scientists have measured are not that much different now compared to back then. We know that CO2 can affect a lot of the growing of vegetables. If you look at the CO2 levels back then they were a little bit lower and they didn't allow food to be produced. Going over time we see that where the population has increased significantly over the last 15,000 years, the amount of CO2 has not gone up that much compared to the population. I'll be back in the future. Thank you very much.

PUBLIC HEARINGS

17-2210

A Legislative Public Hearing on a rezoning request by Morgan Property Group on Parcels 2719, 2720, 2721, 69884, 60612, 2508, from R-1 Residential to CD-CB Conditional District Community Business for a retail shopping center with specific uses prohibited on approximately 27.53 acres.

Attachments: [More Information from Planning Department Website](#)
[Chatham County Retail Presentation](#)

Zoning Administrator Angela Birchett reviewed the specifics of the request.

Mack Paul attorney for Morgan Property Group gave a presentation to the Board on behalf of the applicant. (Presentation attached)

Vice Chair Hales asked if the applicant is going to clear everything but six acres. Mr. Paul stated they intend to clear everything except the drainfield and what is around the stormwater facility.

Chairman Crawford asked if they anticipate much removal and disturbance of stone. Mr. Paul stated he does not think they have that information yet.

Commissioner Howard asked what the distance is from the turn around point behind the store from the homes. Mr. Paul stated with the houses to the west it is about 450 feet. Commissioner Howard asked if the wall is a visual buffer or a sound buffer. Mr. Paul stated primarily a visual buffer however it is a durable construction wall and is not like a vinyl or wooden fence. It serves both functions.

Vice Chair Hales asked if the outparcels are going to be cleared and remain vacant land for period of time. Mr. Paul stated there is a challenge with tenants in the outparcels because a developer will not start marketing for tenants until further down the road.

Chairman Crawford asked if there is any possible compatible use such as any nature

trail or picnic area. Mr. Paul stated they are open to that.

Jim Elza, Planning Board member, stated the elevation at top of the hill is 510 and at the bottom is 490. He asked how an eight foot wall would block the view. Mr. Paul stated there will be a retaining wall along the southern boundary line.

Commissioner Dasher asked if the parcels are rezoned and the developer does not go through with the plans, what happens. Ms. Birchett stated it could be a different owner and developer.

Chairman Crawford opened the hearing.

Jeff Leimberger submitted the following comments:

I would like to point out a couple of things that concern me. I was a member of the Polk's Landing community when Polk's Village was approved by this Board. Your question Mr. Dasher is very relevant. What happens if this tenant doesn't come through. What happens to this lot once it is rezoned. Polk's Village was sold as LEED certified buildings with no fast food drive thrus. Now we have a Taco Bell going in. As far as promises that their tenant will only be open until 10 pm, every major chain grocery store in this country is open 24 hours, except probably their tenant. There is no proof that will remain the status. I am also very concerned about the amount of traffic that is going to come to Polk's Landing Road. It is about 9,000 daily trips, I believe. That is not including the 1,500 that the Taco Bell across the street is going to add in the near future. That is almost 11,000 car trips per day in that very small section. The only other thing I have to say, I think the schematic was a little bit misleading. We had the schematic with northern conifer forests between me and the retaining wall. We don't have a lot of evergreens in this area, certainly none that are low to the ground like their schematic. They also point out there is 350 feet between the homes and their building. That assumes the residents of Polks Landing never want to use their backyard. Their backyard is thirty feet from this development. A thirty foot buffer is probably from me to that wall. Imagine standing here with a couple large hardwood trees. They are going to lose all their leaves in the winter. Tell me that buffer is adequate. Thank you.

Chris Tommerdahl submitted the following comments:

Rather than concentrating on specific tenants that could end up occupying the proposed development, we want to focus on the question of whether the site on Polks Landing Road should be rezoned for commercial use to start with. In dealing with Polks Village, which is immediately to our north, we've learned firsthand that retail tenants can and will change according to market conditions. As a result, let's frame this in general terms and ask 1) is there a need for another retail location of this type in our community and 2) if there is a need, would this be the correct location for it? With the help of a few neighbors, we've been door to door to every house in Polks Landing, Polks Trail, Hidden Valley and Scarlet Oak (collectively referred to as Polks Landing). Our neighborhood petition of 155 homes found that 97% of households oppose rezoning. Together, we urge you to Keep Polks landing Residential.

In recent discussions with my neighbors, I received an overwhelming sense of concern about how we'll be able to maintain the character of our neighborhood over the coming years. Given the number of longtime residents (many of whom have lived here for 20+ and even 30+ years), and how deeply we all value the unique setting of our homes, this concern is unsettling. We've invested money, time, and energy into

our homes and we deserve to have confidence that it was well spent. These feelings indicate the importance of our ongoing community wide conversation about responsible growth. Many longtime residents value this area because of its rural and natural characteristics, but as development creeps closer to our homes, we fear that we will become irrelevant in the face of unchecked growth.

North Chatham has a unique character that's worth preserving. As growth marches forward, we have the opportunity to be more selective in determining where and how we want this to occur. You have the ability and oversight to aid coordination between commercial developments by ensuring that uses a) are compatible with nearby residents; b) are truly needed; and c) generate tax revenue in a complementary rather than competitive way. Steering future growth to minimize negative impacts on existing residents and businesses alike will result in a more positive future for our community as a whole. We deeply appreciate the thought and time you have already devoted to the topic of growth and we're confident that you will continue to do so as this issue moves forward. Thank you.

Keith Gerarden submitted the following comments:

My name is Keith Gerarden, and I've lived in Polks Landing since 2005. I served on the Chatham County Transportation Advisory Committee for four years and I am somewhat familiar with traffic design elements as a result. I reviewed the Traffic Impact Analysis submitted as part of the development application, and I'd like to bring up some concerns about traffic that stand out to me. For background, based on a partial observation by the DOT in 2017, Polks Landing Road is believed to carry approximately 1000 vehicle trips per day. It's important to understand that Polks Landing Road only serves the neighborhood itself; it does not connect through to other roadways. As such, and since the neighborhood is fully built out, the traffic load on Polks Landing Road is steady. Polks Landing Road is a narrow two-lane road with no painted centerline; it accommodates traffic for around 150 houses. We have significant concerns about it being utilized by the much greater number of vehicles bound for a strip mall or shopping center. This proposed development is estimated to add close to 10,000 vehicle trips per day, of which 50% are expected to enter via Polks Landing Road. 5,000-7,000 additional vehicles per day on Polks Landing would be a huge increase over the current volume of traffic utilizing this road and would significantly impact the ease, convenience, and safety with which we navigate in and out of our neighborhood.

I commute by bike daily, and this proposal frightens me. Today, I rode out of my neighborhood to go to work and back in at the end of the day without worrying about crossing traffic, congestion, and drivers unfamiliar with the traffic pattern on Polks Landing; all of that would change. I am also deeply concerned about delivery trucks using Polks Landing to access the proposed development; I fear that I'll be on the losing end of an encounter with a careless driver. Since Polks Landing joins 15-501 on an east-west orientation, I also worry about drivers turning from Polks Landing into the proposed site with the sun in their eyes (or in the eyes of drivers leaving the neighborhood). I can tell you from personal experience that the sun can be blinding along Polks Landing at certain times. Since there are no intersections feeding onto Polks Landing now, that's rarely an issue, but with significant volumes of crossing movements as proposed in the traffic analysis, that will change drastically as well. Every time I come in and out on my neighborhood road, I'll be concerned about drivers that may not see me. In addition to the impact that the proposed development would have on Polks Landing itself, the TIA makes it clear that impacts will be felt in a number of other lane movements nearby. The DOT reviewed the TIA and has a meeting scheduled this week to discuss their recommendations with the developer. It

is my understanding that if this development were approved, the DOT is not inclined to maintain the Lystra Road/15-501 intersection as a full movement intersection. Instead, they intend to suggest that intersection be reconfigured as a synchronized street or reverse synchronized street in keeping with the DOT's plans to convert the 15-501 corridor to that design. Neither design would provide a straight-through lane from Lystra into the proposed development.

In case you're not familiar with synchronized streets, they eliminate left turns and replace them with U-turns a distance away from the intersection itself. A traditional synchronized street design would eliminate left turns from Lystra onto 15-501 southbound. This would have significant repercussions for our neighborhood, as all traffic turning from Lystra to access 15-501 southbound would drive north to the Polks Landing left-turn access in order to make a Uturn. The TIA identifies an additional vehicle load of 200+ cars per hour during the AM rush making that movement, and 500+ during the PM rush- that's almost ten cars per minute! Polks Landing-bound traffic coming from the south would have to wait for all those additional vehicles to clear through the intersection in order to turn in to our road. Currently, that left turn movement operates at a Level of Service (LOS) of C in the morning rush and D in the evening rush, which equates to a wait time of between 15-35 seconds. Under projected future traffic conditions, this movement would fall to the lowest LOS, F, which is a wait time of greater than 50 seconds. The DOT may propose a reverse synchronized street design, which was not included in the TIA. If that configuration is agreed upon, it would allow left turns from Lystra onto 15-501 southbound, and right turns onto 15-501 northbound, but would not allow a straight-through lane entering the proposed development. More importantly, the reverse synchronized street design would remove the ability for traffic on 15-501 to make left turns onto Lystra (or left turns into the proposed development); I don't believe this would impact the Polks Landing intersection as drastically as the traditional synchronized street, but it would have a significant impact on southbound 15-501 traffic wishing to turn onto Lystra; all such traffic would have to drive past Lystra to a new U-turn location, then proceed back north and turn right onto Lystra. Thank you for your time.

Shelley Colbert submitted the following comments:

I have already submitted written comments previously to you that go into greater detail concerning what is actually submitted in the application but I want to summarize for you some of my concerns. I address you today to object to the most emphatic terms possible to the approval of a proposed residential rezoning for a strip mall in Polks Landing. The application contains material omissions, mischaracterizations and inaccuracies that I noted in greater detail in my written comments to you. The proposed Polks Landing location is simply the wrong site for a commercial strip mall, period. Approval of the request would be actively detrimental to the public health, safety and welfare not merely for citizens in the immediate residential vicinity but for adjoining neighborhoods and the county as a whole. This poorly executed proposed development offers no meaningful convenience beyond what is already provided within three miles of the location and contains no persuasive or substantive arguments for future need in this location because there aren't any. One thing that is not mentioned in the application is given the changing retail environment due to ecommerce historical commercial retail models are not accurate, reliable, or desirable blue prints for future planning as noted in credible business publications such as the Economist and the Wall Street Journal. It is imperative that we consider the future development needs that this application fails to establish any reasonable necessity for the rezoning change now or for the future. Moreover, the application demonstrates in multiple places a profound disregard, ignorance and

mischaracterization of current uses of Chatham County portion of the 15-501 corridor and the most desirable future planning outcomes under the pending Comprehensive Plan for that gateway. Perhaps this disregard and ignorance stems from the fact that the applicant has no ties to this community and no vested or long term interest in the quality of life of this county, its citizens, or its need for a balanced plan and rational economic development. As a county we simply can't allow unnecessary ad hoc rezoning such as this request represents to turn the 15-501 gateway to Chatham into a ten mile long eye sore of strip malls, environmental damage and incompatible land use. I can tell you that after nine long years of living in Fayetteville I can personally attest the negative affects on health, safety, the environment, quality of life and property values that ad hoc development miserably delivers to a community incrementally destroying its livability and desirability over time. I urge you don't turn north Chatham into Fayetteville. Thank you.

Peggy Myers submitted the following comments:

My name is Peggy Myers and I have lived in Polk's Landing since February 1987. My husband and I were barely past being newlyweds when we bought our "first" house here. We had no idea then that we would be so happy and well-settled in Polk's Landing that we would never really consider buying a second house or moving. I'd like to tell you about one of the things I treasure about our quiet, peaceful residential neighborhood. I treasure the outdoors. And I spend most of my outdoor time walking the streets of our neighborhood. My neighbors, at least the early risers, know that I am usually out walking between 5:30 and 6:30 in the morning. My big brown dog is my companion and we see a lot of things. We know all the cars of people who leave early for work- they drive slowly around us and wave. We see deer almost every morning, we see hawks -last week we saw a pair of hawks, we hear owls, and we know the patch of woods where a fox family has its den. This morning we felt what I think of as "the first breeze"- the wind that blows just after sunrise. I relish my quiet mornings in all seasons, I'm just as happy in the winter when I make my whole walk in the dark. But I get to see the moon and stars, and eventually the first little pink glow of sunrise.

I want to tell you a little story about the dark. About 15 years ago there was a meteor shower that had an exceptional number of meteors predicted. The best visibility was projected for about 3:00 in the morning in North Carolina, and our older son really wanted to see it. And, of course, it was a school night. There were viewing parties scheduled at one of the Jordan Lake boat ramps, but that's a long drive in the middle of the night, especially on a school night. In the end, I set the alarm for 2:45 and we got up, pulled on coats over our pajamas, and drove out to Polk's Landing Road. We parked on the side of the road where the view opened up to the night sky, got out and leaned back against the side of the car so we could look up. And then we started counting shooting stars. In no time we had spotted 30. Then, amazingly, another car pulled up. Another neighbor had the same idea- to watch the meteor shower from Polk's Landing Road. About 30 or 40 minutes later- when our shooting star "count" was over 100, and we were pretty chilly- we called it a night. This is the quiet, green, residential neighborhood we have come to love over the last 30 years- and quite honestly I don't want commercial development to encroach on it any further. Our night of shooting stars would probably be impossible now because of the light from recent commercial development. I hope you will help us keep this corner, and our neighborhood, residential.

Kelly Fuller submitted the following comments:

My name is Kelly Fuller and I've lived in Chatham County for 20 years. My husband and I bought our home in Polks Landing in 2001 when our daughter was a toddler - she is now 16 and has loved growing up in this natural setting.

- When we all bought our homes, we had a reasonable expectation that the land between 15-501 and our neighborhood would remain residential because it had already been developed that way. The land in question includes many mature oak trees, a pond, forest, and five homes in good condition. These homes are directly adjacent to our neighborhood and contribute to the rural and natural character of Polks Landing. Replacing these homes with retail would directly expose us to increased traffic, light pollution, air pollution, and fast food and garbage smells.*
- If the land is rezoned to be commercial, all four corners of our intersection will be commercially developed. This is counter to the goal of preserving the rural character of our county.*
- Our community values the natural environment above conveniences. We already have two grocery stores within walking distance and do not need or desire a third.*
- We recognize that the Board of Commissioners has an interest in economic development and denying this rezoning request will not stand in the way of that. There are many larger pieces of land nearby that are already zoned for commercial development and would be appropriate for a supermarket. Denying this rezoning request will not cost the county tax dollars- it will simply require this developer to find a more appropriate location, like Williams Crossing, the land across from Fearington, or the corner of 15-501 and Andrews Store Rd. Leaving this land residential and the trees undisturbed will allow northern Chatham to retain some of its rural character. I respectfully ask you to please deny the rezoning request.*

Erika Lindemann submitted the following comments:

Good evening. My name is Erika Lindemann, and I live at 308 Creeks Edge. It's the first house in Polks Trail, a subdivision of 15 houses that adjoins Polks Landing. I've lived there for 37 years and bought the property because it was in the woods, with only a 20-minute commute into Chapel Hill to teach. The daily drive up 15-501 North, which was then a two-lane highway, took me through peaceful pastureland and forests, with only the occasional chicken truck to worry about. There were no grocery stores; I shopped once a week in Carrboro. When my nieces were young, they played in Pokeberry Creek, and brought home box turtles, frogs, special rocks, and other treasures to show me. My study window looks into the woods, a view that's offered countless mental breaks from grading papers or planning classes. Deer visit me almost every day; birds have lunch in my holly tree; rabbits, foxes, owls, and hawks cross the yard. Almost daily I walk from my house out to 15-501 and back; my neighbors are also out walking dogs, pushing strollers, riding bikes, or stopping to talk with one another in the street (there are no sidewalks in Polks Landing).

We are blessed to live in the woods, and the mature trees are important to our entire community. When the Appearance Commission reviewed this proposal, they unanimously agreed that the plan be revised to preserve as many trees as possible. Morgan Property Group has not complied with this request and still plans to remove all of the trees, including a dozen magnificent oaks. Replacing them with a few smaller trees in the proposed parking lot will never match the luxurious canopy that is there now. The pollution of Pokeberry Creek and its wetlands is also a significant concern, because the proposal hasn't satisfactorily addressed storm water management. Polks Trail residents get their water from a community well, but I have no assurance that our water will be protected. The proposal doesn't explain how the pond on the property will be converted into a storm water management facility, or what might be in the overflow water that travels down Pokeberry Creek into the Haw River.

I'm not opposed to growth in Chatham County. But is another grocery store really needed at this location? My neighbors and I don't think so. The site is two miles from Walmart, less than a mile from Lowes Foods, and across the highway from Harris Teeter. This project belongs elsewhere, on a site that's already zoned for commercial development. We value our safe, quiet neighborhood and its beautiful natural setting and hope you will help us preserve it. Thank you for listening to us.

Angela Bond submitted the following comments:

Thank you for the opportunity to address this important issue in a public forum. I am a native North Carolinian from a county located about 60 miles north of here that has not planned well and as a result is facing severe economic consequences. So please know, I am a proponent of strategic and responsible development. What I suggest to you is that rezoning this property for an outdated retail design is neither strategic nor responsible.

I will illustrate this point by focusing on a vital resource that we all depend on to be managed well- water. As part of this development, the Environmental Impact Assessment indicates that 19 of the 23 acres will be graded in phase one. The disturbance of existing natural vegetation will result in increased storm water that has to be explicitly accounted for. We need clarification on the following:

- The Environmental Impact Assessment page 4 and the rezoning application on page 12 seem to have contradictory approaches on how to manage storm water.*
- The developer plans to convert the existing pond into a storm water management facility. The county is unaware of any previous examples of such a conversion.*
- How will the current pond be enlarged to accommodate the increased volume of water from impervious surfaces versus the currently vegetated soil?*
- Will the pond have to be drained for retrofitting? How would this impact aquatic life?*
- Where will the outflow go?*
- The Appearance Commission noted that the parking lot is 30% larger than required by the county requirements. Why? This will increase water runoff which then has to be managed.*
- Why doesn't this plan include porous pavement to minimize runoff? Could some of this runoff be captured for watering landscaping? Isn't this an opportunity to be innovative?*
- The developer states that there are not any streams on the property. Water does not respect property boundaries, so will water still drain into the Polks Landing neighborhood as the pond currently does?*
- How will the increase in impervious surface and the conversion of the pond affect the quantity and quality of water flowing through our yards and into Pokeberry Creek?*

Molly Brown submitted the following comments:

I grew up in the foothills of Southern California, where the average rainfall was 6-8 inches a year. As a child, a stream was a rare and magical place that appeared only 2 or 3 times a year. So I have a particularly strong appreciation for the 6 different streams that run through Polks Landing. All of us here know that our streams are an important part of the special character of our community. We are all very concerned that the proposed development would negatively impact these living waters. Our children happily explore the creeks, and our dogs drink from and play in the water. They do all this safely because the water is clean. Of these 6 neighborhood creeks, 2 would be most impacted. Water from the storm water facility would drain into the longest creek in the neighborhood, which crosses beside or behind 13-14 residences.

Our concern in that the groundwater from the septic field would compromise the second, smaller creek. This smaller creek is important because it is where we have observed the highest water quality, as measured by aquatic life. Think crayfish! These two streams come together about 50 yards upstream from the edge of my property. At this point, they form a larger creek that in a half mile joins Pokeberry Creek itself, at the edge of the Pokeberry Wetlands (where the beavers lived before they moved to a nearby location).

I've lived in this location for 7 years. In the past three years there have been two 100-year floods, the last one being Matthew last fall. During these storms, the volume and speed of the water coming down behind my house was so much greater that it led to some dramatic changes. I have two photos I'm submitting that will show some of these changes. In short, the stream banks have dramatically eroded and become incised. Our concern is that the proposed development would cause even higher, faster flows. The tree canopy would disappear and the ground cover would be scraped away, so that rain water would run off instead of slowly seeping into the ground. There is also concern about increased sedimentation, as bare earth is exposed by grading. This increased sediment would negatively impact aquatic life and put added nutrients into Pokeberry Creek, which already has too much, and ultimately into the Haw River. In summary, the proposed development, beginning with the grading and tree cutting, and continuing with the water released from the storm water facility, would decrease the water quality in both the streams and Pokeberry Wetlands. Polks Landing wants to keep our creek water clean, not only for our personal neighborhood enjoyment, but from our larger concern with the water quality in Chatham County.

David Bond submitted the following comments:

As you have already gathered I don't come from these parts originally. Thank you for hearing us. There are only two reasons why I would leave my beautiful home in Capetown to be here. One is my beautiful and persuasive wife who you have already met. The other was finding a place where I would like to live and Polks Landing is that place. You heard a lot about the joys of Polks Landing from other people tonight. It really has made a beautiful home for us. It is also a wonderful community. The people that live there are a wonderful community. Recently I met a couple of the commissioners here tonight, I realize more that makes us happy to be in Chatham County and that is the way you guys are striving to be consultative in your approach in going forward. I come from a family of property developers so I really mean no disrespect to my colleagues, I am a beneficiary of property development in many ways. But if I have learned two things from the past is the way they are doing business in the past and the way they are doing it in the future. We need to continue to be consulted. The most successful project happens with collaboration of local people with local developers in their community. You are going to be needing to look to build the future that you want with the people living in the area. This is what you are already doing and I urge you to continue doing it. Thank you.

Kate O'Brien submitted the following comments:

I am happy to have this opportunity to address you. My name is Kate O'Brien and I would like to express my opposition to rezoning the six parcels in question as commercial. I moved to Polk's Trail subdivision in 1997 with my partner, Wendy Richardson. We had lived in Philadelphia, Vermont, and Colorado together and had traveled around the world over the course of a year. When we purchased this house and lot it was because it was wooded and surrounded by hundreds of acres of

undeveloped land. We were accustomed to living in beautiful places and we were pleased to find a suitable place to live and build our family in North Carolina. What we hoped to find in addition, was a community of friends. We were successful with that, as well. We have gone on countless dog walks with neighbors. We have exchanged pet care and errands. We have shared meals and celebrated milestones together. We have gone sledding and trick or treating. Always we comment on the natural environment and wildlife. We stay interested in the creek level, the fall foliage, the honeysuckle and black berries, etc. We stay on alert for sightings of deer, beaver, possums, woodpeckers, turtles, snakes, blue birds, and owls. We don't like light, air, noise, and water pollution. The wildlife care for it even less. Our family, and many others opposed the Briar Chapel Development pushed through by outsiders. We heard and saw the clear cutting of hundreds of acres of land. We saw and smelled the burning of roots and tree litter over many days. We were forced to stay indoors until the burning was finished and the air quality improved. Then came years of building- the building and all the noise and light disruption continue to this day. Briar Chapel was followed by Polk's Village. It materialized suddenly and we lost the private seclusion of our neighborhood. This latest proposal for the six lots must not be permitted. In Colorado, planners had the foresight to not allow the corridor between Denver and Ft. Collins and between Ft Collins and Boulder to devolve into continuous strip malls. We need to be cautious about indiscriminately developing both sides of 15-501 from Pittsboro to Chapel Hill. I explained to a friend in passing that there were efforts underway to build commercial properties on 15-501 in my neighborhood. She said that I could always move. That response has stuck with me. Move where? To what? To another residential area that could be rezoned? Why should we be forced out? Can't we expect to rely on the continued land use that was in place when we purchased the property? Aren't zoning regulations in place to put the public on notice and to preserve the designated land use? Should the financial interests of outside commercial developers outweigh the expectations and rights of our small band of residents?

Margaret Richardson submitted the following comments:

My name is Margaret Richardson. I'm twelve years old and I have lived in Polks Trail all of my life. I am concerned that a grocery store and other commercial development would greatly change the nature of our community. Currently I consider the neighborhood a safe place that I can bike and walk around in. With the busy patrons of a grocery store there would be more traffic, people, noise, and trash, which I believe would make the neighborhood, both at the entrance of my community and close to many of our homes, much less kid friendly. Thank you.

Sarah Packer submitted the following request:

As you may have noticed, the proposed site is 'L shaped' and abuts 21 homes in Polks Landing and 3 more along 15-501. The site's shape requires the primary structure to be squeezed into one of the legs so that it stretches from Polks Landing Rd all the way to the Hidden Valley property lines. The degree to which this would impact residents' quality of life and the neighborhood's character as a whole is unusual compared to other nearby shopping centers' effects on their neighbors. Nothing in the developer's application pinpoints the Polks Landing intersection as the specific location that would be appropriate for this project. The reasons for choosing the site are vague and only note the need for more retail in Chatham County in general and identify the 15-501 corridor as one of the areas appropriate for it. Given that there are several regularly shaped properties nearby along 15-501 that are

already zoned for commercial use and are awaiting development, why have they chosen the location at Polks Landing? The application notes that there is a traffic signal nearby. However, after discussing this with the DOT, it sounds unlikely that this development will be tied into the stoplight at Lystra Rd. The application also states that the site is relatively flat and notes a lack of sensitive environmental features. Although it's true that there are few steep slopes within the project's property lines, the application fails to mention that much of the area is at the top of a hill that drains into our neighborhood. Multiple streams with high water quality originate here and flow through our yards into Pokeberry Wetland, the Haw River, and Jordan Lake. The developer has mentioned that the Polks Landing site is especially desirable because it is on the southbound side of 15-501 and would be on the way home for ALL vehicles bound for Briar Chapel and Chatham Park. However, according to the DOT, the Briar Chapel entrance road on Manns Chapel will be paved by the end of 2018. This route shortens the drive by 1.5 miles and will likely become a primary

Briar Chapel entry. At that point, the site at Polks Landing would no longer meet the developers' stated goal, as many residents would not pass through our intersection on their way home. With that in mind, there does not appear to be any strong reason for locating this development specifically at Polks Landing Road. Considering the impact this project would have on residents, wouldn't it make more sense to locate this on one of the undeveloped commercial sites along 15-501 rather than rezone a residential area that has already been developed with homes?

Nanette Atkinson submitted the following comments:

The developer's application only mentions that Chatham County has a general need for more retail space and fails to show that it is needed at Polks Landing Road. Do we need more retail space at this location? There are already several shopping centers within sight of Polks Landing. Polks Village is adjacent and still not complete, and Chatham Downs faces the proposed site. Additionally, Williams Corner is planned

for a space directly across 15-501 from Polks Landing. North Chatham Village, Chatham Crossing, and retail space at Manns Chapel are all within one mile. Expanding the radius to two miles introduces a Walmart, Briar Chapel's mixed use area at their main entrance and soon another 250,000 sq ft of space at Andrews Store Road. There are six vacant storefronts totaling over 26,000 sq ft along 15-501 within one mile of Polks Landing. With so much new development already approved and being built, what would be the effect of the proposed development on our existing shopping centers? Looking at grocery stores in particular, at a recent presentation, Lee Bowman of Newland explained that Briar Chapel is currently in discussions to line up a grocer for their retail area at Andrews Store Rd and 15-501, just 1.8 miles south of Polks Landing. Fearrington Place at the intersection of Morris Rd and 15-501 (only half a mile farther south) is also zoned for commercial use; the approved site plan for that location included a grocery store. Based on information from a phone conversation with the owner of that property, Fearrington Place could soon be ready for development. There is already a Walrnat within 2 miles, a Lowes Foods within 1 mile and a Harris Teeter directly across 15-501 from Polks Landing. Excluding the proposed project, there is the potential for as many as five grocery stores between the Orange County line and Fearrington Village- a stretch of less than five miles. By our observation, the existing stores are meeting consumer demand. Given the plans for as many as two more stores, we ask you to consider whether there is actually a need for yet another grocery store, whether Polks Landing would be the optimal location, and what the impact would be on our existing and planned stores. Would adding new retail space simply shift tax dollars from existing stores without creating enough of a net gain to justify the negative impacts it would have?

Rob Wheeler submitted the following comments:

I spent 25 years in new home residential development and have been through numerous rezoning applications. We often had a small commercial portion and not once, did we ever seek to place that adjacent to existing homes.

This land is zoned residential and needs to remain that way. The negative impact on Polks Landing and damage to values is significant. Homes will absolutely depreciate and will suffer from noise and light pollution. The environmental impact of installing a septic system on that property can only hurt the existing ecosystem and runs the risk of further damage to Polks Landing.

At the end of the day, this is all about economics for the out of state developer. They are undoubtedly paying a substantial amount for the land, but zoned land is available at a higher cost. My question is why out of state developers economics are taking priority over those of existing residents who have been paying taxes for years.

They talk about convenience and traffic on the way home heading to Manns Chapel road. They are fully capable of backtracking a short distance if the development goes on south of that location. Their slight convenience should not take a priority position over the residents of Polks Landing.

If the developer threatens to walk away if they can't have the location, please let them walk. With all the development going on in that area, there must be a grocery store chain that will invest in and build a grocery store and additional commercial space on properly approved land. Publix is not the only chain expanding into this area.

Joe Kinder submitted the following comments:

My name is Joe Kinder. I live at 112 Hidden Valley Drive. I have lived there for 15 years with my wife and two sons. My sons are 7 and 13. Our home is the closest to the proposed development because our house sits further back on our lot than the homes of our neighbors. I have attended several neighborhood meetings, listened to the developer, Morgan Property Group, and listened to concerns expressed by my neighbors. Like many of my neighbors, I would prefer that the area bordering my property remain as it is. However, I also recognize that we live in a growing area adjacent to a major transportation corridor. Three of the four quadrants at Polk's Landing Road and 15-501 are now commercial or planned to be commercial. Something eventually will get built on the properties behind mine along 15-501. It is unrealistic to think that someone will build homes at that location. Commercial development is more likely. I have appreciated the willingness of the developer to meet with the neighborhood, listen to concerns and make efforts to address them. Those efforts have included significant changes to the development plan and commitments to mitigate impacts. Morgan Property has recognized the close proximity of the development to my home through buffering and other mitigation and have been sensitive to the concerns I have about my son's asthma. Based on these interactions and evolution of the development plan, I support the proposed rezoning. I believe Morgan Property Group will do a good job and prefer knowing what is coming as compared to continued uncertainty.

I am afraid that we are going to go through this over and over and at some point I am going to end up with a gas station in my backyard or something that is going to take down my home value. One thing that hasn't been brought up, and I am just trying to

be realistic, when I leave I don't go down Polks Landing Road. I go through Polks Village and that traffic coming in and out is much easier and I know that may not be popular. I am just trying to be realistic and address something that would completely take all traffic out of that. Thank you.

Janice Keene submitted the following comments:

I live on Creeks Edge in the Polks Landing neighborhood. I have lived in this community for 40 years. I am here today to express my opposition to the rezoning of the parcels 2719, 2720, 2721, 69884, 60612, and 2508 (corner Polks Landing Road and 15-5015). I appeal to you to keep the area zoned Residential in order to save the Polks Landing community as a viable, thriving, healthy environment for the working adults, children, retirees, students, professionals, and others who live here. Rezoning commercial, in my view, would allow the development of a shopping center on confined space and on a scale that will overwhelm our modest 150+ home neighborhood and destroy the unique character of Polks Landing and our residents' quality of life, and safety. Commercialization will lead to: degradation of water quality, traffic congestion, traffic hazards, noise and air pollution, and a loss of green spaces. The community will be degraded substantially. I appeal to Chatham County Planning Board and the Chatham County Commissioners to decline the proposal to rezone the Polks Landing Road - Hwy 15-501 south development project and keep the specific properties zoned residential. Thank you for opportunity to speak.

Christine Consoli submitted the following comments:

My name is Christine Consoli and I live on Hidden Valley Drive. My property backs on to one of the properties currently proposed for rezoning. Ever since I first heard of the application for rezoning, I have been spending a lot of time thinking "why me? Why is this happening to ME?" It took having the affected neighbourhood and surrounding business folks coming together to make me realize, that although this proposed rezoning is in my technical backyard, people think of Chatham County as their home, not just the piece of property they have a deed for. Having residential areas rezoned for commercial use, doesn't just affect the people who will be able to look out their windows and see it, it affects all the people who have chosen to move to Chatham County for its beauty and natural surroundings. Tonight I am here not only to support and represent the neighbours and residents who oppose the rezoning, but also one of the businesses that will be impacted, Rainbow Childcare Center. My daughter attends Rainbow for her childcare. Her classmates come from all over Chatham County, and nearby Orange County. Once the daycare was made aware of the proposed rezoning, they got the word out to the parents who bring their children there. Many of the parents who entrust Rainbow with their children's care are opposed to the rezoning. In addition to the parents, the corporate offices of Rainbow Childcare are also concerned. Both the letter from the parents of the affected location, and the letter from the in-house counsel for Rainbow Childcare Centers are included in the information submitted tonight. Here is the letter signed by concerned parents, including me and my husband.

Dear Chatham County Commissioners,

My child attends Rainbow Child Care Center. One of the reasons I chose this daycare is because of the quiet, outdoor, natural atmosphere. Rainbow Child Care is immediately across Polks Landing Road from the proposed site for commercial rezoning and a strip mall. The two proposed entrances for the development on Polks Landing would be just before and just after the daycare center. I believe that this will

negatively impact my child's experience for several reasons:

- The increase in traffic on this narrow neighborhood lane will cause a safety issue both for parents dropping off/picking up children and for the school buses that drive in this way.*
- The outside play area is adjacent to Polks Landing Road and between the two proposed entrances. The tenfold increase in traffic on this road will increase noise and air pollution.*
- Large delivery trucks driving past the daycare will be loud and will negatively affect my child's experience and learning environment.*

I feel that the homes and residential zoning of the site on Polks Landing Road are much more compatible with the existing uses surrounding it than this proposed development would be. I encourage you to consider this business and our children when making a decision about rezoning.

Sincerely, Concerned Parents

Paul Mele submitted the following comments:

Good evening planning board members, and thank you for the work you do for us, seen and unseen. My name is Dr. Paul Mele and I live on Creek's Edge in Polk's Landing. I believe I was the only one from our neighborhood present at the "Plan for Chatham County" meeting last week. It was very informative. As you know, that committee has been working for the past 18 months to come up with a "master plan" for growth and development in Chatham, through the year 2040. There are 4 items in that plan that are pertinent to our question of re-zoning tonight. The first is the stated goal of "preserving the rural nature of Chatham County". Many of us don't live in Durham for that reason. The second is to promote economic development, and to do so by "targeted recruitment of existing businesses and promotion of appropriate targeted industries". The third combines these 2 thoughts on the 15-501 corridor, specifically by "preserving the frontage along 15-501", and "preserving heritage trees". Lastly, as a physician, I was happy to hear about the stated priority of improving the health of our citizens, specifically targeting the obesity problem in Chatham. We are the third fattest county in the state. We went from 21% of the adults being obese in 2015 to 28% last year. We have 3 times as many obese teens now as we did when many of us were young. The board looked to the research done at a Federal level by the likes of the American Heart Association, American Diabetes Association, and the Harvard School of Public Health, and adopted their plan to attack this problem by targeting SUGAR ...specifically soft drinks. This one preventable cause of obesity plays a major role in the health of our country and our county. Sugar now plays a similar role as cigarette smoking did when I was in medical school... conceptually and financially. The "Plan for Chatham County" committee members went a step further and surveyed the county to see which areas should be targeted as "needing healthy food choices" to allow for more focused development. In so doing, they also identified the opposite areas, i.e. areas that already have enough "healthy food choices". Guess what... our little strip of 15-501 is in that second group. There is no need for more healthy food choices near Polk's Landing ... In the future, as we approach 2040, this question can be reassessed. It's taken 50 years to get the smoking rate down from 50% in the 1960's to 15% now. Let's not take that long for the obesity problem. In the meantime, the available commercial land in our area is best suited for other "appropriate targeted industries". And, finally, there is no justifiable need to re-zone part of our residential neighborhood at all.

Jeffrey Wehner submitted the following comments:

See this group of people right here? We are neighbors. Neighbors come together in a community. What is being proposed here is breaking up that community. I for one am the biggest advocate of saying no to this rezoning. Let that be known. I think it is your responsibility to look at other venues if this property is to be developed, not to be developed by this group of gentleman here. There are so many other businesses, such as a qualified nursing home, which you don't have that is greatly needed. These people right here all say no. These people right here are proposing something, it is a proposal. The attorney made it seem like this is the way it is going to be but he couldn't really answer questions on the infrastructure, which is very important to all of us. We need to know this but what we don't need is something in our backyard. I live on Holly Ridge Road and the back of my property is going to be very visible to the wall. I don't want that. The wall is not tall enough. That wall is not wide enough and you can't plant enough trees to deaden the sound. It is going to create a lot of problems so I appeal to your intelligence, to the Planning Board when it comes time to say yes or no you remember these people sitting back here is that all they want you to do is make an intelligent decision and say no to this rezoning. Thank you.

Susan O'Hara Brill submitted the following comments:

I am a 21 year resident of Hidden Valley and I am very fond of this wooded, friendly, family oriented quiet neighborhood; visitors to our house will joke about how hidden we truly are. All around there are new developments and we are aware that change will come but we cannot support what is being proposed in this application. There is already voluminous storm-water runoff, and also pockets of standing water in the wooded areas which create issues with mosquitoes. The placement of a storm-water management pond directly behind our house would exponentially aggravate that situation. We don't want the construction upheaval and noise, the ongoing din & racket of retail business, the smell of fast food in our backyards, and growing traffic congestion. We don't want the entryway to our neighborhood to be dominated by commercial development; all of these things pose hazards to the safety and wellbeing of my Polks Landing neighbors.

Gary Ace submitted the following comments:

I live on Silk Stones Throw and have for twenty-one years. Moved in during Hurricane Floyd. I love the community. My wife, dog and I walk everyday. We enjoy all our neighbors. They are a great group of folks. We are a community, a group of people who appreciate our shared land. Our values have some variation but we have a very strong feel of community. I think the question could be asked and answered by you folks is how will this project impact the community, impact the feeling of north Chatham and of Chatham in general. If we have more traffic, more people is that going to make it better. Is it going to make it more beautiful? I've taken pictures of beaver and otter downstream and it will have some impact from runoff from that property as well as the general human impact when you increase the number in a particular area. The beauty is something that cannot be quantified, measured, or put a dollar value on and a balance between development and business versus a feel for the residential area. I beg you to continue your good questions about this development and its impact on our community. The science evolves on the benefit of nature to our human spirit, how it benefits us psychologically, physically and even spiritually. How much benefit in those areas does a commercial business provide? Commerce is necessary and there are plenty of places that could have less of an impact. I beg you to consider all that. Thank you.

Emily Sutton submitted the following comments:

Though the Environmental Initial Assessment lists no streams or wetlands in the study area, I am concerned about the environmental impacts to Pokeberry Creek. The increase of paved surfaces and disturbed soil will further exacerbate dramatic erosion and sedimentation in the tributaries and main channel of Pokeberry Creek. A steep slope occurs just south of the proposed development area. The gradual slope leading from the proposed storm water pond leads to this steep slope. Though it is out of the study area, discharged water from this holding pond will further erode this slope and incise the creek banks of perennial tributaries and Pokeberry Creek. The proposed BMP is certified to withstand a 100 year flood, however, these rain events are becoming more common. We have had two of these events in the past three years. With the overflow from these BMPs into the tributaries of Pokeberry Creek will come sediment holding nutrient pollution. Pokeberry Creek has been and continues to be monitored at several sites to observe and record nutrient and sediment pollution, which has continued to worsen in the past decade. In a 2006 report done by my predecessors at Haw River Assembly, titled Two Threatened Streams, turbidity was shown to be a problem Pokeberry Creek. The mean turbidity levels in both Pokeberry sites were greater than the state standard for most receiving waters (50 NTU). A monitoring site located just south of the proposed residentially zoned parcels for Publix was reported as having a "deeply incised channel preventing access to its floodplain. Also the macro invertebrate community during the initial assessment of this site were dominated by tolerant species." The sites also received a poor score due to lack of bank stabilization. The eroding banks carry sediment, which holds high levels of nutrients, into the watershed.

Pokeberry Creek is part of the watershed of the Haw River Arm of Jordan Lake and is included in the nutrient load reduction targets under the Jordan Lake Nutrient Management Strategy and TMDL. The reductions for loading to this part of the Lake are 5% for phosphorus and 8% for nitrogen. The non-point source plan includes strategies for reducing nutrient loading to streams from agricultural lands; better management of fertilizers and biosolid applications; reducing stormwater run-off from new and redevelopment, as well as retrofitting existing development; riparian buffer protection; and improving wastewater land application and on-site wastewater systems to reduce nitrogen and phosphorus loading. All of these land use strategies apply to the Pokeberry Creek watersheds. While the Jordan Lake Nutrient Management Strategy continues to be postponed and weakened, the conditions of Jordan Lake and the tributary watersheds continue to worsen. Downstream of the proposed Publix site, Pokeberry Creek flows through a string of wetlands and beaver ponds that are providing amazing wildlife habitat in the midst of a developed landscape of residential neighborhoods. The wetlands are also acting as filters cleaning up much of the sediment laden stormwaters that are washing into Pokeberry from construction. Without additional protection these wetlands will start to decline, resulting in a loss of nutrient and sediment filtration to Pokeberry Creek. The 2003 Cape Fear Assessment Plan suggests that there is evidence that "the benthic communities in Pokeberry Creek may be declining in this rapidly developing area." The most recent report in 2014 listed the Benthos and Fish Community as meeting criteria for state standards, but our data shows gradual decline in benthic communities.

Currently, we have three monitoring sites downstream of this proposed development project. That data has shown a moderate decline in benthic communities since the 2006 publication of the Two Threatened Streams report. We will continue to conduct

quarterly assessments of the water quality and benthic communities in Pokeberry Creek. Due to the impacts on an already threatened stream, leading into critical drinking water sources, I recommend an alternative site for the proposed Publix in order to avoid pollution mitigation costs and negative impacts to human health.

Hamish Jackson submitted the following comments:

My wife and I moved here pretty recently, about a year ago. We liked the neighborhood so much that we bought a house just down the road from where this will be. We love how peaceful the neighborhood is. It really feels like you are in the woods. As soon as you get off 15-501 it is kind of magic. It is like you are in the countryside right off that main road. I think this would dramatically alter that. The entrance would be completely different. I would echo what everyone said. On the brightness issue with the sun, that road definitely gets really bright at sunrise and sunset. I do foresee accidents at that intersection, especially if you don't have proper eye protection. When we were looking at different houses in the neighborhood we had this excellent house inspector who told us the neighborhood does suffer from water flow issues. A lot of the foundations have been affected by water. I think the concerns over the water runoff from the building is something to really consider. I didn't quite understand how the pond was going to solve all of that. The developer is saying they will have centers of commercial use rather than turning the whole of 15-501 into a strip mall. That sounds like a great idea, I totally agree, but it is already getting to that point. There are many commercial spaces so why don't we start by keeping this one residential. That would be nice. Maybe we could think about an alternative use like a park. I don't know if the county has any extra money, we could make a really sweet park or a new forest, that could be good. Instead of a twenty to thirty foot buffer we could have a whole forest. Please vote no.

Stephen Consoli submitted the following comments:

As elected officials of one of the fastest growing counties in North Carolina, which is the tenth fastest growing state in the country, you are in a position of managing the tension between the present and the future. How will our community change? Will you be able to preserve the charm and rural character of Chatham County that discussion around the county's Comprehensive Plan has consistently found to be so important to our residents and leaders? Our county envisions a vibrant future: Chatham County will be a place that cooperatively controls its own destiny to assure the state of well-being desired by all of our people, while proudly preserving diverse cultural heritages and the County's rural character. (From the Chatham County land Conservation and Development Plan) You are in a position to foster innovation and push developers to incorporate growth in a way that will preserve our identity and embrace future economic trends. Clear cutting 19 acres for a big box/stripmall design with impermeable surfaces 30% larger than what is required is an investment in outdated infrastructure: it is not innovative, it does not preserve the character of this land, and frankly it is not visionary. Why not push for development in our county that embraces future economic trends? We are on the cusp of incredible growth. We are not in a position of "if we don't build it they won't come." People desire to live here because it has beauty, character, and pockets of citizens with strong community identities. Polks landing is just one example. like natural resources, communities with such a strong sense of place will only become scarcer. Preserving our unique qualities will protect some of our most valuable assets.

It is clear from economic data that retail as we know it is at a turning point. On Friday, Amazon bought Whole Foods and sent a shockwave through the grocery industry. By

forcing competitors to adopt the latest technologies, Amazon evolves markets. Do we truly expect that retail's future will continue to revolve around traditional brick and mortar stores? Minimizing investments in obsolete retail infrastructure will allow Chatham County to more easily adapt to the changing retail climate and jump ahead of the curve. We are fortunate to be at the crossroads of growth at the perfect time: we have the opportunity to be proactive and trendsetting. We very much appreciate the opportunity to be part of this process and we thank you for your attention to this important matter.

Planning Director Jason Sullivan clarified that the Planning Board will not have a second public hearing. They will discuss the information that has been provided in the packet and any additional information that has been received tonight.

Mr. Sullivan asked if the TIA accounts for the new layout received today. He also asked if the developer could provide an update on the intersection. Josh Reinke stated there are three alternatives being considered at the Lystra Road intersection. There is the superstreet, reverse superstreet, and full access. The developer is pushing for a full access intersection.

Mr. Sullivan asked if they are looking at three different alternatives, the one that is shown on this layout is not approved how does that change the traffic patterns on Polks Landing Road. Mr. Reinke stated congestion management provides recommendations. If it were to become some sort of limited access at Lystra Road they are looking at providing a U-turn further north.

Ms. Birchett asked the County Attorney if the Board grants an approval and when the site comes out of congestion management and has to be completely reworked, would they have to apply for an amendment and go through this process again. The County Attorney stated they would.

Mr. Sullivan asked if a sidewalk will be added along Polks Landing Road. The applicant stated yes. Mr. Sullivan asked if there are internal sidewalks proposed. Charlie Yokley stated there are internal sidewalk connections.

Mr. Sullivan stated the market study wasn't clear on what the connection was between the demographics and the demand for the additional grocery store. Is there adequate population in that three mile radius to support four grocery stores?

Jeff Seymor stated the Harris Teeter does extraordinarily well. The intent is for this grocery store, who is a direct competitor with Harris Teeter, this location gives them the best option to compete with them. It is unlikely that this grocery store will have a tremendous impact on the Food Lion, Lowes, or Walmart.

Mr. Sullivan asked about the survivability of the landscape by the retaining wall. Andy Padiak stated the stormwater ponds will offset the development. Mr. Yokley stated the plants will not be affected by the wall.

Chairman Crawford closed the hearing.

This Agenda Item was referred to the Planning Board.

17-2209

A Quasi-Judicial Public Hearing on a request by CE Groups on behalf of the F-L Legacy Owner LLC for a conditional use permit revision on Parcels 17378, 83655, 89437 to revise the current site plan to relocate some residential lots, increase open space, reconfigure some road

r-o-w, reduce total roadway length, and to eliminate one subdivision road connection to Big Woods Road.

Attachments: [More Information from Planning Department Website](#)

Chairman Crawford administered the oath to those wishing to speak.

Chairman Crawford opened the hearing.

Zoning Administrator Angela Birchett reviewed the specifics of the request.

Ms. Birchett: This is a CUP revision for the Legacy at Jordan Lake. This was a planned unit development that was approved originally in 2005. If you will remember back in 2008 when the recession started, the project kind of really slowed down. In 2014 they came back with a redesign, a little modification. They moved some lots around and removed some buffers from around some creeks and streams and things like that. Moving forward what the customer is looking for has kind of changed a little bit. As we know some things are market driven and have to happen. They are looking to relocate some lots. The overall project is going to reduce the linear feet of roads by about 2,700 linear feet, which also in turn decreases impervious surface. The subdivision lots will be more clustered, which creates more open space. Open space will increase from approximately 200 acres to about 214 acres which is a significant increase in the development. Relocating lots and configuring roadways to result in the elimination of a future road connection on Big Woods Road. This is the existing approved map that you see here. These lots in Phase 7, the orange color, these are the ones that are being proposed for relocation. I'll pull up that map for you. As you will see here, they are no longer in that area and have been relocated over here. That will eliminate some buffer issues on the water features that were located in that area as well. The developer and the civil engineers are available for a presentation.

Patrick Bradshaw, attorney for the applicant, addressed the Board.

Mr. Bradshaw: My name is Patrick Bradshaw. I practice law here in Pittsboro. I am here tonight representing FL Legacy Owner, LLC in this request to revise the site plan and sketch design for the Legacy at Jordan Lake to relocate twenty-six lots from the south side of Parker's Creek back to within the main portion of the community. The application for amending the conditional use permit has been signed on behalf of the owner of the undeveloped portion of the community and a duly authorized representative of the owner is here tonight and has been sworn so I would ask that the application submitted to the county be included in the record of this hearing.

Legacy at Jordan Lake is an existing planned unit development located in the R-1 zoning district. The PUD was originally approved in 2004 and 2005 as Ms. Birchett said. The PUD includes 463 residential lots with amenities on approximately 627.5 acres. The requested amendment does not add any land to the PUD nor does it increase the number of lots. It reduces the overall project road length by about 2,700 linear feet, which decreases impervious surface. It adds about fourteen acres of open space and it eliminates a future private subdivision road connection to Big Woods Road. The overall affect of these changes will be to create a more compact community with reduced environmental impacts. At this point I would like to ask the engineer for the project, Mark Ashness, to come forward and describe to you all what the changes are and then I will come back and briefly address the findings required by the Zoning Ordinance.

Mark Ashness, engineer for the project, addressed the Board.

Mr. Ashness: Thank you Patrick. Good evening board members and staff. I am Mark Ashness, resident of Chatham County. I think Patrick and Angela have hit the high points. Basically the most significant change we've made is with the estate lots that are located to the existing side of the road when you come in the main entrance. The proposed lots that we are putting in the lime green, the original plan had a cul-de-sac extended over toward the estate lots and that separation was about 850 feet by the crow flying between those lots. What we did is we flipped those cul-de-sacs to the south and so we created a little more separation and it allows us to have sort of a wooded edge behind these phase five and six lots to the south of that lime green area. The product itself is consistent with what we have in the cyan color that you see. What we are doing is really continuing that type of product along that road edge. Those lots all have direct access to the front entrance. When you come into the Legacy today there is a waterfall at the top and you make a right to get into the main project. There will also be a left turn there that will allow you to access these lots. These additional lots that we are adding to that road have direct access back to the main gate, they are not having to be funneled through the existing phase one lots out there. We had a community meeting back in April and explained these changes and I think it was well received by the community. Thank you.

Vice Chair Hales: The new lots are those lime green, they look like broken squiggle parts.

Mr. Ashness: The new lots.....there were already lots here previously. There was just less lots. We had a cul-de-sac that extended in this direction towards the north. We eliminated that. That was one of the feedbacks we had from some of the existing owners on this side. These are estate lots. We flipped those cul-de-sacs to the opposite side. The product that you see in this lime green is really similar to what you already see up here. This is already permitted. This area is already constructed. This is now in construction right now, these cyan lots right here. There is actually a loop road, when you come in you'll ultimately be able to go left or right and this road goes back up and wraps in, there is a roundabout right here before you get to the par three course and the amenity. From an efficiency standpoint the area where we added the lots have really direct access out through the main gate without having to provide anymore traffic volume on the existing road.

Commissioner Dasher: The area where the lots were moved from, is....

Mr. Ashness: That is part of the open space. In other words, there isn't any additional, that area is just held in open space. We already have some permitted spray fields approved in that area so there will be some pasture, ultimately, but there won't be any houses or roads constructed over there, which right now the current plan has a driveway cut on Big Woods Road and there would be another residential access to Big Woods. This actually brings all the lots back inside the gate. It is really more of a homogenous community by making this transfer.

Commissioner Dasher: But that would remain still part...

Mr. Ashness: That is correct. It is part of the project and it is open space. No lots would be allowed in that area.

Vice Chair Hales: Would you have other types of features like a trail?

Mr. Ashness: It is possible there could be a trail there. There are already existing trails through the project that wrap along the buffers and that is something that could be considered. At a minimum it will be open space.

Vice Chair Hales: And it is how many acres? That little parcel you are not going to develop now.

Mr. Ashness: I want to say it is close to thirty acres. We had twenty-six lots in that area so it is a sizeable area. Certainly you could develop it but I think it makes more sense to make it more homogenous.

Mr. Bradshaw: Mr. Chairman, to address the findings. Given the nature of these changes that we are requesting there will be no detrimental impacts on the factual basis for any of the five findings that are required by the zoning ordinance. Some of those will actually be enhanced by making these changes. A more compact, better designed community with reduced roadway lengths, less impervious surface, one less connection to Big Woods Road and home and lot sizes that are in demand in the market, is more desirable for the public convenience and welfare and has more positive impacts on surrounding zoning districts and health, safety and welfare of the community at large than the existing plan does. The increase in open space and the reduction of impervious surface improves the community's impact on watershed and flood considerations and the changes will cause no detrimental impacts to public or private utilities or infrastructure. We would submit that the evidence provided in the application and provided at this hearing is sufficient to support the five necessary findings under the Zoning Ordinance and we would request that you grant the revision of the amendment to the permit. Mr. Chairman, if there are other witnesses I have some general comments I might like to make but if there are not then I can spare you all that.

Clerk: No one signed up to speak.

Chairman Crawford: Any further comments or questions? Any questions from the Planning Board in attendance tonight?

Chairman Crawford closed the hearing.

This Agenda Item was referred to the Planning Board.

BOARD PRIORITIES

17-2202

Vote on a request to approve the adoption of the Fiscal 2017-2018 Budget Ordinance

Attachments: [BudgetOrdinance](#)
 [Summary of Changes](#)

The County Manager stated the Board received the recommended budget on May 1, 2017 and held two public hearings. The Board also held a work session on May 23, 2017 where it in substance adopted the budget. Staff took the changes made on May 23rd and incorporated those into the budget ordinance before the Board tonight. Several things were added to the budget including a school resource officer for Northwood High School, an additional amount to support a Board of Elections board member that will likely be added because of changes in the state law, a part time Veterans Services Officer, some additional funding for a misdemeanor diversion program, additional funding for a school health and wellness instructional facilitator that will be funded in partnership between the Health Department and Chatham County Schools, a budget analyst, a construction manager, and funding to the Town of Pittsboro to assist them with the purchase of land for a new town hall. Overall, that adds about \$830,000 to the budget funded with some additional revenues that were omitted from the original budget and additional tax dollars that were realized because

the county did not have the volume of appeals that was originally anticipated from the revaluation.

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

17-2207

Vote on a request to approve an application submitted by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision review and approval of **Phase 16 South, Revised Preliminary Plat; Final Plat approval of Common Area # 61 and Final Plat for Briar Chapel, Phase 16 South, Section 2**, consisting of 73 lots on 27.7 acres, located off SR-1528, Andrews Store Road, and Boulder Point Drive, Baldwin Township, parcel #82829.

Attachments: [More Information from Planning Department Website](#)

Planner Lynn Richardson reviewed the specifics of the request.

Vice Chair Hales asked if the Planning Board had a minority report. Ms. Richardson stated no. Vice Chair Hales believes the parking is an ongoing issue and problem.

Commissioner Dasher stated he had some concerns about the modification to the road and how that happened.

Nick Robinson, attorney for NNP-Briar Chapel, LLC stated the pre-2008 Subdivision Ordinance does allow for some discretion. There is no way that the stub-out will turn into a crossing over the creek without coming back to the Board for approval.

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty

MANAGER' S REPORTS

The County Manager stated Chatham County is not the third most obese county in the state as was stated during public input. Chatham County is more like the eleventh county at the top instead of at the bottom.

She will be out of the office on Monday and Tuesday of next week and on vacation July 8-15.

COMMISSIONERS' REPORTS

Commissioner Howard asked if the the MPO works with county staff. The County Manager stated yes. Commissioner Howard asked if it would be possible to have briefings from staff prior to the MPO meeting. The County Manager stated she would

speak with county planning staff.

Chairman Crawford stated he will be part of the Board of Health delegation traveling to Columbus, Ohio next month. He was also voted the Vice Chair of Board of Health. He stated the Board passed a Lease Inducement Agreement with the Town of Pittsboro on the consent agenda. It allows the property on Salisbury Street to be made into a new city hall. Commissioner Dasher stated he would like a joint press release with the town about the agreement between the town and the county.

Vice Chair Hales stated she is on the Environmental Steering Committee of the NC Association of County Commissioners and she recently attended a meeting. They discussed the commitment in the state to solar. North Carolina has the second largest commitment in the country with three gigawatts. They also discussed the riparian buffer exemption from property taxes. That would be a \$27 million dollar loss to counties across the state. The County Manager stated the County would lose about \$1.9 million dollars in property tax. She stated the Volkswagen settlement has \$13 million dollars coming to North Carolina and the question is what will they do with that money. They are looking at funding to attract new employers to the state and repowering vehicles shall result in the use of alternative fuel vehicles, engines and parts that are manufactured or assembled in the state. Vice Chair Hales stated she attended the Racial Equity Workshop Institute's training last week and Commissioner Dasher also attended. She recommends all Board members attend.

ADJOURNMENT

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

Aye: 4 - Chairman Crawford, Vice Chair Hales, Commissioner Dasher and Commissioner Howard

Absent: 1 - Commissioner Petty



Chatham County, NC

Text File

File Number: 17-2240

Agenda Date: 7/17/2017

Version: 1

Status: Approval of Agenda
and Consent Agenda

In Control: Health Department

File Type: Agenda Item

Vote on a request to accept FY18 \$3,810 Healthy Community Grant Funds.

Action Requested: Vote on a request to accept FY18 \$3,810 Healthy Community Grant Funds.

Introduction & Background: The aim of the Healthy Communities Program is to reduce the burden of chronic disease and injury in North Carolina. Racial disparities persist in chronic disease and injury prevalence and mortality. The Healthy Communities Program seeks to address opioid misuse and the risk factors of physical inactivity, poor nutrition, tobacco use, violence and unintentional injury. The Healthy Communities Program may enable local health departments to implement media and messaging campaigns that increase awareness of the risks of opioid poisoning, signs and symptoms of opioid overdose, where to access and how to administer naloxone in the event of an overdose. Research shows that implementing systems and environmental changes can result in positive behavior changes that decrease chronic diseases and injuries and improve health. Examples of such broad-based strategies include providing access to nutritious foods, improving safe options for active transportation, promoting tobacco free facilities and policies, supporting diabetes management programs, and providing evidence-based practices and interventions for violence and injury prevention in communities.

The Healthy Communities Program provides funding for county health departments to develop and implement community-based initiatives to create policies and environments that support increased physical activity, promote healthy eating, reduce obesity, prevent the use of tobacco, support diabetes self-management and prevent violence and injury.

Discussion & Analysis: These funds enable the public health department to pay for staff and community partners to attend trainings on racial disparities, health equity, and/or topics directly related to the FY17-18 Community Action Plan strategies. These funds may also support the public health department, if they choose, to implement mass media or messaging campaigns to promote the FY 17-18 Community Action Plan strategies.

Budgetary Impact: No Local Funding Requested.

Recommendation: Vote on a request to accept FY18 \$3,810 Healthy Community

Grant Funds.

Division of Public Health
Agreement Addendum
FY 17-18

COPY

Page 1 of 2

Chatham County Public Health Department
Local Health Department Legal Name

886 Healthy Communities
Activity Number and Description

06/01/2017 – 05/31/2018
Service Period

07/01/2017 – 06/30/2018
Payment Period

Chronic Disease and Injury Section
DPH Section / Branch Name

Sharon Nelson, 919-707-5207,
Sharon.boss.nelson@dhhs.nc.gov
DPH Program Contact
(name, phone number, and email)

DPH Program Signature _____ Date _____
(only required for a negotiable agreement addendum)

- ☐ Original Agreement Addendum
☒ Agreement Addendum Revision # 1

I. Background:
No change.

II. Purpose:
This Agreement Addendum Revision #1 enables health departments to (1) pay for staff and community partners to attend training on health equity and/or topics directly related to the FY17-18 Community Action Plan strategies and/or (2) implement mass media or messaging campaigns promoting the FY 17-18 Community Action Plan strategies. Additional performance measures are described in Section IV below.

III. Scope of Work and Deliverables:
As of June 1, 2017, this Agreement Addendum Revision #1 adds Paragraph F as follows:

- F. Pay for staff and community partners to receive training on health equity, and/or how to implement the strategies included in the FY 17-18 Community Action Plan. Staff must receive approval to attend training from their Healthy Communities Program Consultant. Funds may also be used to implement mass media or messaging campaigns to promote the FY 17-18 Community Action Plan strategies. This includes print, radio, television, billboards, web and social media. Coordinators must contact their Project Consultant before placing media and all media purchases over \$500 must receive prior approval.


Health Director Signature

(use blue ink)

5-30-17
Date

Local Health Department to complete:
(If follow-up information is needed by DPH)

LHD program contact name: Mike Zelek
Phone number with area code: 919-545-8466
Email address: Michael.Zelek@chathamnc.org

Signature on this page signifies you have read and accepted all pages of this document.

Revised June 2016

IV. Performance Measures/Reporting Requirements:

As of June 1, 2017, this Agreement Addendum Revision #1 adds Subparagraph 6 to Paragraph A. Performance Measures, as follows:

6. Evidence that staff and community partners received training on health equity and/or training on how to implement strategies addressed in the FY 17-18 Community Action Plan. Number of mass media messages or messaging campaigns promoting the FY 17-18 Community Action Plan strategies.

V. Performance Monitoring and Quality Assurance:

No change.

VI. Funding Guidelines or Restrictions:

No change.

DPH-Aid-To-Counties

For Fiscal Year: 17/18

Budgetary Estimate Number : 1

Activity 886	AA	1261 5503 00	1261 5503 PF	Proposed Total	New Total
Service Period		06/01-05/31	06/01-05/31		
Payment Period		07/01-06/30	07/01-06/30		
01 Alamance	* 1	3,810	0	3,810	39,984
D1 Albemarle	* 1	26,670	0	26,670	279,915
02 Alexander	* 1	3,810	0	3,810	39,984
04 Anson		0	0	0	0
D2 Appalachian	* 1	11,430	0	11,430	119,955
07 Beaufort	* 1	3,810	0	3,810	39,984
09 Bladen	* 1	3,810	0	3,810	39,984
10 Brunswick	* 1	3,810	0	3,810	39,984
11 Buncombe	* 1	3,810	0	3,810	39,984
12 Burke	* 1	3,810	0	3,810	39,984
13 Cabarrus	* 1	3,810	0	3,810	39,984
14 Caldwell	* 1	3,810	0	3,810	39,984
16 Carteret	* 1	3,810	0	3,810	39,984
17 Caswell	* 1	3,810	0	3,810	39,984
18 Catawba	* 1	3,810	0	3,810	39,984
19 Chatham	* 1	3,810	0	3,810	39,984
20 Cherokee	* 1	3,810	0	3,810	39,984
22 Clay	* 1	3,810	0	3,810	39,984
23 Cleveland	* 1	3,810	0	3,810	39,984
24 Columbus	* 1	3,810	0	3,810	39,984
25 Craven	* 1	3,810	0	3,810	39,984
26 Cumberland	* 1	3,810	0	3,810	39,984
28 Dare	* 1	3,810	0	3,810	39,984
29 Davidson	* 1	3,810	0	3,810	39,984
30 Davie	* 1	3,810	0	3,810	39,984
31 Duplin	* 1	3,810	0	3,810	39,984
32 Durham	* 1	40,006	0	40,006	76,180
33 Edgecombe	* 1	3,810	0	3,810	39,984
34 Forsyth	* 1	3,810	0	3,810	39,984
35 Franklin	* 1	3,810	0	3,810	39,984
36 Gaston	* 1	3,810	0	3,810	39,984
38 Graham	* 1	3,810	0	3,810	39,984
D3 Gran-Vance	* 1	7,620	0	7,620	79,970
40 Greene	* 1	3,810	0	3,810	39,984
41 Guilford	* 1	3,810	0	3,810	39,984
42 Halifax	* 1	3,810	0	3,810	39,984
43 Harnett	* 1	3,810	0	3,810	39,984
44 Haywood	* 1	3,810	0	3,810	39,984
45 Henderson	* 1	3,810	0	3,810	39,984
46 Hertford	* 1	3,810	0	3,810	39,984
47 Hoke	* 1	3,810	0	3,810	39,984
48 Hyde	* 1	3,810	0	3,810	39,984
49 Iredell	* 1	3,810	0	3,810	39,984
50 Jackson	* 1	3,810	0	3,810	39,984
51 Johnston	* 1	3,810	0	3,810	39,984

52 Jones	* 1	3,810	0	3,810	39,984
53 Lee	* 1	3,810	0	3,810	39,984
54 Lenoir	* 1	3,810	0	3,810	39,984
55 Lincoln	* 1	3,810	0	3,810	39,984
56 Macon	* 1	3,810	0	3,810	39,984
57 Madison	* 1	3,810	0	3,810	39,984
D4 M-T-W	* 1	11,430	0	11,430	119,955
60 Mecklenburg	* 1	3,810	0	3,810	39,984
62 Montgomery	* 1	3,810	0	3,810	39,984
63 Moore		0	0	0	0
64 Nash	* 1	3,810	0	3,810	39,984
65 New Hanover	* 1	3,810	0	3,810	39,984
66 Northampton	* 1	3,810	0	3,810	39,984
67 Onslow	* 1	3,810	0	3,810	39,984
68 Orange	* 1	3,810	0	3,810	39,984
69 Pamlico	* 1	3,810	0	3,810	39,984
71 Pender	* 1	3,810	0	3,810	39,984
73 Person	* 1	3,810	0	3,810	39,984
74 Pitt	* 1	3,810	0	3,810	39,984
76 Randolph	* 1	3,810	0	3,810	39,984
77 Richmond	* 1	3,810	0	3,810	39,984
78 Robeson	* 1	3,810	0	3,810	39,984
79 Rockingham	* 1	3,810	0	3,810	39,984
80 Rowan	* 1	3,810	0	3,810	39,984
D5 R-P-M	* 1	11,430	0	11,430	119,955
82 Sampson	* 1	3,810	0	3,810	39,984
83 Scotland	* 1	3,810	0	3,810	39,984
84 Stanly	* 1	3,810	0	3,810	39,984
85 Stokes	* 1	3,810	0	3,810	39,984
86 Surry	* 1	3,810	0	3,810	39,984
87 Swain	* 1	3,810	0	3,810	39,984
D6 Toe River	* 1	11,430	0	11,430	119,955
88 Transylvania	* 1	3,810	0	3,810	39,984
90 Union	* 1	3,810	0	3,810	39,984
92 Wake	* 1	3,810	0	3,810	39,984
93 Warren	* 1	3,810	0	3,810	39,984
96 Wayne	* 1	3,810	0	3,810	39,984
97 Wilkes	* 1	3,810	0	3,810	39,984
98 Wilson	* 1	3,810	0	3,810	39,984
99 Yadkin	* 1	3,810	0	3,810	39,984
Totals		409,576	0	409,576	3,954,669

Sign and Date - DPH Program Administrator <i>Sharon Nelson</i> 5/22/17	Sign and Date - DPH Section Chief <i>John</i> 5/22/17
Sign and Date - DPH Contracts Office <i>Deanna Hill</i> 5-22-17	Sign and Date - DPH Budget Officer <i>Camela Galt</i> 5/22/17

bpannon 5-22-17



Chatham County, NC

Text File

File Number: 17-2241

Agenda Date: 7/17/2017

Version: 1

Status: Approval of Agenda
and Consent Agenda

In Control: Board of Commissioners

File Type: Contract

Vote on a request to approve Lease between the County and Daymark Recovery Services and authorize the county manager to sign Lease.

Action Requested:

Daymark Recovery Services is replacing the county's former mental health safety net provider. It will utilize the same space (set aside for the prior provider).

Introduction & Background:

Discussion & Analysis:

Budgetary Impact:

Recommendation:

Vote to approve Lease between the County and Daymark Recovery Services and authorize the county manager to sign Lease.

NORTH CAROLINA

LEASE AGREEMENT

CHATHAM COUNTY

THIS LEASE AGREEMENT (this "Lease"), made and entered into this ____ day of June, 2017, by and between **CHATHAM COUNTY**, a body corporate and politic of the State of North Carolina (hereinafter "Landlord") and **DAYMARK RECOVERY SERVICES, INC.**, a 501(c)(3) non-profit entity, having its principal place of business in Lexington, North Carolina (hereinafter "Tenant");

W I T N E S S E T H:

WHEREAS, Tenant has requested that Landlord lease to Tenant certain real property (hereinafter described) located at 1105 East Cardinal Street, Siler City, North Carolina so that Tenant may use the same as a Mental Health Clinic and office space related thereto; and

WHEREAS, Landlord has authority to appropriate funds and lease property to any person, firm, or corporation to carry out any public purpose Landlord itself is authorized to engage in; and

WHEREAS, Landlord has agreed to lease the said real property to Tenant to be used by Tenant solely as Mental Health Clinic and office space related thereto for the benefit of citizens and residents of Chatham County; and

WHEREAS, Tenant has agreed to lease said space for the use of a Mental Health Clinic and office space for its providers;

NOW, THEREFORE, in consideration of the foregoing and the mutual agreements herein set forth, the parties agree as follows:

1. **PREMISES.** Landlord hereby leases and lets unto Tenant and Tenant hereby takes and hires from Landlord upon and subject to the terms, conditions, covenants, and provisions hereof, the office space more definitely described on the attached Appendix 1, the same being a portion of the office space located within the building located at 1105 East Cardinal Street, Siler City, North Carolina, which leased office space by this reference is made a part hereof (hereinafter the "Premises").
2. **ACCEPTANCE OF PREMISES BY TENANT.** Tenant has examined and inspected the Premises and found the same to be suitable for Tenant's use as a Mental Health Facility and office space. **BY THE EXECUTION OF THIS LEASE, TENANT SHALL BE DEEMED TO HAVE ACCEPTED THE PREMISES IN AS-IS CONDITION (AS OF THE COMMENCEMENT DATE) AND ACKNOWLEDGES THAT LANDLORD HAS MADE NO REPRESENTATIONS OR WARRANTIES (EXPRESS OR IMPLIED, OR OTHERWISE) WITH RESPECT THERETO, INCLUDING, WITHOUT LIMITATION, A WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, ALL OF WHICH WARRANTIES ARE EXPRESSLY DISCLAIMED BY LANDLORD.**

3. USE AS A BUSINESS FACILITY. The Premises shall be used by Tenant as a Mental Health Clinic and Office space and for no other purpose or purposes.
4. TERM. The initial term of this Lease shall commence on the 1st day of July, 2017 (the "Commencement Date") and shall exist and continue until the 30th day of June, 2018. This Lease shall automatically renew for additional terms of one (1) year each unless one party provides the other party written notice of termination at least thirty (30) days prior to the end of the then current term.
5. RIGHT TO TERMINATE: Either Party shall have the right to terminate this Lease, upon Ninety (90) days prior written notice to the other party at any time during the term.
6. RENT. Tenant shall pay Landlord annual rent of One Dollar (\$1.00), due and payable for the initial term on or before the Commencement Date, and on or before the commencement date of any subsequent term.
7. UTILITY EXPENSES. Tenant shall contract in its own name and pay for all housekeeping, internet, phone services, and other utilities not provided by the Landlord. The Landlord shall provide building maintenance, water, sewer, heating, and air conditioning and major system repair for such utilities.
8. IMPROVEMENTS, REPAIRS, ADDITIONS, REPLACEMENTS.
 - (a) Tenant shall not make any additions or improvements to the Premises without the prior written consent of Landlord, which may be withheld in Landlord's sole and absolute discretion. All improvements to the Premises done by the Tenant shall attach to the real estate and become the property of Landlord.
 - (b) Tenant shall at all times during the term and all extensions of this Lease, and at its own cost and expense, keep and maintain in good condition the Premises and any other improvements thereon, whether structural or otherwise, located on the Premises, and shall exercise reasonable care to prevent waste, damage or injury to any of the same.
 - (c) Tenant will not cause or permit any hazardous or toxic substance to be brought upon, kept or used in or about the Premises, whether by the Tenant, its agents, employees, contractor, or invitees, unless same will be used, kept and stored in a manner that complies with federal and state laws regulating any such hazardous or toxic substance so brought upon or used or kept in or about the Premises. If a violation of the foregoing occurs, the Tenant shall indemnify, defend and hold Landlord harmless from any and all claims, judgments, damages, penalties, fines and losses (including, without limitation, diminution in value of the Premises, and attorney's fees). Indemnification of the Landlord by the Tenant shall include but not be limited to, any cost incurred in connection with site investigation, clean-up, remedial, removal or restoration work required by any federal, state or local government agency as a result of contamination by the Tenant, its agents, employees, contractors, or invitees.

As used herein, the term “toxic or hazardous substances” means any toxic or hazardous substance, material or waste which is or becomes regulated by any local government authority, the State of North Carolina, or the United States Government, including but not limited to such materials and substances as are regulated under the Comprehensive Environmental Response Compensation and Liability Act 42 U.S.C. 9601 et seq. and as regulated under the North Carolina Oil Pollution and Hazardous Substances Control Act.

- (d) On the expiration or sooner termination of this Lease, Tenant shall quit and surrender the Premises, remove all Tenant owned property, if any, and return the same to Landlord in the same or better condition that existed on the date hereof, ordinary wear and tear excepted.

9. REQUIREMENTS OF PUBLIC AUTHORITY.

- (a) Tenant shall, at its own cost and expense, promptly observe and comply with all laws, ordinances, requirements, orders, directives, rules, and regulations of any governmental authority affecting the Premises or any part thereof, whether the same are in effect at the commencement of the term of this Lease or may in the future be passed, enacted or directed. Tenant shall pay all fines, penalties, and fees levied upon or suffered by Landlord, which arise out of or occur from the failure of the Tenant to comply with the covenants of this Section.
- (b) Tenant shall have the right to contest by legal proceedings diligently conducted in good faith, in the name of the Tenant and/or Landlord (provided Landlord’s prior written consent is given to the use of Landlord’s name), without cost or expense to the Landlord, the validity or application of any law, ordinance, rule, regulation or requirement of the nature referred to in the preceding paragraph except for any such law, ordinance, rule, regulation or requirement enacted, adopted, or enforced by the Landlord acting in its capacity as a North Carolina county government.
- (c) If Landlord’s consent is given, Landlord shall execute and deliver any appropriate papers or other instruments which may be reasonably requested by Tenant to contest the validity or application of any such law, ordinance, order, rule, regulation or requirement, and to fully cooperate with Tenant in such contest as provided in subparagraph (b) of this paragraph.

10. COVENANT AGAINST LIENS. If, because of any act, or omission of Tenant, any mechanic’s or other lien, charge or order for the payment of money shall be filed against Landlord or any portion of the Premises, Tenant shall, at its own cost and expense, cause the same to be discharged of record or bonded within thirty (30) days after written notice from Landlord to Tenant of the filing thereof, and Tenant shall indemnify and save harmless Landlord against all costs, liabilities, claims, and demands resulting therefrom.

11. ACCESS TO PREMISES. Landlord or Landlord’s agent shall have the right, but not the obligation, to enter upon the Premises at any reasonable times to inspect and examine the same.

12. ASSIGNMENT AND SUBLETTING. Tenant may not assign, or sublet, either in whole or in part, mortgage or otherwise encumber this Lease or its interest herein without Landlord's prior written consent, which may be withheld in Landlord's sole and absolute discretion. In the event Landlord consents to an assignment or sublease, Landlord, as a condition to its consent, may require the assignee or sublessee to assume the liabilities set forth herein and pay an assumption fee and all other expenses, including attorney fees, incurred by Landlord.
13. SIGNS. Subject to the prior written approval of Landlord, Tenant shall have the right to install, maintain and replace signs upon the Premises, provided the same comply with all sign ordinances and any conditions stated by Landlord in writing and delivered to Tenant, as the same may be changed or modified from time to time. All costs of the signs, including permits, will be paid by Tenant, and such signs placed upon the Premises will be removed by Tenant at its cost at the expiration or earlier termination of this Lease.
14. INDEMNITY. Tenant shall indemnify, defend and save harmless Landlord from and against any and all claims, costs, expenses (including, without limitation, reasonable attorney fees and the cost of investigations and experts), damage, penalty or judgment arising from injury to persons or property sustained on and about the Premises. Tenant shall at its own cost and expense defend any and all suits or actions, including appeals, which may be brought against Landlord or in which Landlord may be impleaded with others upon any such aforementioned matter or claim except suits or actions which arise or occur solely as a result of the acts of Landlord, its officers, agents or employees.
15. INSURANCE.
- (a) Tenant shall and keep in full force and effect during the term of this Lease comprehensive general liability insurance with an insurance company or companies licensed to do business in the State of North Carolina and approved by Landlord in an amount of not less than Five Hundred Thousand Dollars (\$500,000.00) with respect to injury or death to any one person, Five Hundred Thousand Dollars (\$500,000.00) with respect to injury or death to more than one person in any one accident or occurrence, and Fifty Thousand Dollars (\$50,000.00) with respect to damages to property. Such policy or policies shall include Landlord as an additional insured party. The amounts of insurance specified in this subparagraph (a) shall increase on the tenth (10th) anniversary of the Commencement Date by the percentage increase in the Consumer Price Index since the Commencement Date.
- (b) All such insurance carried by Tenant shall name Landlord as an additional insured and shall provide that the same cannot be modified or canceled without thirty (30) days written notice to both parties, and shall waive any right of subrogation against Landlord or Tenant. Tenant shall furnish proof to Landlord annually of all such insurance and the renewal of the same.
16. QUIET ENJOYMENT. Tenant, upon paying the rent and all other sums and charges required by it to be paid as herein provided, and observing and keeping all covenants,

warranties, agreements, and conditions of this Lease on its part to be kept, shall quietly have and enjoy the Premises during the term hereof without any hindrance or molestation by anyone claiming under, by, or through Landlord.

17. **DEFAULT OF TENANT.** If Tenant shall fail to keep and perform any covenant or obligation of this Lease and shall continue in such default for a period of thirty (30) days with respect to any default after Landlord has given Tenant written notice of such default and demand of performance, then Landlord may:
- (a) Enter into the Premises or any part thereof and expel Tenant or any person occupying the same in order to repossess and enjoy said Premises as in Landlord's former estate, and hold Tenant responsible for the cost of performing any covenant or obligation hereunder not performed by Tenant;
 - (b) Exercise its rights under subparagraph (a) above and re-let the Premises, applying the rent collected from the new Tenant toward the cost of performing Tenant's obligations and covenants;
 - (c) Terminate this Lease; or
 - (d) In addition to the foregoing, Landlord may pursue the rights and remedies accorded to it under applicable law or Landlord may do nothing and shall not waive any of its rights and remedies by such inaction. Upon default, Tenant hereby expressly waives notice to quit possession and such other formalities or conditions as may be required by law.
18. **WAIVERS.** Failure of Landlord to complain of any act or omission on the part of Tenant no matter how long the same shall continue shall not be deemed to be a waiver by Landlord of any of its rights hereunder. No waiver by Landlord at any time, express or implied, of any breach of any provision of this Lease shall be deemed a waiver of a breach of any other provision of this Lease or a consent to any subsequent breach of the same or any other provision.
19. **NOTICES.** Every notice, approval, consent or other communication authorized or required by this Lease shall not be effective unless same shall be in writing and either personally delivered or sent postage prepaid by United States registered or certified mail, return receipt requested, directed to the other party at its address shown as follows:

To the Landlord:

Chatham County
Chatham County Manager
Post Office Box 1809
Pittsboro, North Carolina 27312

To the Tenant

Daymark Recovery Services, Inc.
Attention: Billy R. West
1104-A South Main Street
Lexington, North Carolina 27292

The parties shall be responsible for notifying each other of any change of address.

20. **PARTIAL INVALIDITY.** If any term, covenant, condition or provision of this Lease or the application thereof at any time to any extent be invalid or unenforceable, the

remainder of this Lease or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby and each term, covenant, condition, and provision of this Lease shall be valid and be enforced to the fullest extent permitted by law.

21. EMINENT DOMAIN. If the whole or any part of the Premises shall be acquired or condemned by eminent domain or like power for any public or quasi-public use or purpose which renders the Premises unusable by Tenant then this Lease shall terminate effective on the date possession thereof shall be taken. Such termination, however, shall be without prejudice to the right of either Landlord or Tenant to recover compensation and damages caused by the taking from the condemnor. Neither party shall have any rights in any award made to the other party by any condemnation authority.
22. ENTIRE AGREEMENT. No oral statement or prior written matter shall have any force or effect. Tenant agrees that it is not relying on any representation or agreement other than those contained in this Lease.
This Lease with Appendix 1 attached hereto contains all the agreements and conditions made between the parties hereto and may not be modified orally or in any other manner than in writing signed by the parties hereto or their respective successor.
23. SUCCESSORS. All rights and liabilities herein given to, or imposed upon Landlord and Tenant shall extend to and bind the respective successors and assigns of Landlord and Tenant, provided any successor or assignee of Tenant must be approved in writing by Landlord, which approval may be withheld in Landlord's sole and absolute discretion.

IN WITNESS WHEREOF, the Landlord and Tenant have set their hands and seals this the day and year first above written.

LANDLORD:

CHATHAM COUNTY

By: _____
Renee F. Paschal, County Manager

TENANT

DAYMARK RECOVERY SERVICES, INC.:

Billy R. West, President

NORTH CAROLINA
COUNTY OF _____

I _____, a Notary Public of the County and State aforesaid, do hereby certify that Renee Paschal personally appeared before me this day and acknowledged that she is the County Manager of Chatham County, North Carolina, and she as County Manager, being authorized to do so, executed the foregoing instrument on behalf of the said County.

Witness my hand and official seal this _____ day of _____, _____.

Notary Public in and for the State of North Carolina

Printed Name

(Affix Notary Seal)

My Commission Expires: _____

NORTH CAROLINA
COUNTY OF _____

I _____, a Notary Public of the County and State aforesaid, do hereby certify that Billy R. West, Jr., personally appeared before me this day and acknowledged that he is the President and CEO of Daymark Recovery Services, Inc., and as such, being authorized to do so, executed the foregoing instrument on behalf of Daymark Recovery Services, Inc.

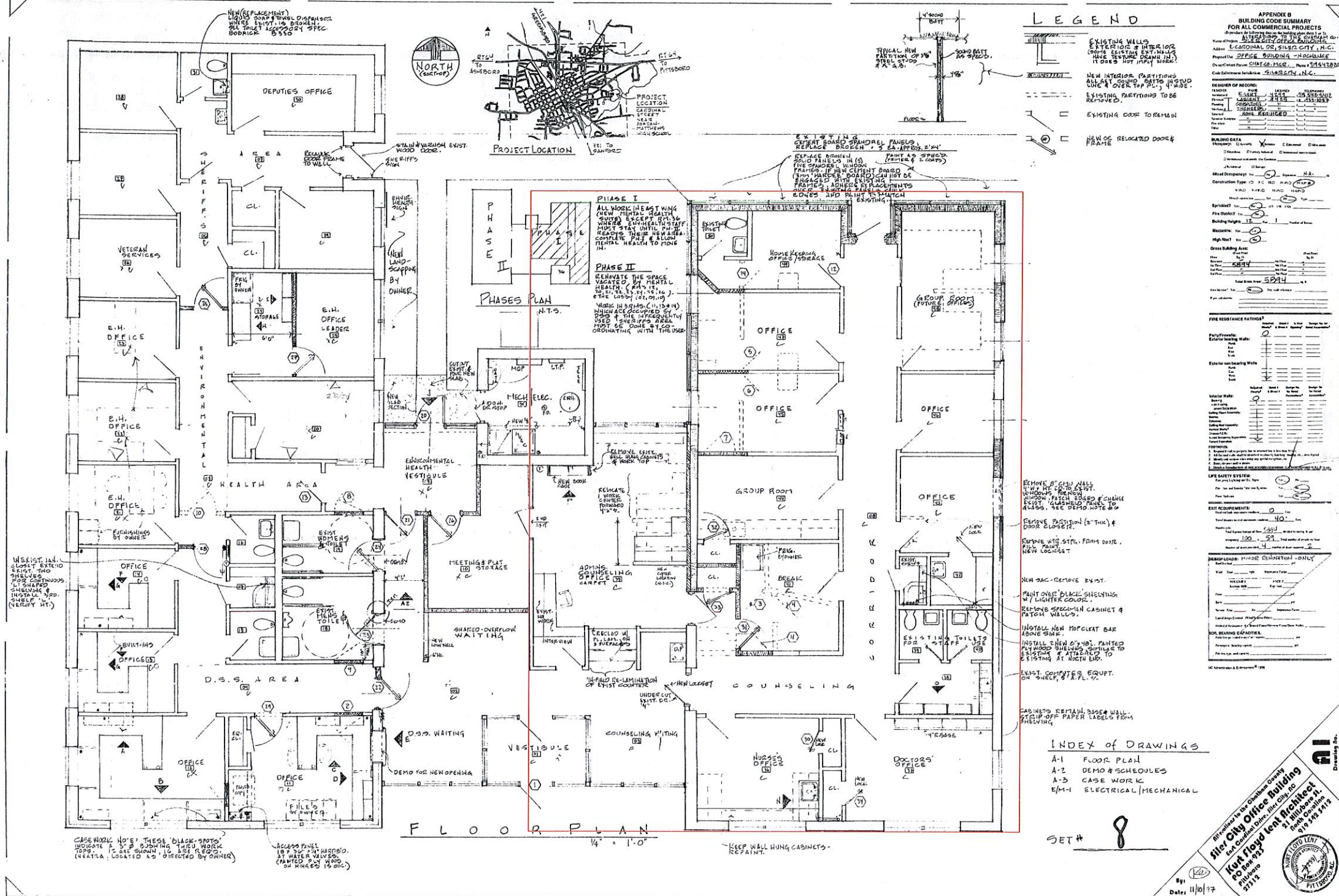
Witness my hand and official seal this _____ day of _____, _____.

(Affix Notary Seal)

Notary Public in and for the State of North Carolina

Printed Name

APPENDIX 1





Chatham County, NC

Text File

File Number: 17-2242

Agenda Date: 7/17/2017

Version: 1

Status: Agenda Ready

In Control: Tax Office Assessor

File Type: Agenda Item

Vote on a request to approve Tax Department - Charging Off Tax Bills

Action Requested: Vote on a request to approve charging off tax bills

Introduction & Background: Since July 1, 1972, all taxing units in the State have been under the time limitations of G.S. 105-378, which sets up a continuing ten-year statute of limitations against the enforcement of any remedy for the collection of property taxes or the foreclosure of property tax liens. The ten years are measured from the September 1 due date. The below listed tax bills were barred from collection procedures on September 1, 2016.

Discussion & Analysis: The yearly totals listed below should have been charged off in September 2016 when the 2016 taxes became due.

1999	766.04
2000	889.51
2001	2,562.34
2002	5,086.63
2003	6,326.70
2004	51,792.17
2005	46,708.42
2006	49,951.35

The totals include taxes for real estate and personal property (includes solid waste disposal and availability fees, late list penalties and advertisement fees, and interest) and registered motor vehicles. The NC General Statutes will not allow us to use forced collection measures after August 31, 2016 to collect these taxes. We have attempted to use enforcement remedies to collect all past due taxes, but have been unable to collect the remaining taxes. Any taxes that have been turned over to our attorney for foreclosure will remain as accounts receivables and will not be charged off. A detailed list of those accounts is available in the Tax Administrator's office.

Budgetary Impact: N/A

Recommendation: Approve charging off tax bills



Chatham County, NC

Text File

File Number: 17-2244

Agenda Date: 7/17/2017

Version: 1

Status: Approval of Agenda
and Consent Agenda

In Control: Public Works

File Type: Agenda Item

Vote on a request to approve Utilities Department - Debt Write-off

Action Requested: Approval of debt write-off for the Utilities Department

Introduction & Background: Periodically utility accounts are reviewed to determine their collectability. If these accounts are deemed to be uncollectible they are presented to the Commissioners for debt write off.

Discussion & Analysis: Attached is a list of accounts that have had no activity since FY 12-13. Every attempt has been made to collect these past due amounts including notices, telephone calls, and submittal to NC debt set-off. Any activity in the customer's account after the write-off shall reactivate the debt and no new service will be provided until the balance is paid in full.

Budgetary Impact: The write off will reduce current water revenue by \$26,103.12.

Recommendation: Approve debt write-off for the Utilities Department

CUSTOMER I D/ NAME		LOCATI ON I D/ LOCATI ON ADDRESS	USER	TERM NATI ON DATE	CURRENT BALANCE	WRI TE OFF AMOUNT
RECEIVABLE CODE	DESCR I PT I ON					

26269	ABBOTT, THERESA MARIE					
WS	14058 10405 NC 902 HWY			03 12/07/10	5.00	
	WRI TE OFF- WATER SALE		W LK I NS	LOCATI ON TOTALS -		5.00- 5.00- *
28401	ALSTON, ROXIE					
WS	5206 1364 FARRINGTON POINT RD			13 6/28/11	33.00	
	WRI TE OFF- WATER SALE		W LK I NS	LOCATI ON TOTALS -		33.00- 33.00- *
29317	ANGLE, AMANDA					
WS	10738 211 CC ROUTH RD			03 3/05/12	81.00	
	WRI TE OFF- WATER SALE		W LK I NS	LOCATI ON TOTALS -		81.00- 81.00- *
19435	AUGUSTUS, BRIAN					
RC	11642 181 WINTHROP RD LOT 7			13 8/31/10	136.00	
WS	WRI TE OFF- RECONNECT		W LK I NS	LOCATI ON TOTALS -		5.00- 131.00- 136.00- *
WS	WRI TE OFF- WATER SALE		W LK I NS			
28541	BERGER, CARL					
WS	6040 86 ALLENDALE DR UNIT A			02 8/01/11	60.50	
	WRI TE OFF- WATER SALE		W LK I NS	LOCATI ON TOTALS -		60.50- 60.50- *
28081	BOGGS, CRYSTAL					
WS	4976 12 BONLEE BENNETT RD			03 11/23/10	55.50	
	WRI TE OFF- WATER SALE		W LK I NS	LOCATI ON TOTALS -		55.50- 55.50- *
14439	BOGGS, DENISE					
PN	5318 109 OLD FARRINGTON RD			13 6/01/11	62.00	
WS	WRI TE OFF- PENALTY RA		W LK I NS	LOCATI ON TOTALS -		10.00- 52.00- 62.00- *
WS	WRI TE OFF- WATER SALE		W LK I NS			
27321	BROOKS, OLYMPIA					
SE	12250 4209 OLD US 1			04 11/16/10	67.50	
	WRI TE OFF- SOUTHEAST		W LK I NS	LOCATI ON TOTALS -		67.50- 67.50- *
11779	BURNETTE, ANNIE					
PN	6174 2915 FARRINGTON POINT RD			13 1/12/11	125.00	
RC	WRI TE OFF- PENALTY RA		W LK I NS	LOCATI ON TOTALS -		15.00- 35.00- 75.00- 125.00- *
WS	WRI TE OFF- RECONNECT		W LK I NS			
WS	WRI TE OFF- WATER SALE		W LK I NS			
22989	BURNS, DEBBIE					

CUSTOMER I/D/ NAME		LOCATION I/D/ LOCATION ADDRESS		RECEIVABLE CODE DESCRIPTION		USER	TERMINATION DATE	CURRENT BALANCE	WRITE OFF AMOUNT
22989	BURNS, DEBBIE	WS	4576 19975 NC 902 HWY	WRITE OFF-WATER SALE	WLKINS	03	2/10/12	21.50	21.50-
							LOCATION TOTALS -		21.50- *
25359	CHAMBERS, CHRISTINA	WS	8632 470 JEREMAH DR	WRITE OFF-WATER SALE	WLKINS	13	3/01/12	37.00	37.00-
							LOCATION TOTALS -		37.00- *
28063	CHEEK, MICHAEL	WS	9040 1112 GEES GROVE RD	WRITE OFF-WATER SALE	WLKINS	03	1/12/11	74.00	74.00-
							LOCATION TOTALS -		74.00- *
8957	CLEMENTS, ROBERT	SE	7308 92 JONES ST	WRITE OFF-SOUTHEAST	WLKINS	08	3/08/12	11.00	11.00-
							LOCATION TOTALS -		11.00- *
22635	COOPER, ERIN	WS	1414 108 CREEKWOOD LOT 108	WRITE OFF-WATER SALE	WLKINS	13	4/15/11	42.50	42.50-
							LOCATION TOTALS -		42.50- *
28049	COZART, CRYSTAL	RC	6654 45 BRYAN ST LOT 55	WRITE OFF-RECONNECT	WLKINS	08	1/12/11	702.00	465.00-
		SE		WRITE OFF-SOUTHEAST	WLKINS		LOCATION TOTALS -		237.00- *
									702.00-
18563	CROWLEY, LORIN	WS	2844 97 CREEKWOOD LOT 97	WRITE OFF-WATER SALE	WLKINS	13	8/25/11	122.00	122.00-
							LOCATION TOTALS -		122.00- *
11163	CRUMP, CLINTON	SE	4378 324 BROWN HILL RD	WRITE OFF-SOUTHEAST	WLKINS	04	5/09/11	112.00	67.00-
		SP		WRITE OFF-SE DST PEN	WLKINS		LOCATION TOTALS -		10.00-
		SR		WRITE OFF-SE DST REC	WLKINS				35.00-
									112.00- *
21855	CRUTCHFIELD, JOYCI NDA	WS	10076 20 LYSTRA HILLS LN UNIT B	WRITE OFF-WATER SALE	WLKINS	13	10/04/10	25.50	25.50-
							LOCATION TOTALS -		25.50- *
12191	DAVID DANIEL CONSTRUCTION								

CUSTOMER I/D/NAME			RECEIVABLE		LOCATION I/D/LOCATION ADDRESS		DESCRIPTION		USER		TERMINATION DATE	CURRENT BALANCE	WRITE OFF AMOUNT	
CODE	DATE	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION	DESCRIPTION
12191	DAVID DANIEL CONSTRUCTION	14138 74003 HARVEY LOT 1124	WS	WRITE OFF-WATER SALE	W LKINS	13	10/12/11	265.00	265.00-	*				
							LOCATION TOTALS -							
10275	DAVIS, WILLIE	3528 26 TOWER HILL LOT 254B	WS	WRITE OFF-WATER SALE	W LKINS	13	8/24/11	335.50	335.50-	*				
							LOCATION TOTALS -							
26669	DOUGLAS, KARENNA	12954 15 GOLDEN HEATHER LOT 118	WS	WRITE OFF-WATER SALE	W LKINS	13	11/17/11	109.00	109.00-	*				
							LOCATION TOTALS -							
22695	DOWDY, JENNI FER	8180 41 FOSTER LN	WS	WRITE OFF-WATER SALE	W LKINS	02	4/03/12	88.00	88.00-	*				
							LOCATION TOTALS -							
21675	EAST BRIDGE REALTY	12950 1495 BIG WOODS RD	WS	WRITE OFF-WATER SALE	W LKINS	13	6/27/11	35.00	35.00-	*				
							LOCATION TOTALS -							
26561	ESTES, SHARVEN	4452 8204 SILER CITY GLENDON RD	WS	WRITE OFF-WATER SALE	W LKINS	03	5/31/12	508.94	508.94-	*				
							LOCATION TOTALS -							
26983	FAULK, DALE	8622 1403 FARRINGTON POINT RD	WS	WRITE OFF-WATER SALE	W LKINS	13	1/17/12	76.50	76.50-	*				
							LOCATION TOTALS -							
27563	FISHER, KATLYNN	9040 1112 GEES GROVE RD	WS	WRITE OFF-WATER SALE	W LKINS	03	9/29/10	82.00	82.00-	*				
							LOCATION TOTALS -							
21723	FOWLER, CHRIS STOPHER	10880 35 WLD AZALEA LN	WS	WRITE OFF-WATER SALE	W LKINS	13	12/08/10	73.00	73.00-	*				
							LOCATION TOTALS -							
23923	FOX, RICHARD	14066 738 HUNTER GLEN LN LOT 19	PN	WRITE OFF-PENALTY RA	W LKINS	13	4/12/10	160.00	160.00-	*				
							LOCATION TOTALS -							

CUSTOMER I D/ NAME		LOCATION I D/ LOCATION ADDRESS		RECEIVABLE CODE		DESCR IPTION		USER		TERMI NATION DATE		CURRENT BALANCE		WRI TE OFF AMOUNT	
29187	GLOSSON, JENNA	8726	3200 LYSTRA RD	WS	WRI TE OFF-WATER SALE		WLKINS			13	2/01/12	122.50		122.50-	*
												LOCATI ON TOTALS -		122.50-	
19815	GONZALAZ, ANA B.	10424	335 NATURE TRAIL RD LOT 309	WS	WRI TE OFF-WATER SALE		WLKINS			13	10/28/10	19.00		19.00-	*
												LOCATI ON TOTALS -		19.00-	
27883	GREEN, ANGELA	13146	13005 DROUGHTON CT LOT 40	WS	WRI TE OFF-WATER SALE		WLKINS			13	7/29/11	18.50		18.50-	*
												LOCATI ON TOTALS -		18.50-	
27285	GREEN, LAKESHI A	6612	45 ANDY ST LOT 13	SE	WRI TE OFF-SOUTHEAST		WLKINS			08	12/08/11	289.00		289.00-	*
												LOCATI ON TOTALS -		289.00-	
27971	GREGORY, TERRY	14640	2664 ROSSER RD	SE	WRI TE OFF-SOUTHEAST		WLKINS			13	12/05/11	19.00		19.00-	*
												LOCATI ON TOTALS -		19.00-	
26323	GRITTON, TYLER	10154	106 HOLDEN POND	SE	WRI TE OFF-SOUTHEAST		WLKINS			08	9/29/10	75.00		75.00-	*
												LOCATI ON TOTALS -		75.00-	
27865	HACKNEY, ASHLEY	6708	7654 MONCURE PITTSBORO RD	SE	WRI TE OFF-SOUTHEAST		WLKINS			08	12/27/10	194.00		75.00-	
												LOCATI ON TOTALS -		119.00-	*
												LOCATI ON TOTALS -		194.00-	
22267	HALES, SUZANNE	9244	16800 NC 902 HWY	WS	WRI TE OFF-WATER SALE		WLKINS			03	4/03/12	116.00		116.00-	*
												LOCATI ON TOTALS -		116.00-	
27649	HANCOCK, ROBERT L	3066	1322 LANGDON PL LOT 1322	WS	WRI TE OFF-WATER SALE		WLKINS			13	1/07/11	2.00		2.00-	*
												LOCATI ON TOTALS -		2.00-	
28041	HAVIS, HEATHER	5616	341 ROBERSON RD	WS	WRI TE OFF-WATER SALE		WLKINS			02	12/23/10	69.50		69.50-	*
												LOCATI ON TOTALS -		69.50-	

CUSTOMER I D/ NAME				TERMI NATION		WRI TE OFF
RECEIVABLE	LOCATION I D/ LOCATION ADDRESS	USER	DATE	BALANCE	AMOUNT	
CODE	DESCR IPTION					

27369	HEADEN, M CHAEL & SHAVONDA 4990 690 GEES GROVE RD WS WRI TE OFF-WATER SALE W LKINS	03	8/31/10	73.00	73.00-	*
			LOCATION TOTALS -		73.00-	
18131	HERNANDEZ, LETICIA 3496 111 HIGHLAND DR N LOT 226 WS WRI TE OFF-WATER SALE W LKINS	13	5/13/11	58.50	58.50-	*
			LOCATION TOTALS -		58.50-	
9725	HERNANDEZ, WILLIAM H 3562 95 BEECH RD LOT 139 PN WRI TE OFF-PENALTY RA W LKINS RC WRI TE OFF-RECONNECT W LKINS WS WRI TE OFF-WATER SALE W LKINS	13	4/03/12	175.00	10.00-	
			LOCATION TOTALS -		35.00-	
					130.00-	*
					175.00-	
27341	HERRING, ROBERT & MARY 6812 109 ANDREWS STORE RD WS WRI TE OFF-WATER SALE W LKINS	02	11/08/11	19.00	19.00-	*
			LOCATION TOTALS -		19.00-	
28343	HILL, TONYA 13336 88 OCOEE FALLS DR LOT 13 WS WRI TE OFF-WATER SALE W LKINS	13	3/06/12	520.50	520.50-	*
			LOCATION TOTALS -		520.50-	
25047	HILLYARD, GREGORY T. 14668 210 PARTIAN RD PN WRI TE OFF-PENALTY RA W LKINS WS WRI TE OFF-WATER SALE W LKINS	13	4/12/10	115.00	25.00-	
			LOCATION TOTALS -		90.00-	*
					115.00-	
29335	HOOTEN, ERI CKA 5142 1056 EDWARDS HILL CHURCH RD WS WRI TE OFF-WATER SALE W LKINS	03	6/14/12	24.50	24.50-	*
			LOCATION TOTALS -		24.50-	
23337	HUXFORD, CHERYL 10074 20 LYSTRA HILLS LN UNIT A WS WRI TE OFF-WATER SALE W LKINS	13	5/09/11	55.50	55.50-	*
			LOCATION TOTALS -		55.50-	
28057	INVESTORS PORTFOLIO CORP. 13432 59 GOLDEN HEATHER LOT 123 WS WRI TE OFF-WATER SALE W LKINS	13	1/12/11	308.00	308.00-	*
			LOCATION TOTALS -		308.00-	
22975	JAIMES, MAGDALENA					

CUSTOMER I/D/ NAME		LOCATION I/D/ LOCATION ADDRESS	DESCRIPTION	USER	TERMINATION DATE	CURRENT BALANCE	WRITE OFF AMOUNT
RECEIVABLE CODE							
22975	JAI MES, MAGDALENA	3392 28 TAMARACK CT LOT 303	WRITE OFF-WATER SALE	WLKINS	13 10/27/10	105.50	105.50-*
	WS				LOCATION TOTALS -		
27505	JOHNSON, ALLYSIA	8954 388 HOCOCHIC FOREST LOT 8	WRITE OFF-WATER SALE	WLKINS	13 1/12/11	200.50	200.50-*
	WS				LOCATION TOTALS -		
27709	JOHNSON, SHOSHANAH	5530 2419 MT GILEAD CHURCH RD	WRITE OFF-WATER SALE	WLKINS	13 9/21/10	131.77	131.77-*
	WS				LOCATION TOTALS -		
25357	JOHNSON, WESLEY	8632 470 JEREMAH DR	WRITE OFF-WATER SALE	WLKINS	13 3/14/11	93.50	93.50-*
	WS				LOCATION TOTALS -		
23573	JONES, FRANKIE	13904 1983 PITTSBORO GOLDSTON RD	WRITE OFF-PENALTY RA	WLKINS	13 12/16/09	150.00	30.00-120.00-150.00-*
	PN				LOCATION TOTALS -		
	WS						
23599	JOSEPH, ELTON & TRACEY	13928 184 AMERICAN CT LOT 15	WRITE OFF-PENALTY RA	WLKINS	13 3/09/12	184.50	5.00-179.50-184.50-*
	PN				LOCATION TOTALS -		
	WS						
8771	KI NG, CHARLOTTE	6568 286 LOCKVILLE RD	WRITE OFF-SOUTHEAST	WLKINS	08 11/07/11	49.00	49.00-49.00-*
	SE				LOCATION TOTALS -		
26797	KI NG, EMILY	4742 9824 NC 42 HWY	WRITE OFF-WATER SALE	WLKINS	03 8/25/11	54.00	54.00-54.00-*
	WS				LOCATION TOTALS -		
27755	LANGLEY, COURTNEY	4490 56 DOUGS DR	WRITE OFF-WATER SALE	WLKINS	03 3/01/11	26.00	26.00-26.00-*
	WS				LOCATION TOTALS -		
27263	LEE, WILLIAM	7820 74011 HARVEY LOT 1128			13 3/31/11	142.50	

CUSTOMER I/D/NAME		LOCATION I/D/ LOCATION ADDRESS	RECEIVABLE CODE	DESCRIPTION	USER	TERMINATION DATE	CURRENT BALANCE	WRITE OFF AMOUNT
27263	LEE, WILLIAM	7820 74011 HARVEY LOT 1128	VS	WRITE OFF-WATER SALE	WLKINS	13 3/31/11	142.50	142.50-
						LOCATION TOTALS -		142.50- *
27279	LEW S, CHEQUILLA	3206 219 HIGHLAND DR N LOT 219	VS	WRITE OFF-WATER SALE	WLKINS	13 9/03/10	376.50	376.50-
						LOCATION TOTALS -		376.50- *
17621	LONG, GENEVA R	6080 336 HOCOCHI C FOREST LOT 5	VS	WRITE OFF-WATER SALE	WLKINS	02 1/10/12	62.50	62.50-
						LOCATION TOTALS -		62.50- *
27087	LOPEZ-GUTIERREZ, ROSALINDA	3368 275 NATURE TRAIL RD LOT 275	VS	WRITE OFF-WATER SALE	WLKINS	13 2/02/11	71.50	71.50-
						LOCATION TOTALS -		71.50- *
10687	MARSH, WILLIAM	4930 6319 OLD US 421	PN	WRITE OFF-PENALTY RA	WLKINS	06 6/26/12	142.50	5.00-
			VS	WRITE OFF-WATER SALE	WLKINS	LOCATION TOTALS -		137.50- *
								142.50-
22581	MASON, JOE	12276 1794 ASBURY CHURCH RD	SE	WRITE OFF-SOUTHEAST	WLKINS	10 4/20/11	52.00	52.00-
						LOCATION TOTALS -		52.00- *
23205	MASON, STEVE	13626 87602 AYCOCK LOT 404	RC	WRITE OFF-RECONNECT	WLKINS	13 3/05/12	92.00	10.00-
			VS	WRITE OFF-WATER SALE	WLKINS	LOCATION TOTALS -		82.00- *
								92.00-
29115	MCDANIEL, BRYAN	5984 130 ROBERSON RD	VS	WRITE OFF-WATER SALE	WLKINS	02 6/05/12	19.00	19.00-
						LOCATION TOTALS -		19.00- *
9693	MCKI NNEY, CLEOTHA	5558 23 TOM HUDSON RD	VS	WRITE OFF-WATER SALE	WLKINS	02 4/25/11	45.00	45.00-
						LOCATION TOTALS -		45.00- *
11839	MCKI NNEY, PEARL	5654 3268 FARRINGTON POINT RD				13 5/24/11	160.00	

CUSTOMER I D / NAME	LOCATION I D / LOCATION ADDRESS	USER	TERMINATION DATE	CURRENT BALANCE	WRITE OFF AMOUNT
11839 MCKI NNEY, PEARL	5654 3268 FARRINGTON POINT RD	W LKINS	13 5/24/11	160.00	
PN	WRITE OFF-PENALTY RA	W LKINS			15.00-
RC	WRITE OFF-RECONNECT	W LKINS			35.00-
WS	WRITE OFF-WATER SALE	W LKINS			110.00-
			LOCATION TOTALS -		160.00- *
27381 MCWATH, ANGELA	10738 211 CC ROUTH RD	W LKINS	03 4/29/11	26.50	
WS	WRITE OFF-WATER SALE	W LKINS			26.50-
			LOCATION TOTALS -		26.50- *
17675 MCPHAUL, JOHN	6812 109 ANDREWS STORE RD	W LKINS	02 2/10/12	76.00	
PN	WRITE OFF-PENALTY RA	W LKINS			15.00-
WS	WRITE OFF-WATER SALE	W LKINS			61.00-
			LOCATION TOTALS -		76.00- *
29033 MEDLIN, TAMMY JO	6040 86 ALLENDALE DR UNIT A	W LKINS	02 2/09/12	45.00	
WS	WRITE OFF-WATER SALE	W LKINS			45.00-
			LOCATION TOTALS -		45.00- *
17065 MELLIN, MARCARIO	8434 28 PINE ST LOT 57	W LKINS	08 2/01/12	53.00	
SE	WRITE OFF-SOUTHEAST	W LKINS			53.00-
			LOCATION TOTALS -		53.00- *
24943 MIZE, CONNIE	4206 4928 DEVILS TRAMPING GROUND RD	W LKINS	03 7/22/10	286.50	
WS	WRITE OFF-WATER SALE	W LKINS			286.50-
			LOCATION TOTALS -		286.50- *
21795 MONTAGUE, RICHARD	5120 4685 OLD US 1 LOT 17	W LKINS	04 5/24/11	114.00	
SE	WRITE OFF-SOUTHEAST	W LKINS			114.00-
			LOCATION TOTALS -		114.00- *
26349 MONTROSE, ASHLEY	10066 25 LYSTRA HILLS LN UNIT A	W LKINS	13 11/10/09	700.00	
WS	WRITE OFF-WATER SALE	W LKINS			700.00-
			LOCATION TOTALS -		700.00- *
20411 MORING PROPERTIES I, LLC	9140 50101 GOVERNORS DR	W LKINS	13 8/22/11	196.00	
WS	WRITE OFF-WATER SALE	W LKINS			196.00-
			LOCATION TOTALS -		196.00- *
	9246 50001 I GOVERNORS DR	W LKINS	13 9/07/11	15.00	
WS	WRITE OFF-WATER SALE	W LKINS			15.00-
			LOCATION TOTALS -		15.00- *
			CUSTOMER TOTALS -		211.00- *

PREPARED 6/26/17, 9:02:19
PROGRAM UT213U
CHATHAM COUNTY WATER

CUSTOMER I D / NAME		LOCATION I D / LOCATION ADDRESS		USER		TERMINATION DATE	CURRENT BALANCE	WRITE OFF AMOUNT
RECEIVABLE CODE	DESCRIPTION							
10733 OLDHAM, KERRY								
RC	4854 6834 OLD US 421 S					06 3/27/12	163.00	35.00-
WS	WRITE OFF-RECONNECT							128.00-
	WRITE OFF-WATER SALE					LOCATION TOTALS -		163.00- *
23041 ORLEANS HOME BUILDERS								
WS	15732 79 PEAKVIEW PL LOT 18					13 5/20/10	15.00	15.00-
	WRITE OFF-WATER SALE					LOCATION TOTALS -		15.00- *
22537 ORLEANS HOME BUILDERS								
WS	16046 DIP BANKRUPT ORLEANS HOME					13 6/30/10	69.62	69.62-
	WRITE OFF-WATER SALE					LOCATION TOTALS -		69.62- *
25619 PALMER, CHERYL								
WS	4880 530 HANNER TOWN RD					03 12/12/11	52.00	52.00-
	WRITE OFF-WATER SALE					LOCATION TOTALS -		52.00- *
27531 PARKER, DOMINIQUE								
WS	6190 137 ALLENDALE DR UNIT A					02 8/12/10	19.00	19.00-
	WRITE OFF-WATER SALE					LOCATION TOTALS -		19.00- *
22449 PEARSON, RONALD & M RANDA								
WS	5048 1006 A BONLEE SCHOOL RD					03 7/06/11	139.00	139.00-
	WRITE OFF-WATER SALE					LOCATION TOTALS -		139.00- *
26309 PENFIELD HOMES, LLC								
RC	12434 137 FORKED PINE LOT 266					13 1/15/10	92.00	10.00-
WS	WRITE OFF-RECONNECT							82.00-
	WRITE OFF-WATER SALE					LOCATION TOTALS -		92.00- *
25391 PENNY, LASHANDA								
WS	6028 133 ALLENDALE DR UNIT A					02 12/19/11	100.50	100.50-
	WRITE OFF-WATER SALE					LOCATION TOTALS -		100.50- *
25947 POWELL, ANDRENE								
WS	6200 80 HINTON RD					13 8/27/10	725.50	725.50-
	WRITE OFF-WATER SALE					LOCATION TOTALS -		725.50- *
27229 RAY, ARCHIE								
	6670 75 SCHOOL RD					08 8/09/10	129.50	

CUSTOMER I D / NAME LOCATION I D / LOCATION ADDRESS RECEIVABLE CODE	DESCRIPTION	USER	TERMINATION DATE	CURRENT BALANCE	WRITE OFF AMOUNT
27229 RAY, ARCHIE 6670 75 SCHOOL RD SE	WRITE OFF- SOUTHEAST	WLKINS	08 8/09/10	129.50 LOCATION TOTALS -	129.50- 129.50- *
10909 RIDGLE, RAYMOND 8918 3661 B EDWARDS HILL CHURCH RD PN	WRITE OFF- PENALTY RA	WLKINS	03 10/24/11	1,368.04	15.00- 35.00- 1,318.04- 1,368.04- *
25929 RIGGSBE, NEIL 15444 220 MILL STONE RD WS	WRITE OFF- WATER SALE	WLKINS	13 7/07/10	15.00 LOCATION TOTALS -	15.00- 15.00- *
25129 RILEY, HOOKIE & SHARYN 14720 948 RIVER POINT RD PN	WRITE OFF- PENALTY RA	WLKINS	13 11/19/12	610.00	145.00- 465.00- 610.00- *
23379 ROBUCK HOMES TRIANGLE LLC 15944 1008 CHRISTOPHER DR LOT 4 WS	WRITE OFF- WATER SALE	WLKINS	13 3/09/11	48.00 LOCATION TOTALS -	48.00- 48.00- *
27389 ROUSSEAU, JORDAN 1550 175 WINTERSAGE LOT 175 WS	WRITE OFF- WATER SALE	WLKINS	13 6/13/12	8.00 LOCATION TOTALS -	8.00- 8.00- *
27359 RYAN, KELLYANN 10556 185 HACKBERRY LN WS	WRITE OFF- WATER SALE	WLKINS	13 6/28/11	99.00 LOCATION TOTALS -	99.00- 99.00- *
11775 SANDHILLS GRADING 5896 2835 FARRINGTON POINT RD WS	WRITE OFF- WATER SALE	WLKINS	13 11/12/10	80.00 LOCATION TOTALS -	80.00- 80.00- *
19741 SCHACHTE, JEFF 12036 41 MOUNTAIN HEATHER LOT 290 WS	WRITE OFF- WATER SALE	WLKINS	13 6/11/12	3.00 LOCATION TOTALS -	3.00- 3.00- *
25901 SCURLOCK, SHELBY					

CUSTOMER I/D/NAME		LOCATION I/D/LOCATION ADDRESS		USER		TERMINATION DATE	CURRENT BALANCE	WRITE OFF AMOUNT
RECEIVABLE CODE	DESCRPTION	RECEIVABLE CODE	DESCRPTION	RECEIVABLE CODE	DESCRPTION			
25901	SCURLOCK, SHELBY	5614	2414 MI GILEAD CHURCH RD UNIT A	WS	WRITE OFF-WATER SALE W LKINS	13	8/09/10 116.00	116.00- 116.00- *
							LOCATION TOTALS -	
28225	SEBREE, ALLISSA	6040	86 ALLENDALE DR UNIT A	WS	WRITE OFF-WATER SALE W LKINS	02	4/27/11 61.00	61.00- 61.00- *
							LOCATION TOTALS -	
28965	SEYMORE, LASHAUNDA	12250	4209 OLD US 1	SE	WRITE OFF-SOUTHEAST W LKINS	04	1/04/12 5.00	5.00- 5.00- *
							LOCATION TOTALS -	
28137	SHARPS, ROBERT	3234	26 WOODLAND PATH LOT 147	WS	WRITE OFF-WATER SALE W LKINS	13	6/07/11 28.50	28.50- 28.50- *
							LOCATION TOTALS -	
23109	SKELA, JOSIF	13594	19207 STONE BROOK LOT 1051	WS	WRITE OFF-WATER SALE W LKINS	13	5/17/11 63.50	63.50- 63.50- *
							LOCATION TOTALS -	
27431	SM TH, CRYSTAL	6444	12 NEW HOPE MHP LOT 1	SE	WRITE OFF-SOUTHEAST W LKINS	08	12/08/11 88.00	88.00- 88.00- *
							LOCATION TOTALS -	
11475	SM TH, DONALD	4966	788 GEES GROVE RD	RC	WRITE OFF-RECONNECT W LKINS	03	6/28/11 144.00	15.00- 129.00- 144.00- *
							LOCATION TOTALS -	
26751	SM TH, GREGORY KENT	6536	9 ANDY ST LOT 17	SE	WRITE OFF-SOUTHEAST W LKINS	08	9/06/11 45.00	45.00- 45.00- *
							LOCATION TOTALS -	
28477	SM TH, LORI B.	4490	56 DOUGS DR	WS	WRITE OFF-WATER SALE W LKINS	03	11/01/11 20.00	20.00- 20.00- *
							LOCATION TOTALS -	
16047	SM TH, WILLIAM	3192	277 W RALEIGH ST	RC	WRITE OFF-RECONNECT W LKINS	03	12/08/11 428.00	5.00-

CUSTOMER I/D NAME		LOCATION I/D/LOCATION ADDRESS		USER		TERMINATION DATE	CURRENT BALANCE	WRITE OFF AMOUNT
RECEIVABLE CODE	DESCRIPTION	RECEIVABLE CODE	DESCRIPTION	USER				
16047	SM TH, WILLIAM	3192	277 W RALEIGH ST	WS	WRITE OFF-WATER SALE	03	12/08/11	428.00
							LOCATION TOTALS -	423.00- 428.00- *
22659	SOUTHBROOK DESIGN BUILD LLC	15466	18004 HYDE LOT 996	PN	WRITE OFF-PENALTY RA	13	2/18/10	113.00
				WS	WRITE OFF-WATER SALE		LOCATION TOTALS -	5.00- 108.00- 113.00- *
8631	SPEIGHT, JAMES	2692	5 LANE ST	PN	WRITE OFF-PENALTY RA	03	6/28/11	148.00
				RC	WRITE OFF-RECONNECT		LOCATION TOTALS -	5.00- 35.00- 108.00- 148.00- *
28947	STAHLMAN, RONDA	13946	12084 US 64 W LOT 4	WS	WRITE OFF-WATER SALE	13	11/03/11	32.00
							LOCATION TOTALS -	32.00- 32.00- *
16527	STANCI LL, WILLIAM GODFREY	10516	206 PLEASANT CT	PN	WRITE OFF-PENALTY RA	13	2/01/12	154.00
				RC	WRITE OFF-RECONNECT		LOCATION TOTALS -	10.00- 35.00- 109.00- 154.00- *
19757	STONE, HUBERT	7244	44 BRYAN ST LOT 52	SE	WRITE OFF-SOUTHEAST	08	8/01/11	71.00
							LOCATION TOTALS -	71.00- 71.00- *
26541	STRICKLAND, LESLIE	13946	12084 US 64 W LOT 4	WS	WRITE OFF-WATER SALE	13	8/31/10	38.00
							LOCATION TOTALS -	38.00- 38.00- *
28391	TAYLOR, BILLY	9688	2115 HAMLETS CHAPEL RD	WS	WRITE OFF-WATER SALE	02	4/05/11	68.00
							LOCATION TOTALS -	68.00- 68.00- *
18457	THORNAL, LARRY	6302	84 TOM HUDSON RD	WS	WRITE OFF-WATER SALE	02	5/31/12	46.00
							LOCATION TOTALS -	46.00- 46.00- *

CUSTOMER I/D/NAME		LOCATION I/D/LOCATION ADDRESS		USER		TERMINATION DATE	CURRENT BALANCE	WRITE OFF AMOUNT
RECEIVABLE CODE	DESCRIPTION	LOCATION I/D/LOCATION ADDRESS	USER					
18749	TI RADO, RAM RO	3250 7 TOWER HILL LOT 256B	WS	W L K I N S	13	3/07/11	197.50	197.50-
		WRITE OFF-WATER SALE				LOCATION TOTALS -		197.50- *
17377	TOMLIN, VICTORIA	10742 10024 HAMMOCK BEND LOT 287	WS	W L K I N S	13	2/15/11	49.00	49.00-
		WRITE OFF-WATER SALE				LOCATION TOTALS -		49.00- *
27757	TOWLE, SARAH	6848 77 PRESTONWOOD DR	WS	W L K I N S	02	4/30/12	121.00	121.00-
		WRITE OFF-WATER SALE				LOCATION TOTALS -		121.00- *
10419	TOWNSEND FARMS	8464 370 BUCK GUNTER RD	WS	W L K I N S	03	2/25/11	1,012.98	1,012.98-
		WRITE OFF-WATER SALE				LOCATION TOTALS -		1,012.98- *
10601	TOWNSEND FARMS INC	4868 4460 OLD US 421	WS	W L K I N S	10	2/25/11	4,324.51	4,324.51-
		WRITE OFF-WATER SALE				LOCATION TOTALS -		4,324.51- *
14053	TOWNSEND FARMS, INC	4906 4920 OLD US 421	WS	W L K I N S	10	2/25/11	3,793.26	3,793.26-
		WRITE OFF-WATER SALE				LOCATION TOTALS -		3,793.26- *
27775	TOWNSEND, BRANDY	4524 28 DOUGS DR	WS	W L K I N S	03	9/24/10	5.00	5.00-
		WRITE OFF-WATER SALE				LOCATION TOTALS -		5.00- *
22095	TRELLIS HOMES INC	13154 61 OCOEE FALLS DR LOT 2	WS	W L K I N S	13	11/18/10	15.00	15.00-
		WRITE OFF-WATER SALE				LOCATION TOTALS -		15.00- *
26251	TRIPP, KATIE	8726 3200 LYSTRA RD	WS	W L K I N S	13	9/02/11	28.50	28.50-
		WRITE OFF-WATER SALE				LOCATION TOTALS -		28.50- *
14645	TYSON, EVELYN	9440 2160 EVERETT DOWDY RD	SE	W L K I N S	12	11/28/11	15.00	15.00-
		WRITE OFF-SOUTHEAST				LOCATION TOTALS -		15.00- *

CUSTOMER I D/ NAME		LOCATION I D/ LOCATION ADDRESS		USER	TERMI NATION DATE	CURRENT BALANCE	WRITE OFF AMOUNT
RECEIVABLE CODE	DESCR IPTION						
<hr/>							
24479	VANGUARD HOMES I NC	15884 59 TOBACCO FARM WAY LOT 163		W LK I NS	02 6/ 28/ 10	2. 00	
WS	WRITE OFF-WATER SALE				LOCATI ON TOTALS -		2. 00- 2. 00- *
<hr/>							
20621	VAZQUEZ, MARI BEL	3422 29 WOODLAND PATH LOT 152		W LK I NS	13 10/ 29/ 10	87. 50	
WS	WRITE OFF-WATER SALE				LOCATI ON TOTALS -		87. 50- 87. 50- *
<hr/>							
22677	VI SCUSI , PERRY	6762 38 TW N OAKS CT		W LK I NS	02 12/ 29/ 10	3. 00	
WS	WRITE OFF-WATER SALE				LOCATI ON TOTALS -		3. 00- 3. 00- *
<hr/>							
27267	WALL, DEBORAH	6312 945 BYNUM RD		W LK I NS	02 2/ 18/ 11	12. 00	
WS	WRITE OFF-WATER SALE				LOCATI ON TOTALS -		12. 00- 12. 00- *
<hr/>							
29177	WATERMAN, M CHAEL	8546 120 HUDSON PL UNI T B		W LK I NS	02 5/ 01/ 12	34. 00	
WS	WRITE OFF-WATER SALE				LOCATI ON TOTALS -		34. 00- 34. 00- *
<hr/>							
28567	WATKI NS, GREGORY	9040 1112 GEES GROVE RD		W LK I NS	03 7/ 12/ 11	30. 50	
WS	WRITE OFF-WATER SALE				LOCATI ON TOTALS -		30. 50- 30. 50- *
<hr/>							
14403	WATTS, KENT	9322 10 RUSSELL DAVI D DR		W LK I NS	02 11/ 03/ 11	113. 00	
RC	WRITE OFF- RECONNECT				LOCATI ON TOTALS -		5. 00- 108. 00- 113. 00- *
WS	WRITE OFF-WATER SALE						
<hr/>							
24673	WEAVER, BENNY I I I	5984 130 ROBERSON RD		W LK I NS	02 9/ 06/ 11	32. 00	
WS	WRITE OFF-WATER SALE				LOCATI ON TOTALS -		32. 00- 32. 00- *
<hr/>							
25097	W LK I NSON, SUSAN	10052 2278 LYSTRA RD		W LK I NS	13 2/ 11/ 11	12. 50	
WS	WRITE OFF-WATER SALE				LOCATI ON TOTALS -		12. 50- 12. 50- *
<hr/>							
24663	W LLI AMS, BOBBY	5606 339 BYNUM CHURCH RD		W LK I NS	02 2/ 23/ 11	30. 00	
SW	WRITE OFF- SEWER						8. 00-

CUSTOMER I/D/NAME		LOCATION I/D/LOCATION ADDRESS		USER		TERMINATION DATE	CURRENT BALANCE	WRITE OFF AMOUNT	
RECEIVABLE CODE		DESCRPTION							
24663 WILLIAMS, BOBBY									
VS	5606	339 BYNUM CHURCH RD	WRITE OFF-WATER SALE	W L K I N S		02 2/23/11	30.00	22.00-	*
						LOCATION TOTALS -		30.00-	
28125 WILSON, ASHLEY									
VS	4524	28 DOUGS DR	WRITE OFF-WATER SALE	W L K I N S		03 5/31/11	82.00	82.00-	*
						LOCATION TOTALS -		82.00-	
24413 WILSON, CHAD									
RC	14266	13789 NC 902 HWY	WRITE OFF-RECONNECT	W L K I N S		03 11/30/10	69.00	5.00-	
VS			WRITE OFF-WATER SALE	W L K I N S		LOCATION TOTALS -		64.00-	*
								69.00-	
24177 WORZELA, LEN									
SE	9000	4557 OLD US 1	WRITE OFF-SOUTHEAST	W L K I N S		08 10/07/11	219.00	214.00-	
SP			WRITE OFF-SE DST PEN	W L K I N S		LOCATION TOTALS -		5.00-	*
						FINAL TOTALS -		219.00-	
								26,103.12-	***

TOTALS BY RECEIVABLE CODE -		AMOUNT
PN	PENALTY RATE	485.00-
RC	RECONNECT FEES	780.00-
SE	SOUTHEAST DISTRICT	1,691.00-
SP	SE DST PENALTY RATE	15.00-
SR	SE DST RECONNECT FEE	35.00-
SW	SEWER	8.00-
WS	WATER SALES	23,089.12-
FINAL TOTALS		26,103.12-



Chatham County, NC

Text File

File Number: 17-2245

Agenda Date: 7/17/2017

Version: 1

Status: Approval of Agenda
and Consent Agenda

In Control: Health Department

File Type: Agenda Item

Agenda Number:

Vote on a request to approve to appoint Dr. Karen N. Barbee to fill the upcoming vacant Public Seat on the Board of Health effective 7-18-17.

Action Requested: Vote on a request to approve to appoint Dr. Karen N. Barbee to fill the upcoming vacant Public Seat on the Board of Health effective 7-18-17.

Introduction & Background: The county Board of Health is the policy-making, rule-making, and adjudicatory body for the Chatham County Public Health Department.

According to General Statute 130A-35, the composition of the Board shall reasonably reflect the population makeup of the county and shall include: Three public representative, one licensed Pharmacist, one licensed Optometrist, one licensed Dentist, one County Commissioner, and one professional Engineer.

Discussion & Analysis: Board members may serve (3) consecutive three (3) year terms.

Dr. Karen N. Barbee would like to serve the first (3) year term on the Board of Health Public Seat.

Budgetary Impact: Board of Health members are compensated a per diem and mileage.

Adequate funds are budgeted annually in the Health Department Budget.

Recommendation: Vote on a request to approve to appoint Dr. Karen N. Barbee to fill the upcoming vacant Public Seat on the Board of Health effective 7-18-17.



Chatham County Volunteer Application for Boards & Committees

If you have any questions, contact Lindsay Ray at 919-545-8302 or email:
lindsay.ray@chathamnc.org

PERSONAL INFORMATION

Name: Dr. Karen N Barbee

DATE: April 16, 2017

MAILING ADDRESS (P. O. Box or Street) 662 Legacy Falls Dr South

Town and Zip Code: Chapel Hill 27517

HOME ADDRESS (if different than above) _____

Town and Zip Code _____

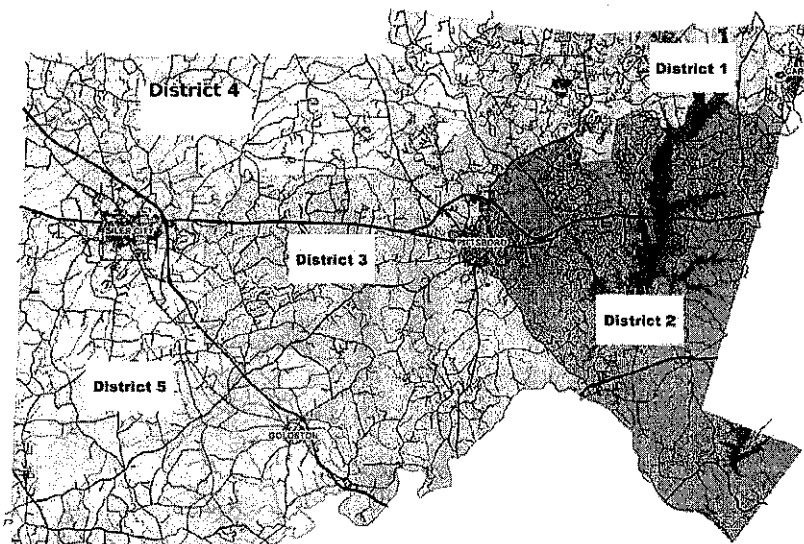
Home Phone _____

Cell phone: 919-413-3722

Email Address rwelnessservices@gmail.com

Which Board of Commissioners district do you reside in? You can use the map below or to look up your voter record, [CLICK HERE](#)

District 1 ☒ District 2 ☐ District 3 ☐ District 4 ☐ District 5 ☐



Are you currently serving on a board or committee in Chatham County? Yes ☐ No ☒

If yes, which one(s):

Select up to THREE boards or committees on which you would be willing to serve:

- | | |
|--|--|
| <input type="checkbox"/> Agriculture Advisory Board | <input type="checkbox"/> Library Advisory Committee |
| <input type="checkbox"/> Appearance Commission | <input type="checkbox"/> Nursing & Adult Care Home Community Committee |
| <input type="checkbox"/> Board of Equalization & Review | <input checked="" type="checkbox"/> Planning Board |
| <input checked="" type="checkbox"/> Board of Health | <input type="checkbox"/> Recreation Advisory Committee |
| <input checked="" type="checkbox"/> Board of Social Services | <input type="checkbox"/> Transportation Advisory Committee |
| <input type="checkbox"/> Climate Change Advisory Committee | <input type="checkbox"/> Zoning Board of Adjustment |
| <input type="checkbox"/> Environmental Review Advisory Committee | <input type="checkbox"/> OTHER: |

Why do you wish to serve the county in this capacity?

As an individual who works in the healthcare field, I truly believe in healthcare that benefits all people no matter their background or socioeconomic abilities. I also understand how powerful having access to good healthcare can be for any community. Healthcare affects us all and it is only just that as a community we work together to ensure that our healthcare needs are met collectively. I want to work as a team player alongside other community members to ensure that this occurs.

EDUCATION

Please list your educational background. Include names of schools and degrees held.

Chatham Central high school- HS diploma
NC A&T State University- BS of Journalism & Communications (Public Relations)
NC A&T State University- MS of Clinical Mental Health Counseling
Argosy University- EdD in Counselor Education & Supervision

EMPLOYMENT

Name of Employer: Renaissance Wellness Services, LLC

Address of Employer: 288 East St. Set. 1001-F7

Position: Owner/CEO

Work Phone: 919-259-5308

CIVIC INVOLVEMENT

Please list the names of the civic organizations in which you currently hold membership:

The League of Women Voters (Chatham, Orange & Durham)
Missions Director @ Word Of Life Christian Outreach Center
Chatham Health Alliance Mental Health Subcommittee

DEMOGRAPHIC INFO (OPTIONAL)

We ask your help in assuring the diversity of membership on our boards and committees. This section is optional, and you may leave it blank.

GENDER:

Male ☐

Female ☒

ETHNIC ORIGIN/RACE:

White, non-Hispanic ☐

African-American ☒

Hispanic ☐

Asian or Pacific Islander ☐

Native American ☐

Other ☐

Year of Birth 1985



Chatham County, NC

Text File

File Number: 17-2263

Agenda Date: 7/17/2017

Version: 1

Status: Agenda Ready

In Control: Board of Commissioners

File Type: Appointment

Agenda Number:

Vote on a request to approve the appointment of Keith McLaurin to the Transportation Advisory Committee.

Action Requested: Vote on a request to approve the appointment of Keith McLaurin to the Transportation Advisory Committee.

Introduction & Background:

Discussion & Analysis: Commissioner Diana Hales wishes to appoint Keith McLaurin to the District 3 vacant seat on the Transportation Advisory Committee. Mr. McLaurin's term will expire June 30, 2018.

Budgetary Impact: N/A

Recommendation: Vote on a request to approve the appointment of Keith McLaurin to the Transportation Advisory Committee.



Chatham County, NC

Text File

File Number: 17-2264

Agenda Date: 7/17/2017

Version: 1

Status: Agenda Ready

In Control: Board of Commissioners

File Type: Appointment

Agenda Number:

Vote on a request to approve re-appointments to the Agriculture Advisory Board.

Action Requested: Vote on a request to approve re-appointments to the Agriculture Advisory Board.

Introduction & Background:

Discussion & Analysis: The Agriculture Advisory Board would like to reappoint the following members:

John Dykers for a one year term expiring June 30, 2018
Tandy Jones for a three year term expiring June 30, 2020
Cathy Jones for a three year term expiring June 30, 2020
Bobby Tucker for a three year term expiring June 30, 2020

Budgetary Impact:

Recommendation: Vote on a request to approve re-appointments to the Agriculture Advisory Board.



Chatham County, NC

Text File

File Number: 17-2246

Agenda Date: 7/17/2017

Version: 1

Status: Approval of Agenda
and Consent Agenda

In Control: Finance

File Type: Contract

Consideration to extend the time of performance for mowing services as stated in the First Amendment to Agreement with Green Revival Landscaping; locations Water Utility, Parks and Recreation, and Solid Waste & Recycling; for FY 2018 with an estimated annual total of \$108,620.00; and authorize County Manager Renee Paschal to execute the agreement.

Consideration to extend the time of performance for mowing services as stated in the First Amendment to Agreement with Green Revival Landscaping; locations Water Utility, Parks and Recreation, and Solid Waste & Recycling; for FY 2018 with an estimated annual total of \$108,620.00; and authorize County Manager Renee Paschal to execute the agreement.

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Introduction & Background:

Chatham County contracts mowing services annually for all departments. The bid for the previous stated departments was awarded in April 2016 to Green Revival Landscaping, for a period of 15 months, with the first term ending 06/30/2017. The contract includes the option to extend two additional one year terms.

Discussion & Analysis:

The departments are satisfied with the contract held by Green Revival Landscaping and wish to extend the first amendment and extend the service through fiscal year 2018.

The estimated total is \$108,620, and the three departments have budgeted for their need.

Budgetary Impact: None

Recommendation:

Motion to extend the time of performance for mowing services as stated in the First Amendment to Agreement with Green Revival Landscaping; locations Water Utility, Parks and Recreation, and Solid Waste & Recycling; for FY 2018 with an estimated annual total of \$108,620.00; and authorize County Manager Renee Paschal to

execute the agreement.

NORTH CAROLINA

CHATHAM COUNTY

FIRST AMENDMENT TO AGREEMENT

DATED APRIL 1, 2016 (the "Agreement")

This First Amendment to the Agreement (this "Amendment") is made and entered into this ____ day of June 2017, _____, by and between **COUNTY OF CHATHAM, NORTH CAROLINA**, a body politic and corporate of the State of North Carolina (the "County") and **GREEN REVIVAL LANDSCAPING** (the "Contractor"). The County and the Contractor are sometimes referred to in this Amendment individually as a "Party" and collectively as the "Parties".

RECITALS

- A. The County and the Contractor entered into the Agreement dated and made effective the **1st day of April, 2016**.
- B. The County has requested that the Agreement be amended to extend the time of performance.
- C. The Contractor has agreed to amend the Agreement as requested by the County.

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

1. **TIME OF PERFORMANCE.** This Amendment shall extend the Time of Performance from **July 1, 2017 to June 30, 2018**.

2. **COMPENSATION and EXPENSES.** As compensation for the Services to be provided under this Agreement, the County shall pay the Contractor the total sum of **\$108,620.00, which includes Reimbursables, payable** as set forth in Appendix 1 to the Agreement.

Unless otherwise stated on Appendix 1 the foregoing amount is all inclusive and includes all expenses of every kind and nature.

AGREEMENT TO REMAIN IN FULL FORCE AND EFFECT. Except for the amendments set forth above, the Agreement shall remain in full force and effect.

CHATHAM COUNTY, NORTH CAROLINA, a body politic and corporate of the State of North Carolina.

BY: _____
Renee F. Paschal, County Manager

ATTEST:

BY: _____
Lindsay K. Ray
Clerk to the Board

GREEN REVIVAL LANDSCAPING

BY: _____
Phil Marsh, Owner

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

Vicki McConnell, Finance Director



Chatham County, NC

Text File

File Number: 17-2253

Agenda Date: 7/17/2017

Version: 1

Status: Approval of Agenda
and Consent Agenda

In Control: Planning

File Type: Agenda Item

Vote on a request to approve Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision Preliminary Plat review and approval of Briar Chapel, Phase 15 South, consisting of 141 lots on 44.23 acres, located off Andrews Store Road, SR-1528 and Boulder Point Drive, Baldwin Township, parcel #82828.

Action Requested:

Request by Lee Bowman, Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision Preliminary Plat review and approval of Briar Chapel, Phase 15 South, consisting of 141 lots on 44.23 acres, located off Andrews Store Road, SR-1528 and Boulder Point Drive, Baldwin Township, parcel #82828.

Introduction & Background:

Zoning: Conditional Use District / Compact Community

Water System: Public, Chatham County

Sewer System: Private wastewater treatment plant

Subject to 100 year flood: Zone X and Zone AE

General Information: Compact Community approved in 2005 for 2,389 dwelling units on 1,589 acres, permit revised in 2012 and 2014. Current number of lots allowed based on the 2014 CUP amendment is 2500.

Reviewed: Under pre-2008 Subdivision Regulations

On May 15, 2017 the Board of County Commissioners approved a Waiver Request for a 100% reduction of the 100 foot perimeter buffer adjacent to parcel #2832.

Discussion & Analysis:

The request before the Board is for subdivision preliminary plat review for Briar Chapel, Phase 15 South, consisting of 141 lots on 44.23 acres. NNP Briar Chapel submitted a Waiver Request for a 100% reduction of the 100 foot perimeter buffer adjacent to parcel #2832, which is a 20 acre tract also owned by NNP Briar Chapel. Parcel #2832 is not within the boundaries of the conditional use permit. There was discussion at the Board of Commissioners meeting regarding the location of a proposed pump station adjacent to parcel #66186. Newland Communities representatives agreed to move the pump station further away from the boundary of parcel #66186 at the request of an adjoining property owner. Landscaping will also be installed once grading is completed and construction of the infrastructure is complete per a plan submitted with the waiver request. The overall site plan, attachment # 3,

includes the 100 foot perimeter reduction and shows the proposed pump station located 75 feet from the boundary of parcel #66186.

Roadways: Roadways are proposed to be built to the NCDOT standard for public, state maintained roads. There will also be private alleyways. The Construction Plans show 12 off-site parking spaces within Phase 15 South. An emergency vehicle turn-around has been provided at the end of the stub street adjacent to parcel #2832. Per Chris Seamster, RLA McKim & Creed, the turn-around is 70' long and 20' wide with a 28' radii and meets the minimum required by the State Fire Code. The Chatham County Fire Marshal and North Chatham Fire Department have been provided a copy of attachment # 3.

Road Names: The following road names have been approved by the Emergency Management Office as acceptable for submittal to the Board of Commissioners for approval: Chapel Lawn Avenue, Birch Hollow Road, Bluffwood Avenue, Logbridge Road, Pineland Street, Crowfoot Court, Star Grass Trail, Grouse Trail, Tottenham Street, Trelauny Drive, and Trappers Run.

Permits: The applicant has submitted the approved agency permits as required for a preliminary plat request which include NCDOT, Chatham County Erosion Control, USACOE, NCDEQ DWQ, and Chatham County Public Works. The permits can be viewed on the Planning Department webpage at www.chathamnc.org/planning <<http://www.chathamnc.org/planning>> Rezoning & Subdivision Cases, 2017. A copy of the Stormwater Permit/Plan issued by NCDWR, dated March 10, 2017 has been submitted to Chatham County Environmental Quality Department as required by the Compact Community Ordinance, Section 8.

Technical Review Committee: The TRC met on May 17, 2017 to review the request. Chief John Strowd, North Chatham Fire Department was present at the TRC meeting along with county staff from Planning, Environmental Quality, Fire Marshal, Public Works and Central Permitting.

Lee Bowman, Chris Seamster, and Garretson Browne were present to represent the developer. Discussion included providing a temporary turn-around at the end of the stub road, location of pump station, submittal of Stormwater Plans to Chatham County Environmental Quality, overflow parking, on-street parking, and emergency vehicle access. The Fire Marshal and Chief Strowd of the North Chatham Fire Department continue to have concerns regarding emergency vehicle access and on-street parking. The developer has provided two additional copies of the complete Construction Plans to the Planning Department for Board member review.

The Planning Board met on June 6, 2017 to review the request. Lee Bowman, Project Manager, Garretson Browne, Construction Manager, and Chris Seamster, RLA, McKim & Creed were present to represent the developer. The Planning Board discussed the request and had the following concerns/questions: Emergency vehicle access; additional off-site parking; location of retaining walls; location of wetlands; ownership and maintenance of common areas; and public roadway extension to parcel #2832.

Mr. Bowman and Mr. Seamster addressed the questions and stated that Briar Chapel representatives had met with Chief John Strowd, North Chatham Fire Department, Tom Bender, Fire Marshal, and Planning staff to discuss the emergency vehicle access and on-street parking concerns; that the discussion is on-going; that an emergency vehicle turn-around, 20' wide and 70' feet long, was being provided at the

end of the stub street adjacent to parcel #2832; that 12 off-site parking spaces were included in Phase 15 South for residents and guests; that retaining wall locations are shown on the construction plans; that all wetlands are located within the riparian buffers along the streams within the common areas; that the common areas will be deeded to and maintained by the homeowners association; and that at the time the public roadway is extended to Andrews Store Road through parcel #2832, that the major subdivision requirements will have to be followed.

Mr. Rusty Nipper, adjacent parcel owner, parcel #64673, stated he had a concern regarding water quality of the streams located on his property due to construction of Briar Chapel property. Mr. Bowman stated that the 100 foot wide perimeter buffer along Mr. Nipper's property was not being reduced and would remain undisturbed. It was noted that the location of the stream is completely on Mr. Nipper's property.

Recommendation:

The Planning Board (by unanimous vote - 9 members present) and the Planning Department recommend approval of the road names Chapel Lawn Avenue, Birch Hollow Road, Bluffwood Avenue, Logbridge Road, Pineland Street, Crowfoot Court, Star Grass Trail, Grouse Trail, Tottenham Street, Trelauny Drive, and Trappers Run and approval of the preliminary plat titled Briar Chapel, Phase 15 South as submitted.



Chatham County, NC

Text File

File Number: 17-2254

Agenda Date: 7/17/2017

Version: 1

Status: Board Priorities

In Control: Planning

File Type: Agenda Item

Agenda Number:

Vote on a request to approve Lewis Metty Development, Inc. for subdivision Revised Preliminary Plat and Final Plat review and approval of Cedar Mountain, Phase 3B, consisting of 3 lots on 6.099 acres, located off Jones Ferry Road, S. R. 1540 and Cedar Grove/Cedar Mountain Road, Baldwin Township, parcel #1721.

Action Requested:

Request by Lewis Metty Development, Inc. for subdivision Revised Preliminary Plat and Final Plat review and approval of Cedar Mountain, Phase 3B, consisting of 3 lots on 6.099 acres, located off Jones Ferry Road, S. R. 1540 and Cedar Grove/Cedar Mountain Road, Baldwin Township, parcel #1721.

Introduction & Background:

Zoning: R-1

Watershed: WSIV-PA / JLBA

Water Source: private on-site wells

Septic: private on-site and off-site septic systems and repair areas

Roadways: public, NCDOT state maintained roads.

Cedar Mountain, Phase 3 is reviewed under the pre-2008 Subdivision Regulations and the riparian buffer requirements of the 1994 Watershed Protection Ordinance. The project, consisting of 65 lots, received sketch design approval from the Board of County Commissioners on July 17, 2006. To date, 50 lots have received final plat approval including Phase 3A, consisting of 16 lots which received final plat approval by the Board of Commissioners on 2/20/17.

There were two conditions of sketch design approval:

1. The emergency access easement be widened to a minimum of 50 feet and be labeled as "50 foot wide dedication of public right-of-way and emergency vehicle access".
2. The emergency vehicle access shall be constructed to a minimum standard of a 16 foot wide, all weather travel surface. A note shall be placed on the preliminary and final plat detailing the standards to which said access is constructed and future upkeep and maintenance responsibilities.

The preliminary plat submitted in 2007 included the required 50 foot wide dedication of public right-of-way and emergency vehicle access. The Preliminary Plat was approved by the Board of County Commissioners in 2007 for 65 lots.

In 2016, in preparation for a final plat submittal for Cedar Mountain, Phase 3A, the developer constructed the emergency vehicle access as required by the sketch design

approval in 2006. At the time of preliminary plat review and approval in 2007, only streams shown on the USGS maps were required to have an undisturbed buffer. During construction of the roadway, and based on the Jordan Lake Buffer rules that came into effect in 2008 after the preliminary plat approval, it was discovered that there was an additional stream feature located within proposed Lots 29, 30 & 31 that was not shown on the USGS maps. Lots 29, 30, & 31, were removed from the Revised Preliminary/Final Plat for Cedar Mountain Phase 3A along with the emergency vehicle access road due to the discovery of the additional feature. County staff visited the site due to the NRCS Soil Survey indicating the possible presence of a stream. The presence of the stream was verified and potential wetlands were identified during the site visit. The developer hired a private consulting firm, Agri-Waste Technology to perform an on-site riparian buffer review on the remaining portion of Cedar Mountain, Phase 3 consisting of 55.020 acres since the entire balance of the property is within the Jordan Lake Watershed Area. The AWT report stated that there were 2 ephemeral features, 1 intermittent stream, and 1 forested wetland. The report was submitted to Drew Blake, Chatham County Watershed Specialist. Mr. Blake re-visited the site to verify the features identified in the AWT report. See attachment # 2. Neither the 1994 Chatham County Watershed Protection Ordinance nor the Jordan Lake Buffer Rules apply to ephemerals or wetlands; therefore, no buffer was required on either feature. The wetlands; however, are located within the required 50 foot riparian buffer along the intermittent stream identified on the NRCS maps. The AWT report can be viewed on the Planning Department webpage, Rezoning and Subdivision Cases, 2017. Per attachment # 2, a buffer authorization form from Chatham County for the emergency access roadway to cross the intermittent stream was not required due to the limited amount of disturbance (less than 40' linear feet) and the activity was considered 'exempt'. Per a memorandum from Julie Davidson, AWT, to the developer dated February 7, 2017, "it has been determined that the impacts made to the surface water identified by Chatham County and AWT as an intermittent stream with an emergency access road does not need a Section 401/404 Nationwide Permit (NWP) from the US Army Corps of Engineers and The Department of Environmental Quality." AWT also submitted a letter to NCDWR, dated February 27, 2017, stating no permits were required. See the AWT report on the Planning Department webpage.

Although Lots 29, 30, & 31 were removed from the Phase 3A revised preliminary and final plat; several adjacent property owners were present at the meetings to express their concerns regarding the emergency access roadway being built along the rear of their properties creating concerns regarding loss of privacy, safety, and access to the public.

Based on concerns expressed by the adjacent property owners during the Cedar Mountain, Phase 3A December, 2016 and the January, 2017 Planning Board meetings, the developer then requested a revision to the original sketch plan Condition # 1 which read "The emergency vehicle access easement be widened to a minimum of 50 feet and be labeled as "50 foot wide dedication of public right-of-way and emergency vehicle access". The developer requested the condition be changed to read "A 30 foot wide private emergency vehicle access and utility easement be constructed at the end of the Eagles Crest cul-de-sac to the common boundary line of parcel #75530." The reasons stated were:

1. *To address the safety and privacy concerns expressed by the adjacent property*

owners. If the width of the right-of-way is reduced to 30 feet and the status is changed from 'public' to 'private', this would restrict use of the emergency vehicle access road by the general public. The revised sketch design map shows the entire length of the roadway being within the boundary of Lot 30. There is a note on the revised sketch plan stating that responsibility of the future maintenance & upkeep of the roadway will be the owners of Lot 30. The developer is also discussing with his attorney the possibility of forming a homeowners association to consist of the remaining unsold lot owners and have the HOA be responsible for the future maintenance and upkeep of the emergency vehicle access road. This decision will be made prior to final plat submittal for Lots 29, 30, and 31.

2. *To reduce the environmental impact of the stream crossing.* Reducing the width of the right-of-way and changing from public to private will require less piping of the stream and lessen the environmental impact.

The Board of County Commissioners approved the sketch plan revision request on 3/20/2017.

Discussion & Analysis:

The issue before the Board consist of two requests.

Revised Preliminary Plat: A revised preliminary plat review is required due to:

1. The addition of the intermittent stream and associated riparian buffers shown on the NRCS maps;
2. The emergency vehicle access roadway constructed across the intermittent stream;
3. The March 20, 2017 approved sketch plan revision regarding the emergency vehicle access.

As stated above, the property is in the Jordan Lake Buffer Area and streams shown on the NRCS map are required to be buffered. There is a stream on-site that was not shown on the USGS maps and not required to be reviewed and buffered during the preliminary plat review and approval in 2007. The stream, the 50 foot wide riparian buffer, and the wetland location as verified by AWT and Chatham County are shown on the Cedar Mountain, Phase 3B Revised Preliminary and Final Plat. Based on the 2015 State Legislative House Bill 44, the area within the riparian buffer, not including the stream feature or wetland, can be included in the calculation of the useable lot area. The area within the riparian buffer must be undisturbed with no septic systems/repair areas or building development located within the buffer. Staff has verified with the county attorney's office the applicability of HB 44 to the project, and specifically the buffers associated with this particular water feature. The net total acreage for each lot stated on the maps submitted for review includes the riparian buffer area as shown.

A condition of the Phase 3A Final Plat approval stated *"The developer shall install a locked gate across the emergency access roadway at the common boundary of the Cedar Mountain Subdivision and parcel #75530 and provide emergency personnel with a key, and that appropriate signage be installed at each end of the access road to indicate that use of the road is for emergency personnel only, and that the developer be encouraged to plant suitable plantings to create a privacy*

barrier along the length of the access road.” The developer has stated that he is working with the North Chatham Fire Department to determine the best location for the gate to allow an emergency vehicle to access the roadway due to the size of the vehicles and turning radius required and to obtain a Knox box to allow access by emergency personnel; and that he expects to have the gate and signage installed prior to the July 17, 2017 Commissioners meeting. Staff recommends that if the subdivision request is approved, a condition be placed on the Phase 3B final plat stating that the final plat cannot be recorded until the gate and signage are installed and verified. The Revised Preliminary Plat / Final Plat for Phase 3B states in Note 11 under Survey Notes “The maintenance of the 30 foot wide private emergency driveway vehicle access and utility easement is the sole responsibility of the owners of Lot 30”. Condition 1 as revised in 2017 and Condition 2 as required by the 2006 Sketch Design approval have been met.

Final Plat: The submittal includes a request for Final Plat approval of Lots 29, 30, & 31. There are no public improvements that require a financial guarantee for completion. A septic permit has been issued by Thomas Boyce, Chatham County Soil Specialist and Lead Soil Scientist for Lots 29, 30, & 31.

The Planning Board met on June 6, 2017 to review the request. The developer, Chuck Lewis was present to answer questions. Questions from the Board included --has the signage been installed at the beginning of the emergency vehicle access road off the end of Eagles Crest cul-de-sac and has the gate and signage been installed at the end of the emergency vehicle access road adjacent to parcel #75530; septic locations for Lots 29, 30, & 31; ephemeral stream locations; and maintenance responsibility of the emergency vehicle access road.

Mr. Lewis stated that currently the original chain has been put back up at the end of the emergency vehicle access road and that ‘no-trespassing’ signs have been posted at both ends of the road; that a metal (cattle type) gate will be installed as soon as Chief Mark Riggsbee with North Chatham Fire Department verifies the necessary location; that he anticipates that the gate will be installed prior to the Board of Commissioners’ meeting; that different signage would be installed stating the road was private and for emergency vehicles only; that a knox box has been ordered; that once the gate and signage installation has been completed he will provide proof to the Planning Department; that Lots 29 and 30 have on-site septic systems and Lot 31 has an off-site septic system; that the ephemeral stream(s) are located in the next section of Phase 3; that Lot 30 will not be solely responsible for maintenance of the emergency vehicle access road; and that Note 11, shown on the final plat, will be revised on the mylar to state that the maintenance responsibility will be as required in a road maintenance agreement and will be a shared responsibility of the Phase 3 lot owners.

Recommendation:

The Planning Board (by unanimous vote - 9 members present) and Planning Department recommend granting Revised Preliminary Plat and Final Plat approval of Cedar Mountain, Phase 3B, Lots 29, 30, and 31 with the following conditions:

1. Prior to final plat recordation, the developer shall install a locked gate across the emergency access roadway at the common boundary of the Cedar Mountain Subdivision and parcel #75530 and provide emergency personnel with a key, and that appropriate signage be installed at each end of the access

road to indicate that use of the road is for emergency personnel only. Evidence of the gate and signage installation shall be provided to the Planning Department staff prior to recordation of the final plat.

2. The certificate Approval of Minor Subdivision shall be removed from the final plat.
3. Note 11 on the mylar shall be revised to state that the maintenance responsibility of the emergency vehicle access road will be as required in the recorded road maintenance agreement and will be a shared responsibility of the Phase 3 lot owners.



Chatham County, NC

Text File

File Number: 17-2257

Agenda Date: 7/17/2017

Version: 1

Status: Approval of Agenda
and Consent Agenda

In Control: Tax Office Assessor

File Type: Agenda Item

Vote on a request to approve the Tax Releases and Refunds.

Action Requested: Vote to approve Tax Releases and Refunds.

Introduction & Background: The attached listed taxpayers have requested a release or refund on their tax bills.

Discussion & Analysis: In accordance with G.S. 150-381, taxpayers may demand a release or refund on their tax bills if there is an error.

Recommendation: Vote to approve Tax Releases and Refunds.

DATE 6/30/17	BOARD REVIEW OF CORRECTED RECEIPTS REPORT										PAGE 1
TIME 14:55:50	CHATHAM CO TAX DEPARTMENT										PROG# CL2182
USER AMY	DEPOSIT DATES 6/01/2017 THROUGH 6/30/2017										
SKIP NEGATIVE ABATEMENTS	OMIT ABATE CODES ERROR BOER CHGOF PTC										
TAX	DEPOSIT										
YEAR TAXPAYER NAME	DATE	RECEIPT	DIST	REAL	PERSONAL	M VEH	MV FEE	S WASTE	REASON	ABTCD	
=====											
2012 MORENO ERIKA	6/21/2017	1921405	107		290.26				ACCT 1321982	DBLST	
	** YEAR TOTALS **				290.26						
2013 MORENO ERIKA	6/21/2017	2056853	107		290.26				ACCT 1321982	DBLST	
	** YEAR TOTALS **				290.26						
2014 MORENO ERIKA	6/21/2017	2137290	107		290.26				ACCT 1321982	DBLST	
	** YEAR TOTALS **				290.26						
2015 MORENO ERIKA	6/21/2017	2198933	107		296.40				ACCT 1321982	DBLST	
	** YEAR TOTALS **				296.40						
2016 MORENO ERIKA	6/21/2017	2261157	107		301.26				ACCT 1321982	DBLST	
2016 WESTEND METHODIST CHURCH	6/28/2017	2287525	202	3186.38					AUDIT RESPONSE/A	EXEMP	
	** YEAR TOTALS **			3186.38	301.26						
	*** FINAL TOTALS ***			3186.38	1468.44						

*** NORMAL END OF JOB ***



North Carolina Veh

NCVTS Pending

Report Date 6/30/2017 2:36:55 PM

Payee Name	Primary Owner	Secondary Owner	Address 1	Address 2	Address 3	Refund Type	Bill #	Plate Number	Status	Transaction #	Refund Description
ANGUIANO GONZALEZ, MIGUEL ANGEL	ANGUIANO GONZALEZ, MIGUEL ANGEL		1678 W 3RD ST		SILER CITY, NC 27344	Proration	0033893043	PDT9760	AUTHORIZED	69965588	Refund Generated due to proration on Bill #0033893043-2016 2016-0000-00
BARBONE, ELIZABETH SHARON	BARBONE, ELIZABETH SHARON		1046 PHILPOTT DR		CHAPEL HILL, NC 27517	Adjustment < \$100	0035362232	26H2SM	AUTHORIZED	70066328	Refund Generated due to adjustment on Bill #0035362232-2016 2016-0000-00
BLAIR, KIMBERLY HANNIGAN	BLAIR, KIMBERLY HANNIGAN		18 CROOKED CREEK LN		DURHAM, NC 27713	Proration	0023115367	CDY9216	AUTHORIZED	68684420	Refund Generated due to proration on Bill #0023115367-2016 2016-0000-00
CALVERT, DANIEL ROBERT	CALVERT, DANIEL ROBERT		5811 WAYNE RD		PITTSBURGH, PA 15206	Proration	0033097148	EDB3472	AUTHORIZED	69707358	Refund Generated due to proration on Bill #0033097148-2016 2016-0000-00
CALVERT, SARA BRISTOL	CALVERT, SARA BRISTOL	CALVERT, DANIEL ROBERT	5811 WAYNE RD		PITTSBURGH, PA 15206	Proration	0018818954	RPH9560	AUTHORIZED	69543114	Refund Generated due to proration on Bill #0018818954-2015 2015-0000-00



North Carolina Ver

NCVTS Pending

Report Date 6/30/2017 2:36:55 PM

	Refund Reason	Create Date	Authorization Date
ie	Vehicle Sold	06/23/2017	6/23/2017 9:30:09 AM
ie	Mileage	06/26/2017	6/26/2017 10:31:47 AM
ie	Vehicle Sold	06/01/2017	6/6/2017 10:00:34 AM
ie	Reg . Out of state	06/19/2017	6/19/2017 8:53:16 AM
ie	Reg . Out of state	06/16/2017	6/16/2017 2:24:29 PM



North Carolina Ver

NCVTS Pending

Report Date 6/30/2017 2:36:55 PM

Tax Jurisdiction	Levy Type	Change	Interest Change	Total Change
00	Tax	(\$7.60)	\$0.00	(\$7.60)
01	Tax	(\$1.08)	\$0.00	(\$1.08)
			Refund	\$8.68
00	Tax	(\$37.78)	\$0.00	(\$37.78)
07	Tax	(\$6.14)	\$0.00	(\$6.14)
			Refund	\$43.92
00	Tax	(\$89.27)	\$0.00	(\$89.27)
12	Tax	(\$14.79)	\$0.00	(\$14.79)
			Refund	\$104.06
00	Tax	(\$26.47)	\$0.00	(\$26.47)
07	Tax	(\$4.30)	\$0.00	(\$4.30)
			Refund	\$30.77
00	Tax	(\$24.81)	\$0.00	(\$24.81)
07	Tax	(\$4.11)	\$0.00	(\$4.11)
			Refund	\$28.92



North Carolina Veh

NCVTS Pending

Report Date 6/30/2017 2:36:55 PM

Payee Name	Primary Owner	Secondary Owner	Address 1	Address 2	Address 3	Refund Type	Bill #	Plate Number	Status	Transaction #	Refund Description
CAMACHO MARTINEZ, KARLA ITZAYANA	CAMACHO MARTINEZ, KARLA ITZAYANA		821 E CARDINAL ST		SILER CITY, NC 27344	Proration	0037078273	PEP2835	AUTHORIZED	104130501	Refund Generated due to proration on Bill #0037078273-2016-0000-00
CASTRO, JENNIFER LYNNE	CASTRO, JENNIFER LYNNE		1020 CHATHAM CHURCH RD		MONCURE, NC 27559	Proration	0035707329	EHX4438	AUTHORIZED	69420104	Refund Generated due to proration on Bill #0035707329-2016-0000-00
CHEEK, ANGELA NICOLE	CHEEK, ANGELA NICOLE		95 HONEYSUCKLE DR		PITTSBORO, NC 27312	Proration	0014492982	ALL7954	AUTHORIZED	68684368	Refund Generated due to proration on Bill #0014492982-2016-0000-00
CHOATE, JANICE HOLMES	CHOATE, JANICE HOLMES	CHOATE, PHILIP STUBBS	46 HOMES RD		AUGUSTA, ME 04330	Proration	0001271626	AHM6550	AUTHORIZED	104029473	Refund Generated due to proration on Bill #0001271626-2016-0000-00
CLAPP ENTERPRISE S LLC	CLAPP ENTERPRISE S LLC		PO BOX 276		SILER CITY, NC 27344	Proration	0036029256	HP4942	AUTHORIZED	104129232	Refund Generated due to proration on Bill #0036029256-2016-0000-00



North Carolina Ver

NCVTS Pending

Report Date 6/30/2017 2:36:55 PM

	Refund Reason	Create Date	Authorization Date
ie	Vehicle Sold	06/14/2017	6/14/2017 4:12:30 PM
-			
ie	Vehicle Sold	06/14/2017	6/14/2017 1:08:58 PM
-			
ie	Vehicle Sold	06/01/2017	6/1/2017 2:21:09 PM
-			
ie	Vehicle Sold	06/12/2017	6/12/2017 12:27:48 PM
-			
ie	Vehicle Sold	06/13/2017	6/13/2017 2:47:07 PM
-			



North Carolina Ver

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Tax Jurisdiction	Levy Type	Change	Interest Change	Total Change
00	Tax	(\$19.63)	\$0.00	(\$19.63)
22	Tax	(\$14.87)	\$0.00	(\$14.87)
22	Vehicle Fee	\$0.00	\$0.00	\$0.00
			Refund	\$34.50
00	Tax	(\$8.96)	\$0.00	(\$8.96)
06	Tax	(\$1.73)	\$0.00	(\$1.73)
			Refund	\$10.69
00	Tax	(\$42.07)	\$0.00	(\$42.07)
21	Tax	(\$28.76)	\$0.00	(\$28.76)
			Refund	\$70.83
00	Tax	(\$17.94)	\$0.00	(\$17.94)
23	Tax	(\$9.91)	\$0.00	(\$9.91)
23	Vehicle Fee	\$0.00	\$0.00	\$0.00
			Refund	\$27.85
00	Tax	(\$13.07)	\$0.00	(\$13.07)
22	Tax	(\$9.90)	\$0.00	(\$9.90)



North Carolina Veh

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Payee Name	Primary Owner	Secondary Owner	Address 1	Address 2	Address 3	Refund Type	Bill #	Plate Number	Status	Transaction #	Refund Description
CLAPP ENTERPRISE S LLC	CLAPP ENTERPRISE S LLC		PO BOX 276		SILER CITY, NC 27344	Proration	0036029256	HP4942	AUTHORIZED	104129232	Refund Generated due to proration on Bill #0036029256-2016-0000-00
CONRAD, ANTOINETTE	CONRAD, ANTOINETTE		162 FEARRINGTON POST		PITTSBORO, NC 27312	Proration	0018818464	BDK4181	AUTHORIZED	69708064	Refund Generated due to proration on Bill #0018818464-2015-0000-00
DAVIS, EUGENE JOSEPH	DAVIS, EUGENE JOSEPH		44 COBBLE RIDGE DR		PITTSBORO, NC 27312	Proration	0001308259	4C1389	AUTHORIZED	68902446	Refund Generated due to proration on Bill #0001308259-2016-0000-00
DAVIS, RALPH TAZWELL JR	DAVIS, RALPH TAZWELL JR		36 WESTFIELD ST		PITTSBORO, NC 27312	Proration	0020277569	XVR4675	AUTHORIZED	69478646	Refund Generated due to proration on Bill #0020277569-2016-0000-00
DONNARD, KATHERINE LYNN	DONNARD, KATHERINE LYNN	DONNARD, EDWARD RICHARD	117 PAINTED TURTLE LN		CARY, NC 27519	Proration	0020362264	AFK7174	AUTHORIZED	103499613	Refund Generated due to proration on Bill #0020362264-2015-0000-00



North Carolina Veh

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	Refund Reason	Create Date	Authorization Date
ie	Vehicle Sold	06/13/2017	6/13/2017 2:47:07 PM
-			
ie	Vehicle Sold	06/19/2017	6/19/2017 3:44:07 PM
-			
ie	Vehicle Sold	06/02/2017	6/2/2017 9:36:01 AM
-			
ie	Vehicle Sold	06/15/2017	6/15/2017 4:17:44 PM
-			
ie	Vehicle Sold	06/05/2017	6/5/2017 8:49:02 AM
-			



North Carolina Ver

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Tax Jurisdiction	Levy Type	Change	Interest Change	Total Change
22	Vehicle Fee	\$0.00	\$0.00	\$0.00
			Refund	\$22.97
00	Tax	(\$13.21)	\$0.00	(\$13.21)
07	Tax	(\$2.19)	\$0.00	(\$2.19)
			Refund	\$15.40
00	Tax	(\$20.77)	\$0.00	(\$20.77)
21	Tax	(\$14.20)	\$0.00	(\$14.20)
			Refund	\$34.97
00	Tax	(\$30.52)	\$0.00	(\$30.52)
21	Tax	(\$20.87)	\$0.00	(\$20.87)
			Refund	\$51.39
00	Tax	(\$19.55)	\$0.00	(\$19.55)
23	Tax	(\$11.63)	\$0.00	(\$11.63)
23	Vehicle Fee	\$0.00	\$0.00	\$0.00
			Refund	\$31.18



North Carolina Veh

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Payee Name	Primary Owner	Secondary Owner	Address 1	Address 2	Address 3	Refund Type	Bill #	Plate Number	Status	Transaction #	Refund Description
ELMORE LIVING TRUST	ELMORE LIVING TRUST	ELMORE, ROBERT ANDREW	92 W CORNWALLIS ST		PITTSBORO, NC 27312	Proration	0014493150	WPV7095	AUTHORIZED	69000782	Refund Generated due to proration on Bill #0014493150-2016-0000-00
FLORES, ARMANDO RIOS	FLORES, ARMANDO RIOS		48 CRYSTAL LN		SILER CITY, NC 27344	Proration	0019633053	CFK2047	AUTHORIZED	68684384	Refund Generated due to proration on Bill #0019633053-2016-0000-00
FLORES, ARMANDO RIOS	FLORES, ARMANDO RIOS		48 CRYSTAL LN		SILER CITY, NC 27344	Proration	0034959814	DEF6440	AUTHORIZED	68684378	Refund Generated due to proration on Bill #0034959814-2016-0000-00
FONTAINE, NANCY RUCKEL	FONTAINE, NANCY RUCKEL		623 BLOOMSBURY PL		CARY, NC 27519	Proration	0018818151	CAPS	AUTHORIZED	103719867	Refund Generated due to proration on Bill #0018818151-2016-0000-00
GARY, GRANT NORMAN	GARY, GRANT NORMAN		27 MARGARET MANN WAY		PITTSBORO, NC 27312	Proration	0008534676	5D4237	AUTHORIZED	68684184	Refund Generated due to proration on Bill #0008534676-2016-0000-00



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	Refund Reason	Create Date	Authorization Date
ie	Vehicle Sold	06/06/2017	6/6/2017 10:45:20 AM
ie	Vehicle Sold	06/01/2017	6/1/2017 2:30:10 PM
ie	Vehicle Sold	06/01/2017	6/1/2017 2:28:30 PM
ie	Reg . Out of state	06/07/2017	6/7/2017 11:16:00 AM
ie	Vehicle Sold	06/01/2017	6/1/2017 11:36:07 AM



North Carolina Ver

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Tax Jurisdiction	Levy Type	Change	Interest Change	Total Change
00	Tax	(\$30.00)	\$0.00	(\$30.00)
21	Tax	(\$20.51)	\$0.00	(\$20.51)
			Refund	\$50.51
00	Tax	(\$38.77)	\$0.00	(\$38.77)
01	Tax	(\$5.51)	\$0.00	(\$5.51)
			Refund	\$44.28
00	Tax	(\$29.86)	\$0.00	(\$29.86)
01	Tax	(\$4.24)	\$0.00	(\$4.24)
			Refund	\$34.10
00	Tax	(\$44.49)	\$0.00	(\$44.49)
23	Tax	(\$24.57)	\$0.00	(\$24.57)
23	Vehicle Fee	(\$15.00)	\$0.00	(\$15.00)
			Refund	\$84.06
00	Tax	(\$19.49)	\$0.00	(\$19.49)
07	Tax	(\$3.17)	\$0.00	(\$3.17)
			Refund	\$22.66



North Carolina Veh

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Payee Name	Primary Owner	Secondary Owner	Address 1	Address 2	Address 3	Refund Type	Bill #	Plate Number	Status	Transaction #	Refund Description
GARY, GRANT NORMAN	GARY, GRANT NORMAN		27 MARGARET MANN WAY		PITTSBORO, NC 27312	Proration	0030248780	V207R	AUTHORIZED	68684186	Refund Generated due to proration on Bill #0030248780-2016-0000-00
GIBSON, ANN MCCOY	GIBSON, ANN MCCOY		113 HOGAN WOODS CIR		CHAPEL HILL, NC 27516	Proration	0030203722	AMGWM	AUTHORIZED	68902870	Refund Generated due to proration on Bill #0030203722-2016-0000-00
GORMAN, MICHAEL EDWARD	GORMAN, MICHAEL EDWARD	LEICHMAN, LAURIE SUE	2310 BRIAR CHAPEL PKWY		CHAPEL HILL, NC 27516	Proration	0023285139	DAW1610	AUTHORIZED	69352986	Refund Generated due to proration on Bill #0023285139-2016-0000-00
GRATTA, ALBERT ROBERT	GRATTA, ALBERT ROBERT		449 TOP GEAR LN		RICHFIELD, NC 28137	Proration	0034197010	ALY6536	AUTHORIZED	69543158	Refund Generated due to proration on Bill #0034197010-2016-0000-00
GRATTA, ALBERT ROBERT	GRATTA, ALBERT ROBERT		449 TOP GEAR LN		RICHFIELD, NC 28137	Proration	0014494833	AAZ1251	AUTHORIZED	69543162	Refund Generated due to proration on Bill #0014494833-2016-0000-00



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	Refund Reason	Create Date	Authorization Date
ie	Vehicle Sold	06/01/2017	6/1/2017 11:37:20 AM
-			
ie	Vehicle Sold	06/02/2017	6/2/2017 2:01:33 PM
-			
ie	Vehicle Sold	06/12/2017	6/12/2017 12:30:41 PM
-			
ie	Vehicle Sold	06/16/2017	6/19/2017 10:47:45 AM
-			
ie	Vehicle Sold	06/16/2017	6/16/2017 2:40:52 PM
-			



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Tax Jurisdiction	Levy Type	Change	Interest Change	Total Change
00	Tax	(\$22.14)	\$0.00	(\$22.14)
07	Tax	(\$3.59)	\$0.00	(\$3.59)
			Refund	\$25.73
00	Tax	(\$48.01)	\$0.00	(\$48.01)
07	Tax	(\$7.80)	\$0.00	(\$7.80)
			Refund	\$55.81
00	Tax	(\$19.86)	\$0.00	(\$19.86)
07	Tax	(\$3.23)	\$0.00	(\$3.23)
			Refund	\$23.09
00	Tax	(\$131.19)	\$0.00	(\$131.19)
06	Tax	(\$25.36)	\$0.00	(\$25.36)
			Refund	\$156.55
00	Tax	(\$37.10)	\$0.00	(\$37.10)
06	Tax	(\$7.17)	\$0.00	(\$7.17)
			Refund	\$44.27



North Carolina Veh

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Payee Name	Primary Owner	Secondary Owner	Address 1	Address 2	Address 3	Refund Type	Bill #	Plate Number	Status	Transaction #	Refund Description
GRAY, STEPHEN ARTHUR	GRAY, STEPHEN ARTHUR		1582 JONES FERRY RD		PITTSBORO, NC 27312	Proration	0031829315	WPR2146	AUTHORIZED	70232970	Refund Generated due to proration on Bill #0031829315-2016 2016-0000-00
GREEN, DAVID LEE	GREEN, DAVID LEE	GREEN, BROOKE SMITH	909 TANGLEWOOD DR EXT		SILER CITY, NC 27344	Proration	0001293325	AJS5205	AUTHORIZED	103501464	Refund Generated due to proration on Bill #0001293325-2016 2016-0000-00
HENDERSON, ERVIN CHARLES JR	HENDERSON, ERVIN CHARLES JR		802 COVERED BRIDGE TRL		CHAPEL HILL, NC 27517	Proration	0026403653	5N5036	AUTHORIZED	69542812	Refund Generated due to proration on Bill #0026403653-2015 2015-0000-00
HICKSON, KENNETH PAUL	HICKSON, KENNETH PAUL	HICKSON, MARGARET ANN	720 HORNBURCH LOOP		CARY, NC 27519	Proration	0022501601	CCD9054	AUTHORIZED	104562159	Refund Generated due to proration on Bill #0022501601-2016 2016-0000-00
HORTON, BRANDOLYN MONAE	HORTON, BRANDOLYN MONAE		917 PARKER HERNDON RD		PITTSBORO, NC 27312	Proration	0034246909	EFC1883	AUTHORIZED	70149702	Refund Generated due to proration on Bill #0034246909-2016 2016-0000-00



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	Refund Reason	Create Date	Authorization Date
ie	Vehicle Totalled	06/28/2017	6/28/2017 11:28:25 AM
ie	Vehicle Sold	06/06/2017	6/6/2017 1:10:20 PM
ie	Vehicle Sold	06/16/2017	6/16/2017 10:37:00 AM
ie	Tag Surrender	06/19/2017	6/19/2017 4:02:49 PM
ie	Vehicle Totalled	06/27/2017	6/27/2017 1:15:21 PM



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Tax Jurisdiction	Levy Type	Change	Interest Change	Total Change
00	Tax	(\$54.09)	\$0.00	(\$54.09)
07	Tax	(\$8.79)	\$0.00	(\$8.79)
			Refund	\$62.88
00	Tax	(\$18.04)	(\$1.00)	(\$19.04)
22	Tax	(\$13.67)	(\$0.59)	(\$14.26)
22	Vehicle Fee	\$0.00	\$0.00	\$0.00
			Refund	\$33.30
00	Tax	(\$2.97)	\$0.00	(\$2.97)
07	Tax	(\$0.49)	\$0.00	(\$0.49)
			Refund	\$3.46
00	Tax	(\$41.87)	\$0.00	(\$41.87)
23	Tax	(\$23.12)	\$0.00	(\$23.12)
23	Vehicle Fee	\$0.00	\$0.00	\$0.00
			Refund	\$64.99
00	Tax	(\$28.50)	\$0.00	(\$28.50)
07	Tax	(\$4.63)	\$0.00	(\$4.63)
			Refund	\$33.13



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Payee Name	Primary Owner	Secondary Owner	Address 1	Address 2	Address 3	Refund Type	Bill #	Plate Number	Status	Transaction #	Refund Description
HUNICUTT, MARTIN STANLEY	HUNICUTT, MARTIN STANLEY	HUNICUTT, LINDA NORLOFF	520 THE PRESERVE TRL		CHAPEL HILL, NC 27517	Proration	0027002680	RRM4919	AUTHORIZED	68902384	Refund Generated due to proration on Bill #0027002680-2016-0000-00
JOHNSTON, ROBERT EDWARD	JOHNSTON, ROBERT EDWARD		408 DRAGONFLY TRL		CHAPEL HILL, NC 27517	Proration	0014498125	YWT4417	AUTHORIZED	69420236	Refund Generated due to proration on Bill #0014498125-2016-0000-00
JOYCE, KARA YVONNE	JOYCE, KARA YVONNE		4915 BONLEE BENNETT RD		BEAR CREEK, NC 27207	Proration	0001319892	ZYH9692	AUTHORIZED	69352984	Refund Generated due to proration on Bill #0001319892-2016-0000-00
KIDD, JERRY WAYNE	KIDD, JERRY WAYNE	KIDD, LINDA DAYE	9550 US HIGHWAY 64 W		SILER CITY, NC 27344	Proration	0018817551	ADZ5437	AUTHORIZED	68902760	Refund Generated due to proration on Bill #0018817551-2015-0000-00
KLEMM, CYNTHIA JILL DAVIS	KLEMM, CYNTHIA JILL DAVIS		94 BALDWINS XING		PITTSBORO, NC 27312	Proration	0023814739	DBP2610	AUTHORIZED	69420314	Refund Generated due to proration on Bill #0023814739-2016-0000-00



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	Refund Reason	Create Date	Authorization Date
ie	Vehicle Sold	06/02/2017	6/2/2017 9:13:01 AM
ie	Vehicle Sold	06/14/2017	6/14/2017 2:54:04 PM
ie	Vehicle Totalled	06/12/2017	6/12/2017 12:29:38 PM
ie	Vehicle Totalled	06/02/2017	6/2/2017 11:58:22 AM
ie	Vehicle Sold	06/14/2017	6/14/2017 3:54:30 PM



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Tax Jurisdiction	Levy Type	Change	Interest Change	Total Change
00	Tax	(\$51.17)	\$0.00	(\$51.17)
07	Tax	(\$8.32)	\$0.00	(\$8.32)
			Refund	\$59.49
00	Tax	(\$42.29)	\$0.00	(\$42.29)
07	Tax	(\$6.87)	\$0.00	(\$6.87)
			Refund	\$49.16
00	Tax	(\$9.72)	\$0.00	(\$9.72)
03	Tax	(\$1.07)	\$0.00	(\$1.07)
			Refund	\$10.79
00	Tax	(\$7.07)	\$0.00	(\$7.07)
09	Tax	(\$0.78)	\$0.00	(\$0.78)
			Refund	\$7.85
00	Tax	(\$5.86)	(\$0.33)	(\$6.19)
07	Tax	(\$0.95)	(\$0.06)	(\$1.01)
			Refund	\$7.20



North Carolina Veh

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Payee Name	Primary Owner	Secondary Owner	Address 1	Address 2	Address 3	Refund Type	Bill #	Plate Number	Status	Transaction #	Refund Description
KROL, RONALD	KROL, RONALD		1980 HALL RD		ELMA, NY 14059	Proration	0031535230	DKH1945	AUTHORIZED	69001108	Refund Generated due to proration on Bill #0031535230-2015 2015-0000-00
LEMONS, BARRY HOYLE	LEMONS, BARRY HOYLE		3312 BONLEE BENNETT RD		SILER CITY, NC 27344	Proration	0001269133	XS9126	AUTHORIZED	70149236	Refund Generated due to proration on Bill #0001269133-2016 2016-0000-00
LEMONS, BARRY HOYLE	LEMONS, BARRY HOYLE		3312 BONLEE BENNETT RD		SILER CITY, NC 27344	Proration	0001322424	ZPA5041	AUTHORIZED	70149240	Refund Generated due to proration on Bill #0001322424-2016 2016-0000-00
LITTLE, WILLIAM RICKOUR	LITTLE, WILLIAM RICKOUR		864 FEARRINGTON POST		PITTSBORO, NC 27312	Proration	0031997746	DLA8481	AUTHORIZED	69835834	Refund Generated due to proration on Bill #0031997746-2015 2015-0000-00
LIVING WATER, SEAN DANIEL	LIVING WATER, SEAN DANIEL		672 WILDLIFE RD		BEAR CREEK, NC 27207	Proration	0036715633	6S2440	AUTHORIZED	69965578	Refund Generated due to proration on Bill #0036715633-2016 2016-0000-00



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	Refund Reason	Create Date	Authorization Date
ie	Tag Surrender	06/06/2017	6/19/2017 10:47:45 AM
ie	Vehicle Sold	06/27/2017	6/27/2017 9:58:19 AM
ie	Vehicle Sold	06/27/2017	6/27/2017 9:59:51 AM
ie	Vehicle Sold	06/21/2017	6/21/2017 3:01:10 PM
ie	Vehicle Sold	06/23/2017	6/23/2017 9:19:58 AM



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Tax Jurisdiction	Levy Type	Change	Interest Change	Total Change
00	Tax	(\$92.53)	\$0.00	(\$92.53)
07	Tax	(\$15.32)	\$0.00	(\$15.32)
			Refund	\$107.85
00	Tax	(\$5.23)	\$0.00	(\$5.23)
03	Tax	(\$0.58)	\$0.00	(\$0.58)
			Refund	\$5.81
00	Tax	(\$10.48)	\$0.00	(\$10.48)
03	Tax	(\$1.16)	\$0.00	(\$1.16)
			Refund	\$11.64
00	Tax	(\$23.37)	\$0.00	(\$23.37)
07	Tax	(\$3.87)	\$0.00	(\$3.87)
			Refund	\$27.24
00	Tax	(\$43.11)	\$0.00	(\$43.11)
01	Tax	(\$6.12)	\$0.00	(\$6.12)
			Refund	\$49.23



North Carolina Veh

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Payee Name	Primary Owner	Secondary Owner	Address 1	Address 2	Address 3	Refund Type	Bill #	Plate Number	Status	Transaction #	Refund Description
LONG, JANE CRIMINGER	LONG, JANE CRIMINGER		144 ROSEMARY ST		GOLDSTON, NC 27252	Adjustment < \$100	0037787919	EMS3578	AUTHORIZED	139085344	Refund Generated due to adjustment on Bill #0037787919-2016-0000-00
MARTIN, JOEL ELLIOTT	MARTIN, JOEL ELLIOTT		782 MARTIN LOOP RD		SILER CITY, NC 27344	Adjustment < \$100	0037904181	CJ65622	AUTHORIZED	69965860	Refund Generated due to adjustment on Bill #0037904181-2016-0000-00
MEYER, CASSIE LEE	MEYER, CASSIE LEE	TAMARI, TERRY MEYER	2028 COPPER BEECH WAY	APT 108	GREENVILLE, NC 27858	Proration	0028314707	CDH1377	AUTHORIZED	70066036	Refund Generated due to proration on Bill #0028314707-2016-0000-00
MITCHUM, KENNETH EDWARD	MITCHUM, KENNETH EDWARD	MITCHUM, JEAN ALSTON	8034 OLD GRAHAM RD		PITTSBORO, NC 27312	Proration	0014486453	RVP9433	AUTHORIZED	70149392	Refund Generated due to proration on Bill #0014486453-2016-0000-00
MONTIEL AGUILAR, SANTOS	MONTIEL AGUILAR, SANTOS		28 COLEMAN MHP		SILER CITY, NC 27344	Proration	0034874117	EHX6908	AUTHORIZED	70233338	Refund Generated due to proration on Bill #0034874117-2016-0000-00



North Carolina Veh

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	Refund Reason	Create Date	Authorization Date
ie - -	Mileage	06/16/2017	6/16/2017 8:26:04 AM
ie - -	Over Assessment	06/23/2017	6/23/2017 11:58:39 AM
ie - -	Vehicle Totalled	06/26/2017	6/26/2017 9:14:18 AM
ie - -	Vehicle Sold	06/27/2017	6/27/2017 11:05:58 AM
ie - -	Vehicle Sold	06/28/2017	6/28/2017 4:16:50 PM



North Carolina Ver

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Tax Jurisdiction	Levy Type	Change	Interest Change	Total Change
00	Tax	(\$30.02)	\$0.00	(\$30.02)
20	Tax	(\$9.00)	\$0.00	(\$9.00)
04	Tax	(\$4.27)	\$0.00	(\$4.27)
02	Tax	(\$7.11)	\$0.00	(\$7.11)
			Refund	\$50.40
00	Tax	(\$31.37)	\$0.00	(\$31.37)
09	Tax	(\$3.39)	\$0.00	(\$3.39)
			Refund	\$34.76
00	Tax	(\$34.31)	\$0.00	(\$34.31)
07	Tax	(\$5.58)	\$0.00	(\$5.58)
			Refund	\$39.89
00	Tax	(\$46.11)	\$0.00	(\$46.11)
07	Tax	(\$7.49)	\$0.00	(\$7.49)
			Refund	\$53.60
00	Tax	(\$4.15)	\$0.00	(\$4.15)
01	Tax	(\$0.59)	\$0.00	(\$0.59)
			Refund	\$4.74



North Carolina Veh

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Payee Name	Primary Owner	Secondary Owner	Address 1	Address 2	Address 3	Refund Type	Bill #	Plate Number	Status	Transaction #	Refund Description
MURRAY, RICHARD ODELL	MURRAY, RICHARD ODELL		95 HWY 22/42		BENNETT, NC 27208	Adjustment < \$100	0037472098	BCR5485	AUTHORIZED	103501086	Refund Generated due to adjustment on Bill #0037472098-2016-0000
NEAL, ROBERT STUART	NEAL, ROBERT STUART		48 WOODBINE CT		PITTSBORO, NC 27312	Proration	0030151134	EB6411	AUTHORIZED	69965974	Refund Generated due to proration on Bill #0030151134-2016-0000-00
NWOSU, SAMPSON CHUKWUMA	NWOSU, SAMPSON CHUKWUMA	ANYANWU, JUDE EZENWA	PO BOX 3579		CHAPEL HILL, NC 27515	Proration	0032910651	EDN9853	AUTHORIZED	70232734	Refund Generated due to proration on Bill #0032910651-2016-0000-00
OLDHAM, DANNY MICHAEL	OLDHAM, DANNY MICHAEL	OLDHAM, KIMBERLY THOMAS	PO BOX 475		GOLDSTON, NC 27252	Proration	0001317869	YRN5615	AUTHORIZED	69776004	Refund Generated due to proration on Bill #0001317869-2016-0000-00
ORLANDI, THOMAS EDWARD	ORLANDI, THOMAS EDWARD		46 LESLEY CT		PITTSBORO, NC 27312	Proration	0001271325	ZXH3456	AUTHORIZED	70232912	Refund Generated due to proration on Bill #0001271325-2015-0000-00



North Carolina Ver

NCVTS Pending

Report Date 6/30/2017 2:36:55 PM

	Refund Reason	Create Date	Authorization Date
ie	Situs error	06/06/2017	6/6/2017 9:59:22 AM
ie	Tag Surrender	06/23/2017	6/23/2017 1:37:14 PM
ie	Vehicle Sold	06/28/2017	6/28/2017 8:46:52 AM
ie	Vehicle Sold	06/20/2017	6/20/2017 11:41:58 AM
ie	Vehicle Sold	06/28/2017	6/28/2017 10:57:59 AM



North Carolina Ver

NCVTS Pending

Report Date 6/30/2017 2:36:55 PM

Tax Jurisdiction	Levy Type	Change	Interest Change	Total Change
00	Tax	\$0.00	\$0.00	\$0.00
21	Tax	(\$7.71)	\$0.00	(\$7.71)
13	Tax	\$1.60	\$0.00	\$1.60
			Refund	\$6.11
00	Tax	(\$81.52)	(\$4.07)	(\$85.59)
07	Tax	(\$13.25)	(\$0.67)	(\$13.92)
			Refund	\$99.51
00	Tax	(\$3.44)	\$0.00	(\$3.44)
07	Tax	(\$0.56)	\$0.00	(\$0.56)
			Refund	\$4.00
00	Tax	(\$40.73)	\$0.00	(\$40.73)
03	Tax	(\$4.50)	\$0.00	(\$4.50)
			Refund	\$45.23
00	Tax	(\$13.68)	\$0.00	(\$13.68)
21	Tax	(\$9.53)	\$0.00	(\$9.53)
			Refund	\$23.21



North Carolina Veh

NCVTS Pending

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Payee Name	Primary Owner	Secondary Owner	Address 1	Address 2	Address 3	Refund Type	Bill #	Plate Number	Status	Transaction #	Refund Description
PEKALA, WILLIAM H	PEKALA, WILLIAM H		1268 THE PRESERVE TRL		CHAPEL HILL, NC 27517	Proration	0030176963	6K1041	AUTHORIZED	69903110	Refund Generated due to proration on Bill #0030176963-2016-0000-00
PERRY, MARCUS LYMAN	PERRY, MARCUS LYMAN		381 CHATHAM FOREST DR		PITTSBORO, NC 27312	Proration	0036842223	6T7813	AUTHORIZED	69965930	Refund Generated due to proration on Bill #0036842223-2016-0000-00
POE, BRUCE A	POE, BRUCE A	POE, MARY LAVERN	1101 WADE PASCHAL RD		SILER CITY, NC 27344	Proration	0014479630	AW65167	AUTHORIZED	70232930	Refund Generated due to proration on Bill #0014479630-2016-0000-00
RAYBURN, KAY	RAYBURN, KAY		118 DOWINGTON LN		CARY, NC 27519	Proration	0034569585	PAX4250	AUTHORIZED	104561382	Refund Generated due to proration on Bill #0034569585-2016-0000-00
RYAN, MICHAEL JAMES	RYAN, MICHAEL JAMES	RYAN, DARLENE COX	148 COBBLE RIDGE DR		PITTSBORO, NC 27312	Proration	0010725937	YRV7056	AUTHORIZED	69965622	Refund Generated due to proration on Bill #0010725937-2016-0000-00



North Carolina Ver

NCVTS Pending

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	Refund Reason	Create Date	Authorization Date
ie	Vehicle Sold	06/22/2017	6/22/2017 11:26:50 AM
ie	Vehicle Sold	06/23/2017	6/23/2017 12:57:43 PM
ie	Tag Surrender	06/28/2017	6/28/2017 11:08:34 AM
ie	Tag Surrender	06/19/2017	6/21/2017 4:55:19 PM
ie	Vehicle Sold	06/23/2017	6/23/2017 9:47:35 AM



North Carolina Ver

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Tax Jurisdiction	Levy Type	Change	Interest Change	Total Change
00	Tax	(\$10.86)	\$0.00	(\$10.86)
07	Tax	(\$1.77)	\$0.00	(\$1.77)
			Refund	\$12.63
00	Tax	(\$47.67)	\$0.00	(\$47.67)
21	Tax	(\$32.59)	\$0.00	(\$32.59)
			Refund	\$80.26
00	Tax	(\$5.49)	\$0.00	(\$5.49)
01	Tax	(\$0.78)	\$0.00	(\$0.78)
			Refund	\$6.27
00	Tax	(\$106.11)	\$0.00	(\$106.11)
23	Tax	(\$58.60)	\$0.00	(\$58.60)
23	Vehicle Fee	\$0.00	\$0.00	\$0.00
			Refund	\$164.71
00	Tax	(\$16.90)	(\$0.85)	(\$17.75)
21	Tax	(\$11.55)	(\$0.57)	(\$12.12)
			Refund	\$29.87



North Carolina Veh

NCVTS Pending

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Payee Name	Primary Owner	Secondary Owner	Address 1	Address 2	Address 3	Refund Type	Bill #	Plate Number	Status	Transaction #	Refund Description
SEAGROVES, LARRY KENNETH	SEAGROVES, LARRY KENNETH		41 HUSS BEAL RD		GOLDSTON, NC 27252	Proration	0023322997	CMT1452	AUTHORIZED	68999750	Refund Generated due to proration on Bill #0023322997-2016 2016-0000-00
SMITH, HERBERT ALLEN III	SMITH, HERBERT ALLEN III		408 S 2ND AVE		SILER CITY, NC 27344	Proration	0032435635	ECX8580	AUTHORIZED	104948391	Refund Generated due to proration on Bill #0032435635-2015 2015-0000-00
SONG, HAIJUN	SONG, HAIJUN		7844 NC HWY 751		DURHAM, NC 27713	Proration	0033162042	VXZ4137	AUTHORIZED	69261460	Refund Generated due to proration on Bill #0033162042-2015 2015-0000-00
STOUT, LISA HART	STOUT, LISA HART		3036 A PINEY GROVE CHURCH		SILER CITY, NC 27344	Proration	0018808683	BALEGEND	AUTHORIZED	68684152	Refund Generated due to proration on Bill #0018808683-2015 2015-0000-00
SUNUKJIAN, JOHN PETER	SUNUKJIAN, JOHN PETER		618 MIXBORO DR		CARY, NC 27519	Proration	0014485651	3X5619	AUTHORIZED	105100107	Refund Generated due to proration on Bill #0014485651-2016 2016-0000-00



North Carolina Veh

NCVTS Pending

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	Refund Reason	Create Date	Authorization Date
ie	Vehicle Sold	06/05/2017	6/5/2017 8:56:08 AM
ie	Vehicle Totalled	06/23/2017	6/23/2017 9:33:42 AM
ie	Vehicle Totalled	06/09/2017	6/9/2017 3:57:03 PM
ie	Vehicle Sold	06/01/2017	6/1/2017 11:18:58 AM
ie	Vehicle Sold	06/26/2017	6/26/2017 2:16:46 PM



North Carolina Ver

NCVTS Pending

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Tax Jurisdiction	Levy Type	Change	Interest Change	Total Change
00	Tax	(\$14.61)	\$0.00	(\$14.61)
04	Tax	(\$2.07)	\$0.00	(\$2.07)
			Refund	\$16.68
00	Tax	(\$3.04)	(\$0.24)	(\$3.28)
22	Tax	(\$2.35)	(\$0.02)	(\$2.37)
22	Vehicle Fee	\$0.00	\$0.00	\$0.00
			Refund	\$5.65
00	Tax	(\$5.24)	\$0.00	(\$5.24)
12	Tax	(\$0.97)	\$0.00	(\$0.97)
			Refund	\$6.21
00	Tax	(\$6.02)	\$0.00	(\$6.02)
09	Tax	(\$0.66)	\$0.00	(\$0.66)
			Refund	\$6.68
00	Tax	(\$41.62)	\$0.00	(\$41.62)
23	Tax	(\$22.99)	\$0.00	(\$22.99)
23	Vehicle Fee	\$0.00	\$0.00	\$0.00
			Refund	\$64.61



North Carolina Veh

NCVTS Pending

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Payee Name	Primary Owner	Secondary Owner	Address 1	Address 2	Address 3	Refund Type	Bill #	Plate Number	Status	Transaction #	Refund Description
TANN, THELMA FUTRELL	TANN, THELMA FUTRELL		353 THOMPSON ST		PITTSBORO, NC 27312	Proration	0034970183	BKW9373	AUTHORIZED	69902974	Refund Generated due to proration on Bill #0034970183-2016-0000-00
TAVANA, SAEED ELIJAH	TAVANA, SAEED ELIJAH		160 POND VIEW CT		APEX, NC 27523	Proration	0027015801	BEJ4993	AUTHORIZED	69261114	Refund Generated due to proration on Bill #0027015801-2016-0000-00
TAVANA, SAEED ELIJAH	TAVANA, SAEED ELIJAH		160 POND VIEW CT		APEX, NC 27523	Adjustment < \$100	0037734512	ELJ9442	AUTHORIZED	69352716	Refund Generated due to adjustment on Bill #0037734512-2016-0000-00
THOMAS, ANN MCIVER	THOMAS, ANN MCIVER		220 ROCK RIDGE RD		PITTSBORO, NC 27312	Proration	0001267296	RRE8820	AUTHORIZED	69146818	Refund Generated due to proration on Bill #0001267296-2016-0000-00
THOMAS, MEGAN JOAN	THOMAS, MEGAN JOAN	THOMAS, CURTIS CARLTON	PO BOX 1572		PITTSBORO, NC 27312	Proration	0031335682	YWA8788	AUTHORIZED	70149680	Refund Generated due to proration on Bill #0031335682-2016-0000-00



North Carolina Ver

NCVTS Pending

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	Refund Reason	Create Date	Authorization Date
ie	Vehicle Sold	06/22/2017	6/22/2017 10:12:16 AM
ie	Tag Surrender	06/09/2017	6/9/2017 11:04:13 AM
ie	Over Assessment	06/12/2017	6/12/2017 9:55:55 AM
ie	Vehicle Sold	06/07/2017	6/7/2017 3:51:16 PM
ie	Vehicle Sold	06/27/2017	6/27/2017 12:46:05 PM



North Carolina Ver

NCVTS Pending

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Tax Jurisdiction	Levy Type	Change	Interest Change	Total Change
00	Tax	(\$7.55)	\$0.00	(\$7.55)
21	Tax	(\$5.17)	\$0.00	(\$5.17)
			Refund	\$12.72
00	Tax	(\$14.77)	\$0.00	(\$14.77)
07	Tax	(\$2.40)	\$0.00	(\$2.40)
			Refund	\$17.17
00	Tax	(\$21.86)	\$0.00	(\$21.86)
07	Tax	(\$3.55)	\$0.00	(\$3.55)
			Refund	\$25.41
00	Tax	(\$9.06)	\$0.00	(\$9.06)
07	Tax	(\$1.47)	\$0.00	(\$1.47)
			Refund	\$10.53
00	Tax	(\$26.14)	\$0.00	(\$26.14)
06	Tax	(\$5.05)	\$0.00	(\$5.05)
			Refund	\$31.19



North Carolina Veh

NCVTS Pending

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Payee Name	Primary Owner	Secondary Owner	Address 1	Address 2	Address 3	Refund Type	Bill #	Plate Number	Status	Transaction #	Refund Description
VAZQUEZ RICO, JOSE ADAN	VAZQUEZ RICO, JOSE ADAN		518 W 5TH ST		SILER CITY, NC 27344	Proration	0010474949	CCV9307	AUTHORIZED	104663622	Refund Generated due to proration on Bill #0010474949-2016-0000-00
VOLZ, JEFFREY SCOTT	VOLZ, JEFFREY SCOTT	VOLZ, NANCY CHARLOTTE	235 ELLISVIEW DR		CARY, NC 27519	Proration	0036580879	VWK9991	AUTHORIZED	103354257	Refund Generated due to proration on Bill #0036580879-2016-0000-00
VRABEL, KRISTINA LEE	VRABEL, KRISTINA LEE		446 MOUNTAIN LAUREL		CHAPEL HILL, NC 27517	Proration	0019958245	BCS4106	AUTHORIZED	69000752	Refund Generated due to proration on Bill #0019958245-2015-0000-00
WATTS, OSCAR PAGE	WATTS, OSCAR PAGE		803 TANGLEWOOD DR		SILER CITY, NC 27344	Adjustment < \$100	0014499526	BW61199	AUTHORIZED	70149352	Refund Generated due to adjustment on Bill #0014499526-2016-0000-00
WE PUMP IT PORTABLES LLC	WE PUMP IT PORTABLES LLC		PO BOX 174		BEAR CREEK, NC 27207	Proration	0030829869	FD2901	AUTHORIZED	69965512	Refund Generated due to proration on Bill #0030829869-2015-0000-00



North Carolina Ver

NCVTS Pending

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	Refund Reason	Create Date	Authorization Date
ie	Vehicle Sold	06/20/2017	6/20/2017 8:52:34 AM
ie	Vehicle Sold	06/02/2017	6/2/2017 1:40:29 PM
ie	Vehicle Sold	06/06/2017	6/6/2017 10:21:23 AM
ie	Over Assessment	06/27/2017	6/27/2017 10:44:01 AM
ie	Vehicle Sold	06/23/2017	6/23/2017 8:37:58 AM



North Carolina Ver

NCVTS Pending

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Tax Jurisdiction	Levy Type	Change	Interest Change	Total Change
00	Tax	(\$10.88)	\$0.00	(\$10.88)
22	Tax	(\$8.24)	\$0.00	(\$8.24)
22	Vehicle Fee	\$0.00	\$0.00	\$0.00
			Refund	\$19.12
00	Tax	(\$34.67)	\$0.00	(\$34.67)
23	Tax	(\$19.15)	\$0.00	(\$19.15)
23	Vehicle Fee	(\$15.00)	\$0.00	(\$15.00)
			Refund	\$68.82
00	Tax	(\$57.26)	\$0.00	(\$57.26)
07	Tax	(\$9.48)	\$0.00	(\$9.48)
			Refund	\$66.74
00	Tax	(\$0.83)	\$0.00	(\$0.83)
22	Tax	(\$0.62)	\$0.00	(\$0.62)
			Refund	\$1.45
00	Tax	(\$9.33)	\$0.00	(\$9.33)
03	Tax	(\$1.05)	\$0.00	(\$1.05)
			Refund	\$10.38



North Carolina Veh

NCVTS Pending

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Payee Name	Primary Owner	Secondary Owner	Address 1	Address 2	Address 3	Refund Type	Bill #	Plate Number	Status	Transaction #	Refund Description
WE PUMP IT PORTABLES LLC	WE PUMP IT PORTABLES LLC		PO BOX 174		BEAR CREEK, NC 27207	Proration	0030829870	FD2913	AUTHORIZED	69903124	Refund Generated due to proration on Bill #0030829870-2015-0000-00
WE PUMP IT PORTABLES LLC	WE PUMP IT PORTABLES LLC		PO BOX 174		BEAR CREEK, NC 27207	Proration	0009679114	CB49494	AUTHORIZED	69965518	Refund Generated due to proration on Bill #0009679114-2016-0000-00
WE PUMP IT PORTABLES LLC	WE PUMP IT PORTABLES LLC		PO BOX 174		BEAR CREEK, NC 27207	Proration	0009679053	CZ4721	AUTHORIZED	69903134	Refund Generated due to proration on Bill #0009679053-2016-0000-00
WE PUMP IT PORTABLES LLC	WE PUMP IT PORTABLES LLC		PO BOX 174		BEAR CREEK, NC 27207	Proration	0009678971	YA109168	AUTHORIZED	69965498	Refund Generated due to proration on Bill #0009678971-2016-0000-00
WE PUMP IT PORTABLES LLC	WE PUMP IT PORTABLES LLC		PO BOX 174		BEAR CREEK, NC 27207	Proration	0009678915	CZ4720	AUTHORIZED	69903146	Refund Generated due to proration on Bill #0009678915-2016-0000-00



North Carolina Ver

NCVTS Pending

Report Date 6/30/2017 2:36:55 PM

	Refund Reason	Create Date	Authorization Date
ie	Vehicle Sold	06/22/2017	6/22/2017 11:34:40 AM
ie	Vehicle Sold	06/23/2017	6/23/2017 8:39:12 AM
ie	Vehicle Sold	06/22/2017	6/22/2017 11:41:57 AM
ie	Vehicle Sold	06/23/2017	6/23/2017 8:35:41 AM
ie	Vehicle Sold	06/22/2017	6/22/2017 11:43:56 AM



North Carolina Ver

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Tax Jurisdiction	Levy Type	Change	Interest Change	Total Change
00	Tax	(\$10.52)	\$0.00	(\$10.52)
03	Tax	(\$1.18)	\$0.00	(\$1.18)
			Refund	\$11.70
00	Tax	(\$3.80)	\$0.00	(\$3.80)
03	Tax	(\$0.42)	\$0.00	(\$0.42)
			Refund	\$4.22
00	Tax	(\$13.88)	\$0.00	(\$13.88)
03	Tax	(\$1.53)	\$0.00	(\$1.53)
			Refund	\$15.41
00	Tax	(\$5.28)	\$0.00	(\$5.28)
03	Tax	(\$0.58)	\$0.00	(\$0.58)
			Refund	\$5.86
00	Tax	(\$25.80)	(\$1.29)	(\$27.09)
03	Tax	(\$2.85)	(\$0.15)	(\$3.00)
			Refund	\$30.09



North Carolina Veh

NCVTS Pending

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Payee Name	Primary Owner	Secondary Owner	Address 1	Address 2	Address 3	Refund Type	Bill #	Plate Number	Status	Transaction #	Refund Description
WE PUMP IT PORTABLES LLC	WE PUMP IT PORTABLES LLC		PO BOX 174		BEAR CREEK, NC 27207	Proration	0009679139	CB49493	AUTHORIZED	69965526	Refund Generated due to proration on Bill #0009679139-2016-0000-00
WE PUMP IT PORTABLES LLC	WE PUMP IT PORTABLES LLC		PO BOX 174		BEAR CREEK, NC 27207	Proration	0034084111	HF3803	AUTHORIZED	69903154	Refund Generated due to proration on Bill #0034084111-2016-0000-00
WEBSTER, JEFFREY KENT	WEBSTER, JEFFREY KENT		13683 NC HIGHWAY 902		BEAR CREEK, NC 27207	Proration	0035216706	PDV1208	AUTHORIZED	68999730	Refund Generated due to proration on Bill #0035216706-2016-0000-00
WILLIAMS, BILLY FRED	WILLIAMS, BILLY FRED		140 HINSHAW ST		SILER CITY, NC 27344	Proration	0014486977	SRZ9686	AUTHORIZED	70066616	Refund Generated due to proration on Bill #0014486977-2016-0000-00



North Carolina Veh

NCVTS Pending

Report Date 6/30/2017 2:36:55 PM

	Refund Reason	Create Date	Authorization Date
ie	Vehicle Sold	06/23/2017	6/23/2017 8:41:05 AM
ie	Vehicle Sold	06/22/2017	6/22/2017 11:45:18 AM
ie	Vehicle Totalled	06/05/2017	6/5/2017 8:37:19 AM
ie	Vehicle Sold	06/26/2017	6/26/2017 1:03:42 PM



North Carolina Ver

NCVTS Pending

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Tax Jurisdiction	Levy Type	Change	Interest Change	Total Change
00	Tax	(\$3.80)	\$0.00	(\$3.80)
03	Tax	(\$0.42)	\$0.00	(\$0.42)
			Refund	\$4.22
00	Tax	(\$6.02)	\$0.00	(\$6.02)
03	Tax	(\$0.67)	\$0.00	(\$0.67)
			Refund	\$6.69
00	Tax	(\$3.21)	\$0.00	(\$3.21)
03	Tax	(\$0.36)	\$0.00	(\$0.36)
			Refund	\$3.57
00	Tax	(\$3.80)	\$0.00	(\$3.80)
01	Tax	(\$0.54)	\$0.00	(\$0.54)
			Refund	\$4.34
			Refund Total	\$2695.86

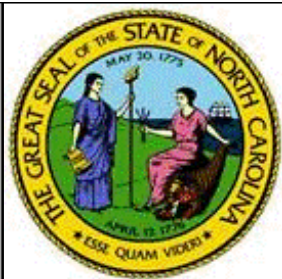


North Carolina Ver

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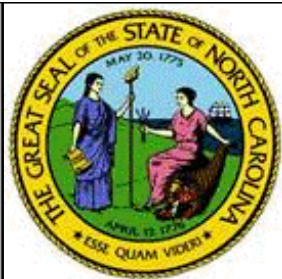
Tax Jurisdiction	District Type	Net Change
00	COUNTY	(\$2,047.99)
20	CITY	(\$9.00)
21	CITY	(\$151.46)
22	CITY	(\$50.26)
23	CITY	(\$199.97)
01	FIRE	(\$18.86)
03	FIRE	(\$16.52)
04	FIRE	(\$6.34)
06	FIRE	(\$39.31)
07	FIRE	(\$130.05)
09	FIRE	(\$4.83)
12	FIRE	(\$15.76)
13	FIRE	\$1.60
02	SPECIAL	(\$7.11)
Total		(\$2,695.86)



North Carolina Ver

NCVTS Pending

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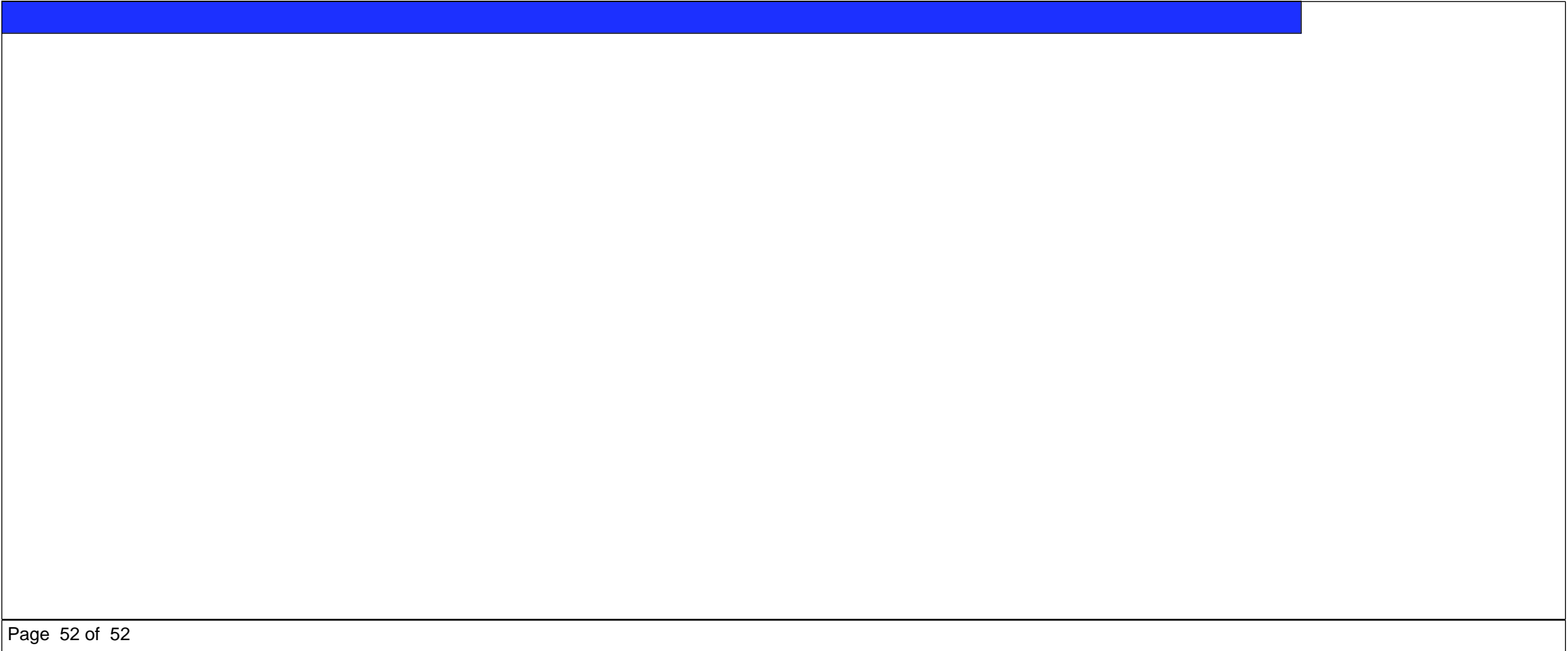


North Carolina Ver

NCVTS Pending

Report Date 6/30/2017 2:36:55 PM

Report Parameters





Chatham County, NC

Text File

File Number: 17-2260

Agenda Date: 7/17/2017

Version: 1

Status: Approval of Agenda
and Consent Agenda

In Control: Emergency Operations

File Type: Agenda Item

Agenda Number:

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

Action Requested: Motion to approve the private drive as listed

A. Annie G Way

Introduction & Background: The Chatham County Commissioners adopted an ordinance providing for the establishment for the naming of private roads in Chatham County. The Office of Emergency Operations has received one petition requesting the naming of one (1) private road located in Chatham County on private property. This petition is in order, complete and bears the proper number of required signatures.

Discussion and Analysis: As part of its plan to develop the Enhanced-911 Emergency Response System, there is a vital need to maintain the County's established system providing for the naming of private roads. This is important so that there can be no duplications or similarities of these assigned names within Chatham County which could result in confusion and/or delay in the response to these roads, should an emergency exist in that location.

Budgetary Impact: The cost of road signage for these roads will be \$78.00 per sign. At the rate of one sign per road, this total cost will be \$78.00. The Chatham County Commissioners have decided to absorb this cost for the making and installation of this private road sign.

Recommendation: Motion to approve the private drive as listed.

CHATHAM COUNTY ROAD NAMING REQUEST FORM

- **QUESTIONS:** Any questions concerning this form should be directed to:
Denise Suits, 919-545-8163
- **RETURN COMPLETED FORM TO:** Chatham County Emergency Operations, P. O. Box 613,
Pittsboro, NC 27312

ALL INFORMATION BELOW MUST BE COMPLETED

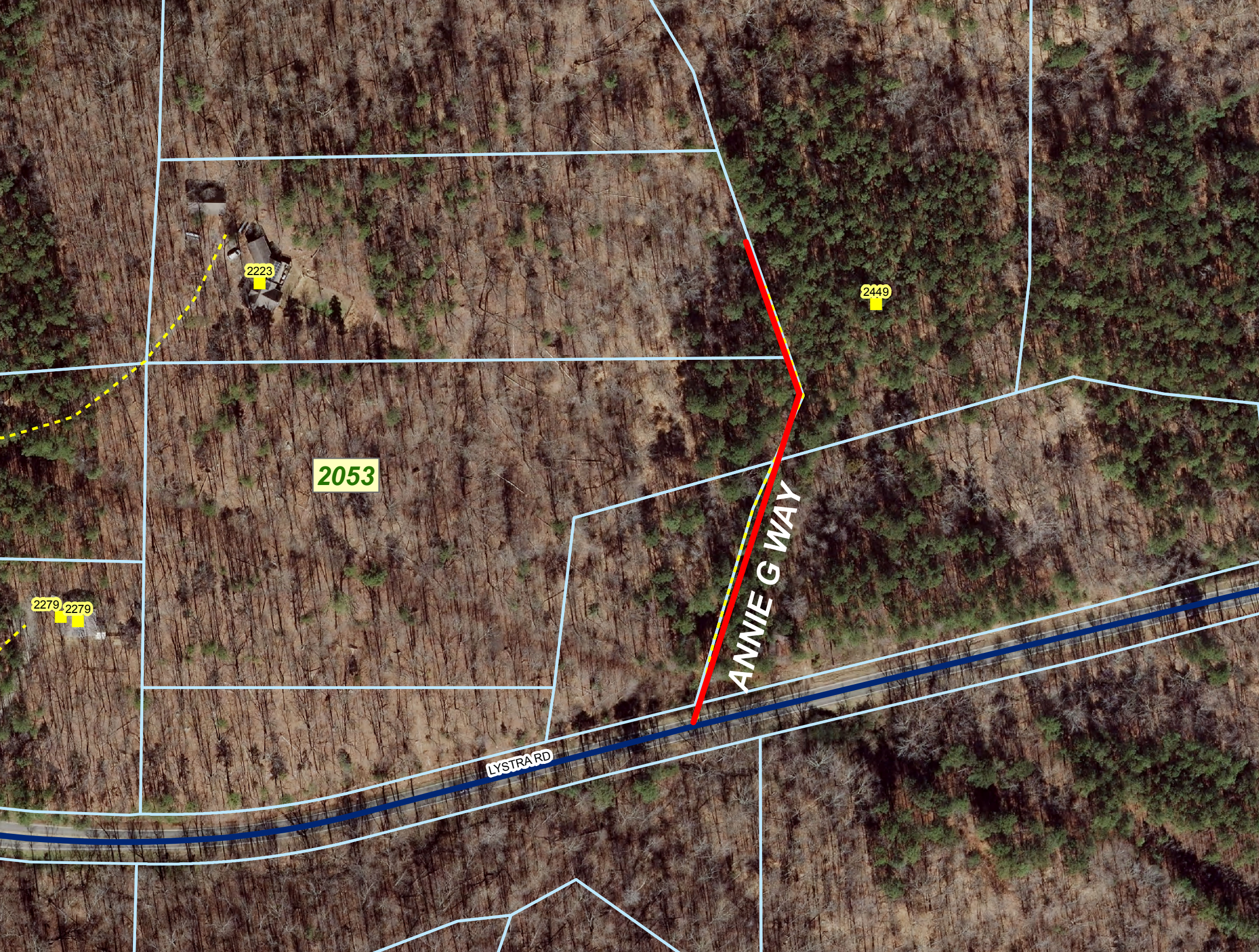
1. APPLICANT INFORMATION Name: <u>Terry Gallagher</u> Address: <u>2449 LYSTRA</u> City, State & Zip Code: <u>CHAMPOL HILL N.C.</u> Phone Number: <u>440-725-2222</u>	2. TYPE OF REQUEST (check one box only) <input type="checkbox"/> Private road or driveway <input type="checkbox"/> Renaming of road <input type="checkbox"/> Other
3. PROPERTY INFORMATION State Road Number (if applicable): _____ Township(s) where Road Originates (check ONE): Albright <input type="checkbox"/> Baldwin <input type="checkbox"/> Bear Creek <input type="checkbox"/> Cape Fear <input type="checkbox"/> Center <input type="checkbox"/> Gulf <input type="checkbox"/> Hadley <input type="checkbox"/> Haw River <input type="checkbox"/> Hickory Mtn. <input type="checkbox"/> Matthews <input type="checkbox"/> New Hope <input type="checkbox"/> Oakland <input type="checkbox"/> Williams <input type="checkbox"/> Will this be part of a development? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If a development, is it: A major development <input type="checkbox"/> A minor development <input type="checkbox"/> Is it possible that this will become a state road? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Length of road: <u>600 FT.</u> Type of road (check one answer only) Private <input checked="" type="checkbox"/> Public <input type="checkbox"/>	4. ROAD NAME INFORMATION** What is the existing road name (if applicable)? _____ What are the proposed or new road name(s)? <u>*ANNIE WAY</u> <u>*ANNE G. WAY*</u> If existing name is to be changed, what is the reason for this change? <u>N/A</u>
5. DIRECTIONS TO ROAD (only needed if it is a private road): <u>Take 15/501 TO LYSTRA Turn right</u> <u>2-7 miles down or left is 2449 LYSTRA</u>	
6. ATTACHMENTS REQUIRED <ul style="list-style-type: none">• Names, addresses and phone numbers of ALL adjacent property owners (see page 2).** <input checked="" type="checkbox"/>• Signatures of at least 60% of adjacent property owners (see page 2). <input checked="" type="checkbox"/>• Attached map with marked location of the road on the map.	

****IMPORTANT:** The County Board of Commissioners may consider a number of factors when naming or renaming a road, including the number of adjacent owners, acreage of ownership, historical significance of a road name, and roads with similar names.

7. Signature of Applicant: Terry Gallagher Signature Date: 7-1-17
Date Submitted to County EOC: _____

IMPORTANT: If this form & required information is not completed and submitted properly, the petition is not valid.

PROVIDE A COMPLETE LIST OF ALL ADJACENT PROPERTY OWNERS BELOW, INCLUDING NAME, ADDRESS & PHONE NUMBERS.	SIGNATURES: We, the undersigned owners, are in favor of the proposed road name inserted here: <u>Anne G. Way</u> (NOTE: Only sign below if you approve of the road name above.)
Name: <u>Charles Lawrence Stone</u> Address: <u>122 Carson Rd.</u> Phone #: <u>919-933-0587</u>	Signature: <u>Charles Lawrence Stone</u>
Name: <u>Grace E Kissling</u> Address: <u>124 Carson Rd.</u> Phone #: <u>919-969-6660</u>	Signature: _____
Name: <u>Brian Littlejohn</u> Address: <u>57 Carson</u> Phone #: <u>919-929-2551</u>	Signature: <u>[Signature]</u>
Name: <u>Gram Sorbman</u> Address: <u>1223 Lytra Rd</u> Phone #: <u>919 933-9938</u>	Signature: <u>[Signature]</u>
Name: <u>PATRICIA ESPERON</u> Address: <u>2223 Lytra Rd</u> Phone #: <u>919-433-3938</u>	Signature: <u>[Signature]</u>
Name: _____ Address: _____ Phone #: _____	Signature: _____
Name: _____ Address: _____ Phone #: _____	Signature: _____
Name: _____ Address: _____ Phone #: _____	Signature: _____
Name: _____ Address: _____ Phone #: _____	Signature: _____
Name: _____ Address: _____ Phone #: _____	Signature: _____
Name: _____ Address: _____ Phone #: _____	Signature: _____
Name: _____ Address: _____ Phone #: _____	Signature: _____
Name: _____ Address: _____ Phone #: _____	Signature: _____



2223

2449

2053

2279

2279

ANNIE G WAY

LYSTRARD



Chatham County, NC

Text File

File Number: 17-2261

Agenda Date: 7/17/2017

Version: 1

Status: Approval of Agenda
and Consent Agenda

In Control: Fire Marshal

File Type: Agenda Item

Vote on a request by the North Chatham Volunteer Fire Department to approve the purchase of emergency fire apparatus, post notice of a public hearing, appoint Chief John Strowd, North Chatham Volunteer Fire Department, to conduct the public hearing, and secure financing in a sum not to exceed \$2,000,000.00 through tax exempt borrowing.

Action Requested:

Chatham County Board of Commissioners vote on a request to approve the purchase of emergency fire apparatus, post notice of a public hearing, appoint Chief John Strowd, North Chatham Volunteer Fire Department, to conduct the public hearing, and secure financing in the amount not to exceed \$2,000,000.00 through tax exempt borrowing.

Introduction & Background:

Technical Corrections Bill HR4333 (Attachment "A") regarding tax exempt borrowing requires that specific procedures be followed when a fire department desires to obtain tax exempt financing. Prior approval of the Governmental Body of the borrowing must be given, notice of a public hearing posted, appointment of a person to conduct the hearing, and a public hearing conducted. The North Chatham Volunteer Fire Department has advised that they desire to borrow a sum not to exceed \$2,000,000.00 under tax exempt borrowing status (Attachment "B") for the purchase of aerial apparatus, a pumper, a pumper/tanker, and related equipment for the apparatus.

Discussion & Analysis:

The North Chatham Volunteer Fire Department is seeking approval of tax exempt financing for the purchase of three (3) pieces of emergency response apparatus. The purchase of the aerial apparatus will provide an additional aerial apparatus in the North Chatham Fire District. The purchase of a new pumper and pumper/tanker will replace aging equipment. Funds will also be utilized for the purchase of related equipment for the three (3) pieces of emergency apparatus. If desired, the Chatham County Fire Marshal will attend the meeting.

Budgetary Impact:

None

Recommendation:

Chatham County Board of Commissioner's vote on a request to approve the purchase of emergency fire apparatus, post notice of a public hearing, appoint Chief John Strowd, North Chatham Volunteer Fire Department, to conduct the public hearing, and secure financing in a sum not to exceed \$2,000,000.00 through tax exempt borrowing

Attachment "A"

RE: Tax Exempt Loans to Volunteer Fire Departments

The Technical Corrections Bill (HR4333) passed by Congress in October, 1988 imposes a public approval requirement on volunteer fire departments. In order for the interest on an obligation of a qualified volunteer fire department to be exempt from federal income tax, public approval requirements must be met as follows:

1. The obligation must be approved (prior to execution) by the governmental unit with whom the volunteer fire department has a written agreement to provide fire fighting services.

This approval may be given by:

- (a) The applicable elected representative of the governmental unit (such as a mayor, county manager, etc.)
- (b) The legislative body of the governmental unit, i.e. Durham County Board of County Commissioners.
- (c) Any other elected official designated by the chief elected official.

2. Prior to approval a public hearing must be held. The applicable elected representative of the legislative body of the governmental unit may appoint any person to conduct the public hearing. It is not necessary for the legislative body or the elected representative of the governmental unit to conduct the public hearing or to be present and it is not necessary for a report to be submitted to the legislative body.

3. Prior to the public hearing (to give residents of the community an opportunity to express their views) notice must be given. This would generally involve publishing the notice in a newspaper of general circulation

in the locality of the governmental unit at least fourteen (14) days prior to the hearing. The notice would generally describe the time and place of the hearing, and the description of the issue to be discussed.

This public approval requirement applies to debt instruments issued after October 21, 1988.

Attachment "B"



NORTH CHATHAM VOLUNTEER FIRE DEPARTMENT

45 MORRIS ROAD

PITTSBORO, NORTH CAROLINA 27312

PHONE: (919) 542-3380 FAX: (919) 542-6613

E-Mail: pyro@nc.rr.com

June 28, 2017

Mr. Thomas Bender
Chatham County Fire Marshal
P. O. Box 87
Pittsboro, NC 27312

Dear Mr. Bender.

North Chatham Volunteer Fire Department, INC. proposes to purchase an Aerial Apparatus, Pumper, Pumper /Tanker and related equipment for these apparatus, using tax exempt money's. The purpose of borrowing the money will be for an additional Aerial apparatus, replacement of a Pumper and Pumper /Tanker. The Pumper will replace an existing 2000 E-1 Pumper and the Tanker will replace an existing 1992 Tanker. The amount of the loan purchase for the new apparatus and equipment will not exceed 2 million dollars.

Pursuant to Public Law No. 100-647 S1013 (a)(24)(A) (1988), the North Chatham Volunteer Fire Department, INC. wishes to hold a public hearing on Wednesday, August 2, 2017 at 10:00 AM, at North Chatham Volunteer Fire Department, INC. Station 1. North Chatham Station 1 is located at 45 Morris Road, Pittsboro, North Carolina, 27312. For the purpose of this meeting, Fire Chief John Strowd would like to be appointed the designated representative for the fire department. North Chatham Volunteer Fire Department, INC. will advertise the official notice in the newspaper. If you have any questions, please contact me at 919-542-3380.

Sincerely,

John Strowd, Fire Chief
North Chatham Volunteer Fire Department, INC.



Chatham County, NC

Text File

File Number: 17-2251

Agenda Date: 7/17/2017

Version: 1

Status: Board Priorities

In Control: County Manager's Office

File Type: Agenda Item

Present Certificates of Extended Volunteer Committee Service with County Advisory Committees to Sue Clark and Jerry Cole.

Action Requested: Make presentation of certificates of Extended Volunteer Committee Service to two qualified individuals who served on the County Advisory Boards for six years.

Introduction & Background: In Dec. 2015, the Board of Commissioners voted to approve a new certificate to honor people who serve at least two full terms on any commissioner-appointed boards, committees or commissions. The two honorees are:

Sue Clark - Library Advisory Committee - July 2011 - June 2017

Jerry Cole - Environmental Review Advisory Committee - July 2011 - June 2017

Discussion & Analysis: NA

Budgetary Impact: NA

Recommendation: Present certificates



Chatham County, NC

Text File

File Number: 17-2250

Agenda Date: 7/17/2017

Version: 1

Status: Board Priorities

In Control: Board of Commissioners

File Type: Agenda Item

Agenda Number:

Mark Reif of Mountaire Farms to Present Mariechen Smith with the Mountaire Farms Better Carolina Award

The Mountaire Better Carolina Awards are designed to highlight individuals, businesses, organizations or classrooms who are going above and beyond to assist others in their community or to improve/protect the environment. Each month a winner is chosen by a Mountaire selection committee from submitted nominations.

Each winner receives a crystal engraved trophy. The Better Carolina Award winner is highlighted in print with the Fayetteville Observer Newspaper and on www.mountaire.com <<http://www.mountaire.com>>. Mountaire's goal is not only to recognize those who are already making a difference in the state of North Carolina, but to encourage others to take on a greater role in bettering their local communities or improving the local environment.

MARIECHEN SMITH

Mariechen Smith moved to Carolina Meadows from Connecticut in 1997. She is a graduate of Connecticut College for Women with a major in Economics and Marketing. Her business background includes the position of Publicity Director for the Northam Warren Corporation in Stamford, CT and editor of Today's Woman Magazine, a Fawcett Publication. Subsequently, she was a Realtor in Darien, CT and Charlotte County, FL and was named Realtor-Associate of the Year. Mariechen earned her Masters in Education from University of Bridgeport in 1968 and was a lecturer on Real Estate at the Stamford branch of the University of Connecticut.

After moving to Carolina Meadows, Ms. Smith began actively attending meetings of the Chatham County Board of Commissioners. She was the one who asked the County Commissioners to pass a Resolution commending Carolina Meadows on its 25th Anniversary. The resolution, dated October 4, 2010, was presented by Sally Kost, County Commissioner.

She ended her Chairmanship of the Residents Association Community Outreach Committee in the spring of 2011 and has been a member of the Public Relations Committee for Carolina Meadows.

Mariechen is one of Carolina Meadows' main connections to Chatham County. She still keeps up to date on County business. She has steadily researched and spoke at seminars promoting and sharing news of the Chatham Park Development in Pittsboro.

Ms. Smith has organized (and continues to organize) many bus tours of Chatham County for residents and staff to help them get to know Chatham County better. Tours often include government and historical landmarks, businesses, government services and nonprofits in Chatham County.

Mariechen is the strongest advocate for Chatham County that anyone could hope for. Once she moved to the County, she dove right in to learn as much as she could and ways that she could contribute. She enjoys meeting new people, making connections and has collaborated with people from all over Chatham. As a retiree, she has been as active as many of the county business leaders. She is a jewel!



Chatham County, NC

Text File

File Number: 17-2249

Agenda Date: 7/17/2017

Version: 1

Status: Board Priorities

In Control: County Manager's Office

File Type: Agenda Item

Special Presentation to Janet Scott Honoring for 30+ Years of Exemplary Service

Action Requested: Provide special recognition of Janet Scott

Introduction & Background: Emergency Management Director Janet Scott retires on July 21, 2017 after nearly 31 years of service. She has numerous achievements that have made Chatham a safer place and saved many lives.

Her many accomplishments include implementation of:

- Emergency Medical Dispatch
- Emergency Fire Dispatch
- Fully operational backup 911 center
- CodeRED notification system
- Emergency contact list for vulnerable residents

In 2013, she was named the North Carolina Communications Center Leader of the Year.

Discussion & Analysis: N/A

Budgetary Impact: N/A

Recommendation: Make the special presentation



Chatham County, NC

Text File

File Number: 17-2258

Agenda Date: 7/17/2017

Version: 1

Status: Public Hearing

In Control: Planning

File Type: Agenda Item

Agenda Number:

Legislative public hearing to consider an extension of a temporary moratorium on oil and gas development activities within Chatham County adopted in August 2015 until August 16, 2018 and vote on a request to adopt the Fracking Moratorium Ordinance.

Public hearing to consider an extension of a temporary moratorium on oil and gas development activities within Chatham County adopted in August 2015 August 16, 2018.

Action Requested:

Introduction & Background:

In August 2015, the Board of Commissioners adopted an ordinance instituting a temporary moratorium on oil and gas development activities within Chatham County. Section 7 of the moratorium includes two tasks to be completed during the moratorium.

Discussion & Analysis:

The moratorium expiration is 24 months from the adoption date, which is August 2017. The two tasks listed under section 7 are as follows:

- a) Studies: The Board of Commissioners will hire a consultant or consultants with expertise regarding fracking and other oil and gas development activities and their impacts on the natural, man-made, and social environments and its economic benefits and costs. The consultant(s) will be tasked to study Chatham County and to analyze state and federal regulatory programs and to prepare a report for the Board regarding the full range of expected impacts on Chatham County, including financial impacts. The study will include the most current analysis of impacts in localities similar to Chatham County in other states and the effectiveness of local ordinances in managing these impacts. This study and report should be completed within the first year of the moratorium and will include the consultant's conclusions as to whether additional time is needed for thorough study.
- b) Development of Conditional Use Ordinance: Upon completion of the study and report. The Board intends to develop a draft conditional use ordinance and/or other ordinances based on the report and the consultant's advice which will be coordinated with the revisions to the County's comprehensive zoning ordinance. The draft ordinance will be made for public review and comment and at least one public hearing will be held. Based on public comments the Board will

finalize the ordinance and initiate the adoption procedure. Development of the ordinance and final approval is estimated to take one year.

On June 13, 2017 the county held a meeting with the consultant currently under contract to address the first task. The attendees included the Board of Commissioners, Climate Change Committee, Environmental Review Advisory Committee, Agriculture Advisory Board, Planning Board, and Board of Health. The purpose of the meeting was to provide an update on the study, outline current findings, and present new information that has been generated since adoption of the moratorium. The meeting also provided an opportunity for county boards and committees, as well as the public, an opportunity to ask questions of the consultant in advance of preparation of the final report. It is anticipated that the report will be completed by the end of June and presented to the Board of Commissioners in August.

During the presentation on June 13, the Board received new information about the impacts of natural gas exploration in Chatham County including updated information from the NC Geologic Survey (a copy of the presentation is attached). On June 19, 2017 received an update from staff on the status of the moratorium and voted 4-0 to schedule a public hearing to consider an extension of the moratorium. A draft ordinance extending the moratorium has been provided as an attachment.

Recommendation:

Hold the hearing and consider adoption of an ordinance extending the temporary moratorium on oil and gas development activities within Chatham County.

**ORDINANCE OF THE
CHATHAM COUNTY BOARD OF COMMISSIONERS
EXTENDING A TEMPORARY MORATORIUM ON OIL
AND GAS DEVELOPMENT ACTIVITIES
WITHIN CHATHAM COUNTY, NORTH CAROLINA**

WHEREAS, the Chatham County Board of Commissioners at its July 17, 2017 regular meeting, in order to provide all interested persons a full and ample opportunity to express their views on the question of whether the Ordinance of the Chatham County Board of Commissioners Instituting a Temporary Moratorium on Oil and Gas Development Activities Within Chatham County, North Carolina adopted August 17, 2015 (the "Ordinance") should be extended for twelve (12) months, after due advertisement as by law required, conducted a public hearing for the purpose of hearing the views of the public, gathering information, and taking appropriate action pursuant to authority conferred in Article 18, Chapter 153A of the North Carolina General Statutes, the Chatham County Moratorium Ordinance, and other relevant law regarding the imposition and extension of a moratorium on oil and gas development activities in Chatham County; and

WHEREAS, the Board of Commissioners of Chatham County has considered certain actions as stated in the Ordinance to address the problems or conditions set forth above and continues to find them inadequate; and

WHEREAS, the County has taken all reasonable and feasible steps proposed to be taken in the Ordinance to address the problems or conditions leading to imposition of the moratorium, and has found new facts and conditions that warrant the extension, and has determined that further study is necessary because hydraulic fracturing (fracking) is a relatively new method of extracting subsurface oil and gas and its impacts in locations where it is taking place are still unclear, therefore the County staff is not sufficiently informed as to the potential dangers to the public of this method and how to best regulate the same within the limited authority granted to local governments by the North Carolina General Assembly; and

WHEREAS, the Board of Commissioners, based on its own research and information gathering, a Natural Gas Development Impacts Study in Chatham County (the "Study") prepared by Charles Yuill (the "Consultant"), and the views expressed at the public hearing, has determined that more information and study is needed with respect to the problems and conditions set out in the Ordinance necessitating a moratorium and particularly with respect to the following issues raised by new facts and conditions:

(1) The socio-economic impacts of oil and gas development in other States are still unfolding and not yet clear.

(2) New approaches and technologies for treating and disposing of waste water are being developed. The impacts of improper disposal are potentially very damaging and proper treatment and recycling, where possible, rather than disposal should be further studied.

(3) Vertical drilling rather than horizontal drilling is likely due to shallow location of gas reserves in Chatham County and the impacts and safety of such drilling require further study

particularly for the shallow gas reserves in proximity to Jordan Lake, the primary water supply for approximately one million people.

(4) The air quality impacts from methane are potentially serious. Further study of available methods for capturing methane is necessary; and

WHEREAS, the County has determined that a twelve (12) month extension of the moratorium on oil and gas development will provide the County an opportunity to expand and complete the Study to include more recent information regarding potential oil and gas development impacts in Chatham County and to more effectively update its current land use ordinances without being required to approve such development under its current, inadequate ordinances; and

WHEREAS, the Board of Commissioners of Chatham County has determined that the extension of the moratorium imposed by the Ordinance shall terminate on August 16, 2018 and that the duration of the extension imposed is reasonable because that is the minimum period of time that it will take to address the problems caused by oil and gas activities. The only reasonable alternatives to imposing this moratorium are (i) adopting a hastily prepared ordinance that may exceed the County's regulatory authority, or (ii) allowing oil and gas activities without providing the citizens of the County the necessary land development guidance and review tools required to protect the public health and safety; and

WHEREAS, it is the expressed intent of the Board of Commissioners to lift the moratorium as soon as possible and to that end it will instruct all consultants, boards, and committees working on the problems and conditions necessitating the moratorium to complete their work as soon as reasonably possible so that the required ordinance or ordinances will be in place and oil and gas development can resume at the earliest possible time, but with the proper safeguards in place to protect the citizens, residents, and property owners of Chatham County;

NOW, THEREFORE, be it ordained by the Chatham County Board of Commissioners:

Section 1. Recitals Incorporated by Reference. The above and foregoing recitals are incorporated in the Ordinance by reference.

Section 2. Authority. This Ordinance is enacted pursuant to (1) the General Statutes of the State of North Carolina, Section 153A-121, which grants Chatham County general ordinance-making power; (2) General Statute, Section 153A-123, which grants Chatham County the authority to enforce its ordinances; (3) General Statute, Section 153A-340, which grants Chatham County the authority to adopt zoning and development regulation ordinances to promote health, safety, morals, or the general welfare, including the authority to adopt and extend temporary moratoria; (4) General Statute, Section 113-415.1, which addresses the County's ordinance-making powers related to oil and gas development; and (5) the Chatham County Moratorium Ordinance.

Section 3. Definitions. The words and phrases defined in this Section shall have the same meaning as in the Ordinance.

Section 4. Jurisdiction. This ordinance shall apply to all of Chatham County except for those areas included within incorporated municipalities and their extraterritorial jurisdictions.

Section 5. Purpose. The purpose of the extension of the moratorium is to allow the Chatham County Board of Commissioners time to expand and complete the study of the Mining and Energy Commission's regulations and other state and federal regulations applicable to oil and gas development to determine whether such regulations adequately protect the County and its citizens from the impacts of hydraulic fracturing and other oil and gas development activities, and to develop standards and conditions to be implemented through a conditional use permit or other appropriate mechanisms to address any impacts that are not adequately addressed by applicable state and federal regulations.

Section 6. Imposition of Moratorium on the Oil and Gas Development Activities. There is hereby established as of the effective date hereof a twelve (12) month moratorium on any County approval required by law for oil and gas development activities. It shall be unlawful and a violation of this Ordinance for any person within the jurisdiction to which this Ordinance applies to engage in oil or gas development activities that require a County permit. The Board will use this twelve (12) month moratorium period to expand and complete the study of the impacts of oil and gas development activities in other states and develop a plan to regulate and mitigate impacts from these activities that are not addressed adequately by State and federal regulatory programs, the existing County Zoning Ordinance, and other ordinances, giving consideration to the particular natural and man-made environment of Chatham County.

Section 7. Action and Schedule.

(a) Studies. The Board of Commissioners will extend the contract with its Consultant or other consultants to complete the study regarding fracking and other oil and gas development activities and their impacts on the natural, man-made, and social environments and its economic benefits and costs. The consultant(s) will be tasked to further study Chatham County and to analyze state and federal regulatory programs and to prepare a report for the Board regarding the full range of expected impacts on Chatham County, including financial impacts. The study will include the most current analysis of impacts in localities similar to Chatham County in other states and the effectiveness of local ordinances in managing those impacts. This study and report should be completed within the first six months of the extended moratorium and will include the Consultant's conclusions as to whether additional time is needed for thorough study.

(b) Development of Conditional Use Ordinance. Upon completion of the Study and report, the Board intends to develop a draft conditional use ordinance and/or other ordinances based on the report and the Consultant's advice which will be coordinated with the revisions to the County's comprehensive zoning ordinance. The draft ordinance will be made available for public review and comment and at least one public hearing will be held. Based on public comments the Board will finalize the ordinance and initiate the adoption procedure. Development of the ordinance and final approval is estimated to take six (6) months.

Section 8. Enforcement and Penalties.

(a) This Ordinance may be enforced by any legal or equitable remedies available, including, but not limited to injunctive relief. The County Manager shall have the authority to direct the County Attorney, or any such other legal counsel as may be employed, to take appropriate legal action to address any violation of this Ordinance.

(b) Penalties. Any person engaging in oil and gas development activities in violation of the Ordinance shall be guilty of a misdemeanor pursuant to North Carolina General Statute, Section 14-4 and shall be subject to a fine of \$500 per offense. Each day that such person continues to violate this section after receiving notice from the County Manager, his agents, or any law enforcement officer of Chatham County, that this Ordinance has been violated shall be considered a separate and distinct offense.

Section 9. Moratorium Expiration. The moratorium established by this Ordinance shall expire upon the earliest of (a) enactment of a comprehensive land use plan and/or a permitting process by the County establishing standards and conditions to address any impacts of oil and gas development activity, or (b) twelve (12) months from the date this Ordinance is adopted; provided that if at the end of the 12 month period the Board determines based on advice of its consultants that more time is needed to develop an effective ordinance, or if material changes have been made to state or federal regulatory programs so as to require additional study, the Board may extend this moratorium for such additional time as is necessary.

Section 10. Limitation on Moratorium. This moratorium shall not apply to the following:

(a) Any development determined to be vested pursuant to N.C. Gen. Stat. §153A-344.1

(b) Any development for which substantial expenditures have already been made in good faith reliance on valid administrative approval.

Section 11. Severability. If any portion of this Ordinance is deemed unconstitutional or unenforceable by a court of competent jurisdiction, the remainder shall remain in full force and effect.

Section 12. Effective Date. This Ordinance shall be in full force and effect from and after adoption.

ADOPTED THIS THE ____ DAY OF AUGUST, 2017 BY THE CHATHAM COUNTY BOARD OF COMMISSIONERS.

James G. Crawford, Chairman
Chatham County Board of Commissioners

ORDINANCE OF THE
CHATHAM COUNTY BOARD OF COMMISSIONERS
INSTITUTING A TEMPORARY MORATORIUM ON OIL
AND GAS DEVELOPMENT ACTIVITIES
WITHIN CHATHAM COUNTY, NORTH CAROLINA

WHEREAS, the Chatham County Board of Commissioners at its July 20, 2015 regular meeting, in order to provide all interested persons a full and ample opportunity to express their views on the question of whether a moratorium should be imposed on oil and gas development activities (as hereinafter defined) in Chatham County, after due advertisement as by law required, conducted a public hearing for the purpose of hearing the views of the public, gathering information, and taking appropriate action pursuant to authority conferred in Article 18, Chapter 153A of the North Carolina General Statutes, the Chatham County Moratorium Ordinance, and other relevant law regarding the imposition of a moratorium on oil and gas development activities in Chatham County; and

WHEREAS, at the public hearing twenty-three (23) persons spoke in favor of a moratorium and urged the County Commissioners to impose a moratorium, and one (1) persons spoke against imposing a moratorium;

WHEREAS, the Board of Commissioners, based on its own research and information gathering and the views expressed at the public hearing, makes the following findings of fact with respect to the problems or conditions necessitating a moratorium on oil and gas development activities in Chatham County:

- (1) The extraction of oil or gas in Chatham County poses a significant threat to the health, safety, and welfare of residents, neighborhoods, environment and natural features; and
- (2) Significant environmental, community, and human health impacts have resulted from commercial oil and gas development in other states and the full extent of such impacts has not been determined yet; and
- (3) Oil or gas development is a unique and novel industrial use in Chatham County and thus can best be regulated as a conditional use; and
- (4) Chatham County is primarily rural in character, being dependent on agricultural and agribusiness activities for 38% of its income and being among the top North Carolina counties for livestock, dairy, poultry production, and total farm income; and
- (5) Chatham County is home to a growing specialty agricultural market, including organic farming, that depends upon a clean environment; and
- (6) Chatham County is a prime location for residential developments with residents employed in surrounding urban areas who seek a rural environment, and the County is dependent on the property taxes from these developments; and

- (7) Chatham County is home to the Jordan Lake State Recreation Area, Lower Haw State Natural Area, Jordan Lake Educational State Forest, Deep River State Trail, White Pines Nature Preserve, Condoret Nature Preserve, Deep River Park, La Grange Riparian Reserve, and Harris Lake; and
- (8) These recreation areas provide recreation and environmental education for hundreds of thousands of visitors annually and along with other parts of Chatham County provide critical habitat for species that are endangered, rare, federal species of concern, and species protected by the Bald and Golden Eagle Protection Act; including the bald eagle, Cape Fear shiner, Carolina darter, Red-cockaded woodpecker, American eel, Bachman's sparrow, Carolina Redhorse, Atlantic Pigtoe, Brook floater, Carolina Creekshell, Septima's Clubtail, Yellow Lampmussel, Buttercup Phacelia, Harperella, Sweet Pinesap, and Virginia Quillwort; and
- (9) Chatham County is located in the Triassic Basin, a shale rock basin with high quality streams, rare diabase seepage bogs, buffer areas, and other essential geological and ecological resources; and
- (10) Over 6,000 Chatham County residents depend on the public water supply sourced from Jordan Lake, and approximately 300,000 citizens from surrounding counties depend on Jordan Lake for their water supply; and
- (11) Chatham County also currently purchases water from the Town of Siler City and the City of Sanford and is therefore dependent upon water from the Cape Fear, Haw, Deep, and Rocky Rivers; and
- (12) Jordan Lake, the Haw River, the Deep River, and the upper Cape Fear River are likely water resources from which oil and gas operators would draw millions of gallons of water to use for oil and gas development; and
- (13) The majority of Chatham County residents depend upon well water for private water supply; and
- (14) Chatham County's unique geography and minimal separation between shale formations and groundwater supplies puts well water users disproportionately at risk of groundwater supply contamination; and
- (15) The Jonesboro seismic fault runs through Chatham County and hydraulic fracturing has been associated with increased seismic activity; and
- (16) Chatham County is home to historic underground coal mining operations that have left a network of subterranean tunnels throughout the County which have weakened the structural integrity of the bedrock substrata and may serve as conduits for hydraulic fracturing fluids; and

- (17) Chatham County's local infrastructure, including roads, currently are subject to minimal traffic, most of which consists of private cars, light trucks, and agricultural vehicles, and oil and gas development will greatly increase traffic by both private and large, commercial vehicles which will greatly increase wear-and-tear on local infrastructure, resulting in increased repair and maintenance needs; and
- (18) The hazardous materials used during oil and gas development and the potential for operational accidents will require existing emergency response providers to acquire additional training and to respond to additional emergency calls; and
- (19) Hydraulic fracturing will generate large quantities of potentially toxic wastewaters that Chatham County's existing Bynum Wastewater Treatment Plant is not equipped to process; and
- (20) Existing state statutes and regulatory programs for oil and gas development do not yet constitute the best management practices necessary to adequately ensure such activities will not negatively impact the air, soil, water, environment, and health of residents within Chatham County; and therefore do not adequately protect the health and welfare of the County's residents because they do not address oil or gas development's locality-specific effects on the unique natural, geologic, demographic, social, financial, and other conditions that exist within Chatham County's boundaries; and
- (21) The Board finds it necessary to provide for additional time to study the impact of fracking and other oil and gas development activities that has been experienced in other states and to determine the adequacy of applicable State and federal regulatory programs in regulating and mitigating such impacts in Chatham County's particular natural and man-made environment, and to consider enactment of any appropriate additional best management practices to properly address such impacts; and
- (22) The Board further finds it necessary to provide for additional time to study the impacts, including financial impacts, on the County's roads and other infrastructure and services and to determine the financial damages that may result to the County, its citizens and residents; and;
- (23) The County has already initiated the process of revising and updating its zoning ordinance and considering whether, and to what extent, zoning should be extended to the currently unzoned portion of the County, which process is scheduled for completion in approximately twenty-one months. Zoning for oil and gas development and developing standards for appropriate County permits should be done in coordination with this update of the zoning ordinance;

WHEREAS, the Board of Commissioners of Chatham County has considered the following actions to address the problems or conditions set forth above and found them to be inadequate:

- (1) The Board has considered taking no action. However there are serious questions, for the reasons hereinabove stated, whether the current state and federal regulatory programs are adequate to protect the County's interests, therefore it is not in the best interest of the County to allow oil and gas development activities without further study and appropriate local regulation.
- (2) The zoning ordinance is not by itself an adequate regulatory tool because it would either allow or not allow oil and gas development within designated zones without the necessary information regarding the location of the oil or gas reserves. Furthermore, in zones where it would be allowed as an industrial use, there must be standards specific to oil and gas development because of its highly unusual nature. This is a circumstance for which conditional use zoning may be appropriate to protect the public health and safety of the residents of Chatham County.
- (3) Other existing County ordinances generally applicable to development such as erosion and sedimentation control, water supply watershed regulations, setbacks and buffers regulate only specific, limited impacts and, even taken together, are not adequate to regulate the wide range of impacts of oil and gas development.
- (4) Establishing a permitting process for oil or gas development without thorough study would be premature and could result in standards that are inadequate to regulate or mitigate the local impacts, or that are unnecessarily stringent and might be subject to legal challenge as preempted by the state regulatory programs. The state regulatory program has been only recently finalized and is currently subject to legal challenge and more time is needed for Chatham County to determine what conditions are necessary and reasonable to supplement the State programs without being subject to preemption.

WHEREAS, the County has determined that the foregoing actions or alternative courses of action are not adequate because hydraulic fracturing or fracking is a relatively new method of extracting subsurface oil and gas and the County staff is not sufficiently informed as to the potential dangers to the public of this method and how to best regulate the same within the limited authority granted to local governments by the North Carolina General Assembly.

WHEREAS, the County has determined that a twenty-four (24) months moratorium on oil and gas development will provide the County an opportunity to update in its current land use ordinances without being required to approve such development under its current, inadequate ordinances; and

WHEREAS, the Board of Commissioners of Chatham County has determined that the moratorium imposed by the Ordinance shall terminate on August 16, 2017 and that the duration of the moratorium imposed is reasonable because that is the minimum period of time that it will take to address the problems caused by oil and gas activities. The only reasonable alternatives to imposing this moratorium are (i) adopting a hastily prepared ordinance that may exceed the County's regulatory authority, or (ii) allowing oil and gas activities without providing the citizens of the County the necessary land development guidance and review tools required to protect the public health and safety; and

WHEREAS, it is the expressed intent of the Board of Commissioners to lift the moratorium as soon as possible and to that end it will instruct all consultants, boards, and committees working on the problems and conditions necessitating the moratorium to complete their work as soon as reasonably possible so that the required ordinance or ordinances will be in place and development can resume at the earliest possible time, but with the proper safeguards in place to protect the citizens, residents, and property owners of Chatham County;

NOW, THEREFORE, be it ordained by the Chatham County Board of Commissioners:

Section 1. Recitals Incorporated by Reference. The above and foregoing recitals are incorporated in the Ordinance by reference.

Section 2. Authority. This Ordinance is enacted pursuant to (1) the General Statutes of the State of North Carolina, Section 153A-121, which grants Chatham County general ordinance-making power; (2) General Statute, Section 153A-123, which grants Chatham County the authority to enforce its ordinances; (3) General Statute, Section 153A-340, which grants Chatham County the authority to adopt zoning and development regulation ordinances to promote health, safety, morals, or the general welfare, including the authority to adopt temporary moratoria; (4) General Statute, Section 113-415.1, which addresses the County's ordinance-making powers related to oil and gas development; and (5) the Chatham County Moratorium Ordinance.

Section 3. Definitions. The words and phrases defined in this Section shall have the following meaning when found in this Ordinance:

- (1) "Drilling" shall mean the sinking, penetrating, boring, or digging of a shaft or hole in the earth for any purpose.
- (2) "Gas" shall mean all natural gas, including casing-head gas, coal-bed methane, and all other hydrocarbons not defined as oil in Subsection (6).
- (3) "Horizontal Drilling" shall mean drilling at an angle greater than three degrees from vertical.
- (4) "Hydraulic Fracturing," or "Fracturing," or "Fracking" shall mean all stages of the treatment of a well by the application of hydraulic fracturing fluid under pressure

that is expressly designed to initiate or propagate fractures in a target geologic formation to enhance production of oil or gas.

(5) "Natural Features" shall mean the water resources, land resources, air resources, geologic resources, animal species, and plant species within a municipality's boundaries.

(6) "Oil" shall mean crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary production methods, and which are not the result of condensation of gas after it leaves the reservoir.

(7) "Oil or Gas Development" shall mean all or any part of the process of exploration, development or production of oil or gas, including without limitation, drilling, casing, operation, fracturing, completion, plugging and abandonment of wells, pads, impoundments and other associated activities.

(8) "Oil or Gas Operator" shall mean a person who acquires a lease or other property interest in surface and/or subsurface lands for the purpose of conducting exploration for or extracting oil or gas.

(9) "Oil or Gas Owner" shall mean the person who has the right to drill into and to produce from any pool, and to appropriate the production either for himself or for himself and others.

(10) "Person" shall mean any natural person, corporation, association, partnership, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind.

(11) "Water Supply" or "Water Resources" shall mean any groundwater or surface water intended or used for human consumption; household purposes; farm, livestock, or garden purposes; or for conservation and preservation purposes.

(12) "Well" shall mean any new or existing shaft or hole drilled, sunk, bored, or dug into the earth or into underground strata for the extraction, injection, or placement of any oil, liquid, or gas; or any new or existing shaft or hole drilled, sunk, bored, dug or used in conjunction with such extraction, injection, or placement of any oil, liquid, or gas using hydraulic fracturing, fracturing, or fracking methods. The term "well" does not include any shaft or hole drilled, sunk, bored, or dug into the earth for the sole purpose of testing for, pumping, or extracting therefrom potable, fresh, or usable water for household, domestic, industrial, agricultural, public use, or other activity not related to oil or gas development activities.

Section 4. Jurisdiction. This ordinance shall apply to all of Chatham County except for those areas included with incorporated municipalities and their extraterritorial jurisdictions.

Section 5. Purpose. The purpose of the moratorium is to allow the Chatham County Board of Commissioners time to review the Mining and Energy Commission's regulations and other state and federal regulations applicable to oil and gas development to determine whether such regulations adequately protect the County and its citizens from the impacts of hydraulic fracturing and other oil and gas development activities, and to develop standards and conditions to be implemented through a conditional use permit or other appropriate mechanisms to address any impacts that are not adequately addressed by applicable state and federal regulations.

Section 6. Imposition of Moratorium on the Oil and Gas Development Activities. There is hereby established a twenty-four (24) months moratorium on any County approval required by law for oil and gas development activities. It shall be unlawful and a violation of this Ordinance for any person within the jurisdiction to which this Ordinance applies to engage in oil or gas development activities that require a County permit. The Board will use this twenty-four (24) months moratorium period to study the impacts of oil and gas development activities in other states and develop a plan to regulate and mitigate impacts from these activities that are not addressed adequately by State and federal regulatory programs, the existing County Zoning Ordinance, and other ordinances, giving consideration to the particular natural and man-made environment of Chatham County.

Section 7. Action and Schedule.

(a) Studies. The Board of Commissioners will hire a consultant or consultants with expertise regarding fracking and other oil and gas development activities and their impacts on the natural, man-made, and social environments and its economic benefits and costs. The consultant(s) will be tasked to study Chatham County and to analyze state and federal regulatory programs and to prepare a report for the Board regarding the full range of expected impacts on Chatham County, including financial impacts. The study will include the most current analysis of impacts in localities similar to Chatham County in other states and the effectiveness of local ordinances in managing those impacts. This study and report should be completed within the first year of the moratorium and will include the consultant's conclusions as to whether additional time is needed for thorough study.

(b) Development of Conditional Use Ordinance. Upon completion of the study and report, the Board intends to develop a draft conditional use ordinance and/or other ordinances based on the report and the consultant's advice which will be coordinated with the revisions to the County's comprehensive zoning ordinance. The draft ordinance will be made available for public review and comment and at least one public hearing will be held. Based on public comments the Board will finalize the ordinance and initiate the adoption procedure. Development of the ordinance and final approval is estimated to take one year.

Section 8. Enforcement and Penalties.

(a) This Ordinance may be enforced by any legal or equitable remedies available, including, but not limited to, injunctive relief. The County Manager shall have the authority to direct the County Attorney, or any such other legal

counsel as may be employed, to take appropriate legal action to address any violation of this Ordinance.

(b) Penalties. Any person engaging in oil and gas development activities in violation of the Ordinance shall be guilty of a misdemeanor pursuant to North Carolina General Statute, Section 14-4 and shall be subject to a fine of \$500 per offense. Each day that such person continues to violate this section after receiving notice from the County Manager, his agents, or any law enforcement officer of Chatham County, that this Ordinance has been violated shall be considered a separate and distinct offense.

Section 9. Moratorium Expiration. The moratorium established by this Ordinance shall expire upon the earliest of (a) enactment of a comprehensive land use plan and/or a permitting process by the County establishing standards and conditions to address any impacts of oil and gas development activity, or (b) twenty-four (24) months from the date this Ordinance is adopted; provided that if at the end of the 24 months period the Board determines based on advice of its consultants that more time is needed to develop an effective ordinance, or if material changes have been made to state or federal regulatory programs so as to require additional study, the Board may extend this moratorium for such additional time as is necessary.

Section 10. Limitation on Moratorium. This moratorium shall not apply to the following:

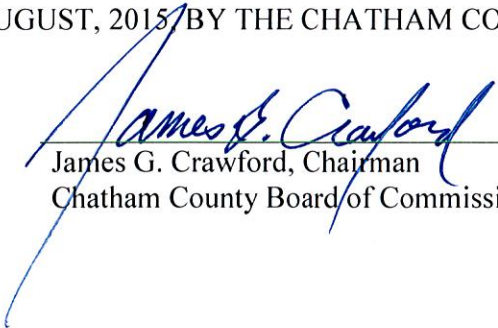
(a) Any development determined to be vested pursuant to N.C. Gen. Stat. §153A-344.1

(b) Any development for which substantial expenditures have already been made in good faith reliance on valid administrative approval.

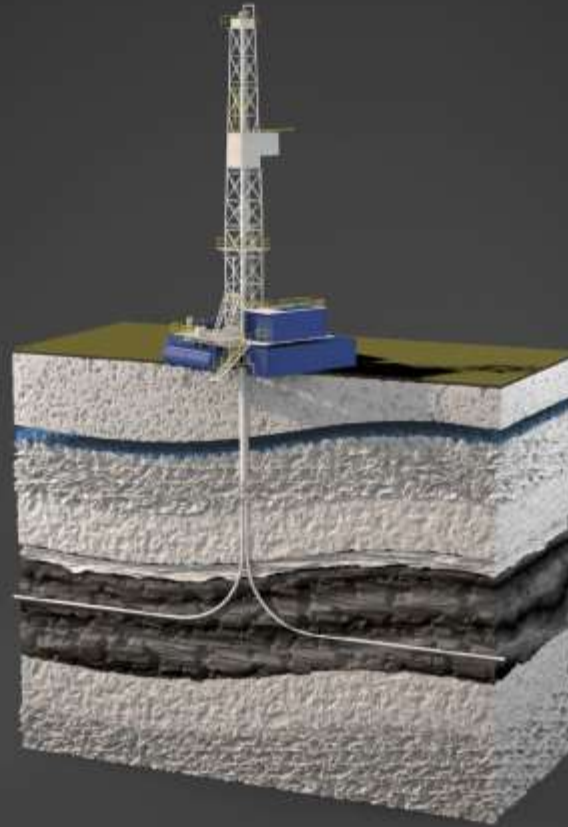
Section 11. Severability. If any portion of this Ordinance is deemed unconstitutional or unenforceable by a court of competent jurisdiction, the remainder shall remain in full force and effect.

Section 12. Effective Date. This Ordinance shall be in full force and effect from and after adoption.

ADOPTED THIS THE 17th DAY OF AUGUST, 2015 BY THE CHATHAM COUNTY BOARD OF COMMISSIONERS.


James G. Crawford, Chairman
Chatham County Board of Commissioners





Unconventional (Constrained Shale Bed) Natural Gas Resource
Considerations and Conditions
for Chatham County, North Carolina
June 2017

This presentation

- A component of on-going Comprehensive Planning for Chatham County
- Emphasis is on potential landscape, land use and community development aspects of unconventional (hydraulic fracturing) natural gas development in the County.

Before we go on – a working definition.....

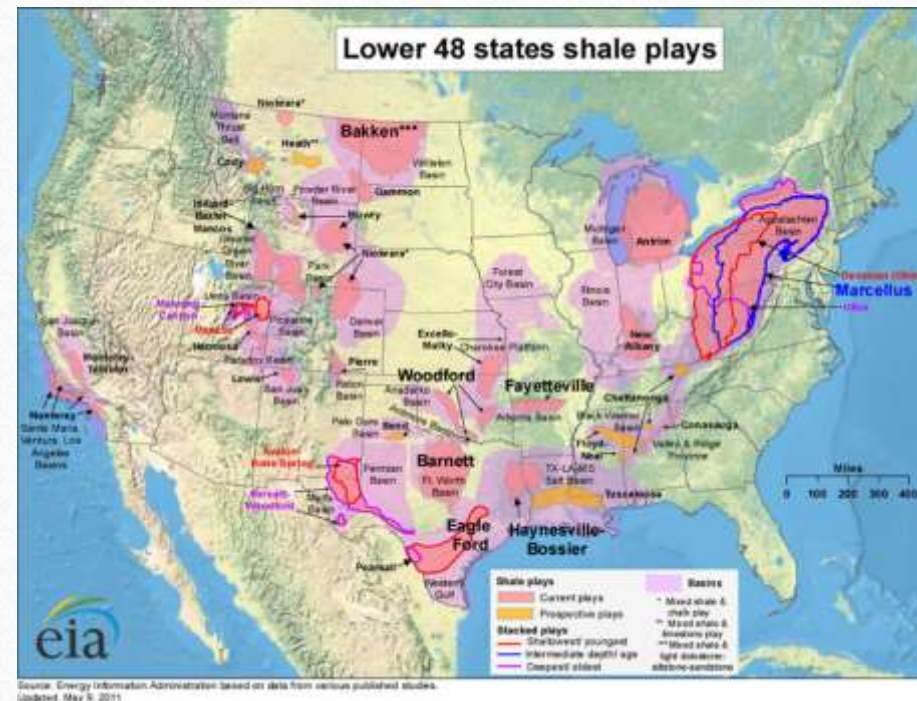
- Hydraulic Fracturing or fracking (will continue with this term) is drilling into the earth before a high-pressure water mixture is directed at the rock to release the gas or oil inside. Water, sand, and chemicals are injected to the rock at very high pressures which allows the gas to flow through the formation out to the head of the well.
- Fracking has gained significance as the nation has turned to natural gas as a preferred fuel.

Presentation Organization

- A basic review – will be brief
- Environmental issues most often associated with fracking
- Fracking 2017 – advances over recent years
- A case study from Pennsylvania
- Fracking and Chatham County
- Questions

Fracking – some background and important relevant terms

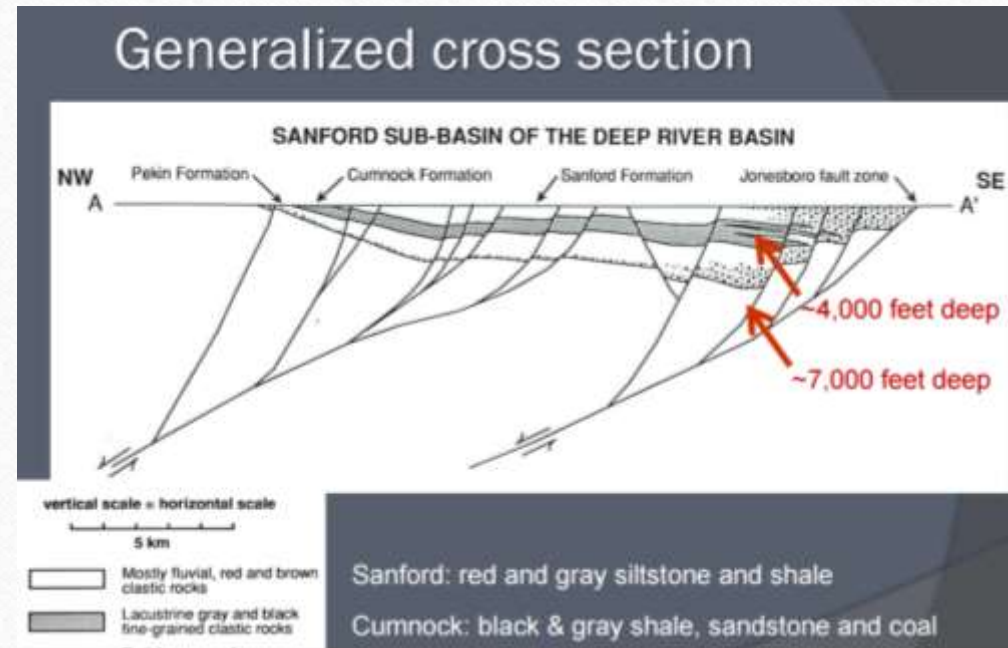
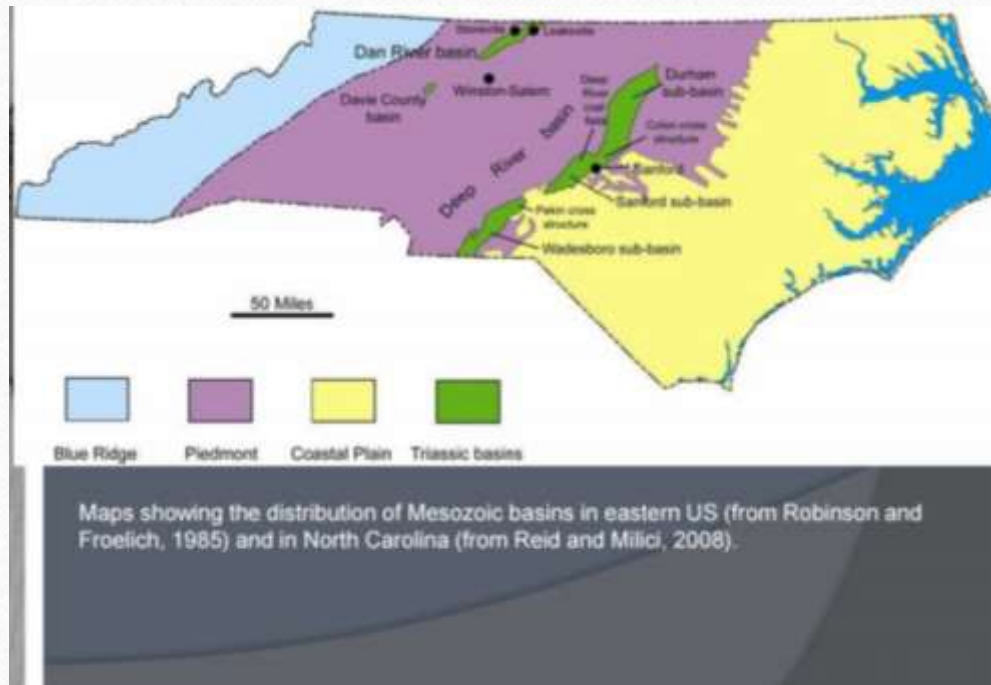
- Fracking has been around since 1947.
- Has become important with the recognition of the natural gas available in major basin shales.
- Emphasis has been on larger basins but a great deal of fracking occurs in smaller shallow basins and rift basins



Extent of fracking

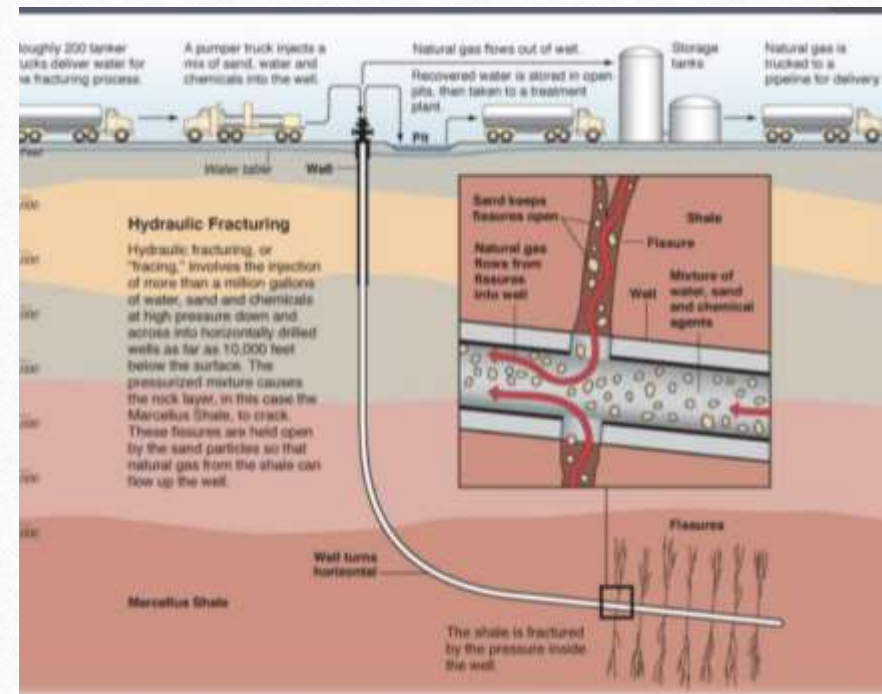
- Active fracking in 21 states with 5 more poised for fracking in the near future
- 34 states have laws and regulations on the books to facilitate fracking
- Three states have bans or moratoriums – Vermont, Maryland, and New York
- One multi-state region has a fracking moratorium – The Delaware River Basin (a primary water supply watershed for NYC). However, that moratorium is expected to be lifted.
- Another state (Michigan) with significant fracking activity (12,000 wells) has a fracking ban to be likely on the ballot in 2018.

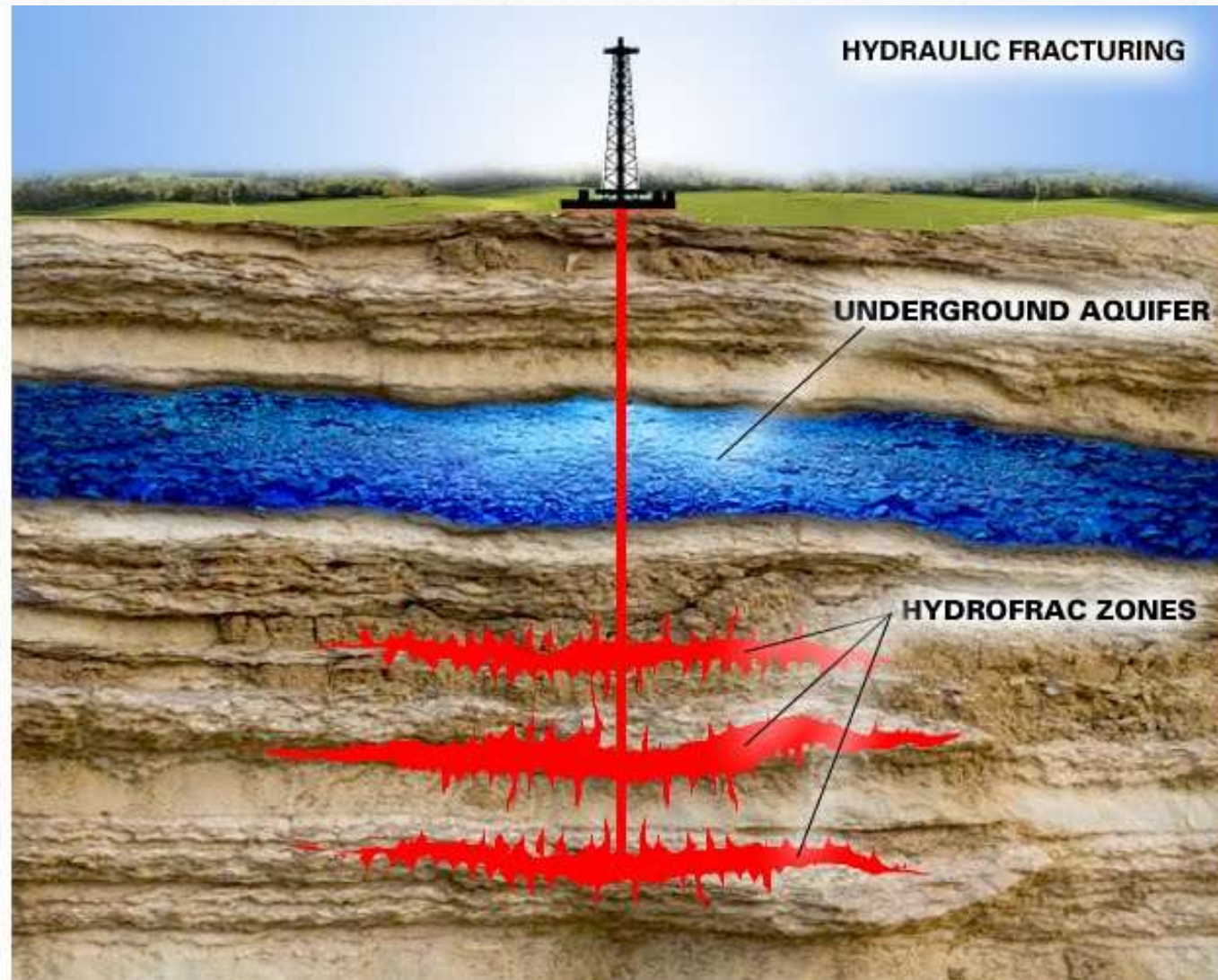
The rift basins of North Carolina with a cross section through the Deep River Basin



The basic process

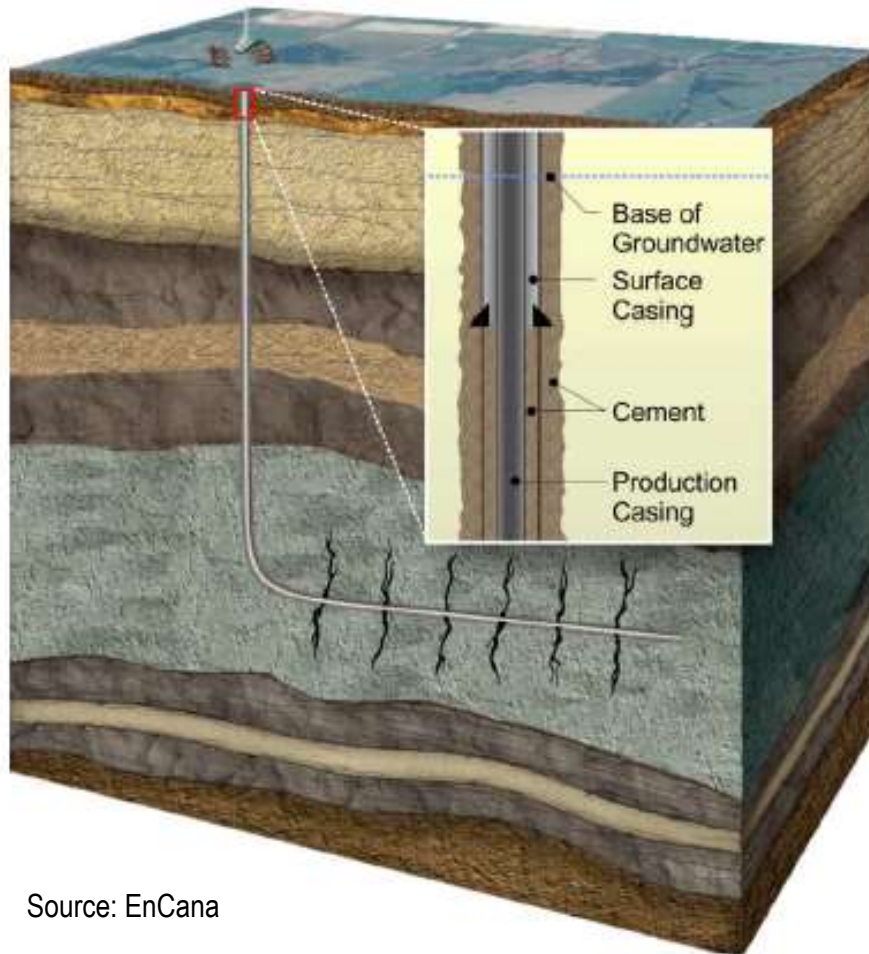
- Prospecting
- Locate potential well locations
- Fracking can be
 - Horizontal drilling
 - Vertical shaft fracking
 - Deep fracking
 - Shallow fracking – will be relevant in later discussions (fracking formations less than 3,000 feet deep).
 - The process complexity is the source of many potential problems





What Changed the Game?

Horizontal Well with Multi-Stage Fracturing



Source: EnCana

- Natural gas production from shallow, fractured shale formations not new
 - First shale well drilled in Fredonia, NY in 1821
 - First fractured well in 1947
 - 2.5 million fractures to date worldwide; > 1 million in U.S.
- What “changed the game” was the recognition that one could “create a permeable reservoir” and high rates of gas production by using intensively stimulated horizontal wells

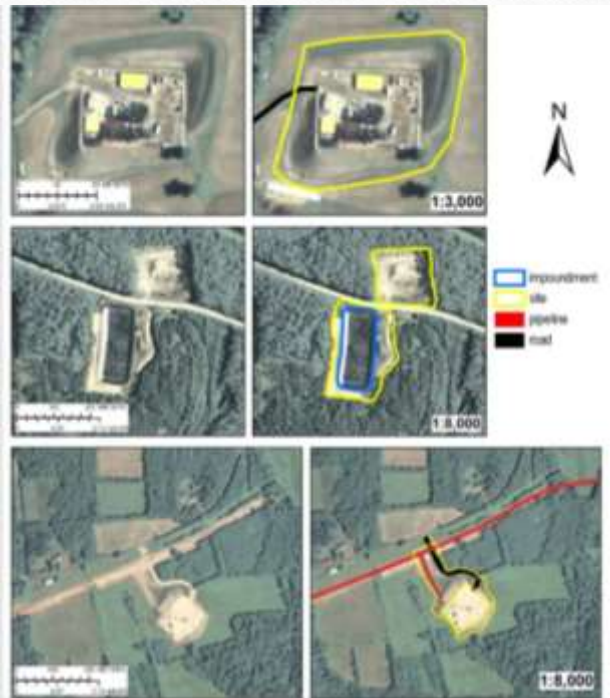
So fracking is a high-energy introduced process

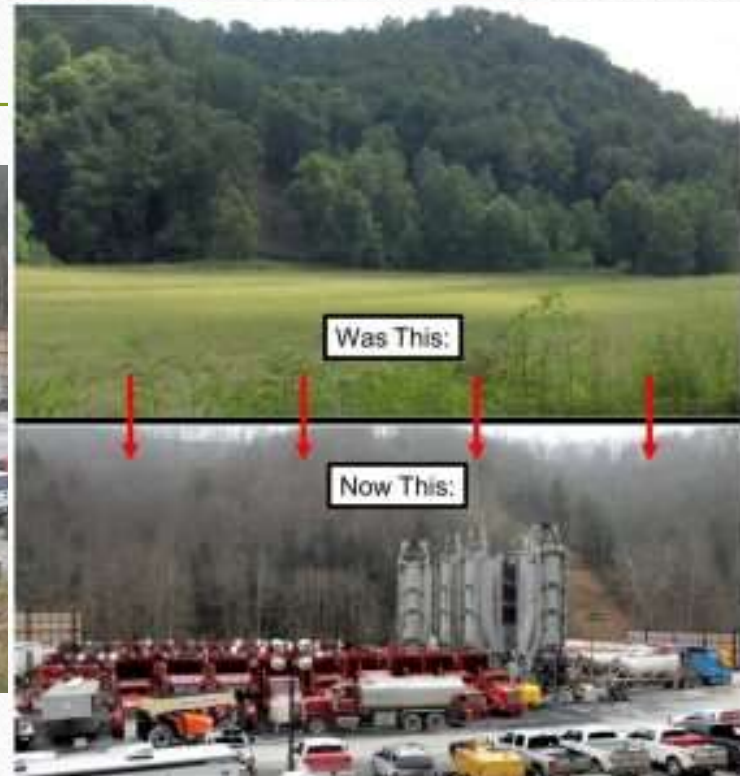
- Fracking is used where formations (primarily shale) are “tight” with little or no natural fracturing and openings with little opportunity to utilize pressure differentials to move gas up the shaft to the wellhead.
- Typically fracking introduces new pressures down the borehole in excess of 10,000 psi.
- It is the fracking fluid/mixture (water, sand or ceramics, and chemicals) that is pressurized.
- A variety of chemicals are used for a variety of reasons – improve slickness, reduce or destroy bacteria, reduce corrosion in the metal well casing, etc.
- Sand is used to deliver fracking fluid mixtures and to maintain openings in the shale.

Fracking chemicals

- Specific listings are protected as trade secrets... but analysis has shown that what are referred to as volatile organic chemicals are heavily utilized.
- Over 750 different chemicals have been detected many of which pose potential human health risks.**
 - Biocides
 - Corrosion inhibitors
 - Friction reducers
 - Iron control
 - pH adjusting compounds
- **major chemicals will be listed in the final report.

What does it look like in the landscape?









Logistics yard, paved road impacts, and flaring



Before we move on it is important to introduce a few important legal / regulatory components

- Amendments to the CWA (Clean Water Act) in 2005 remove fracking well location and aspects of fracking from state implementation of the CWA pushing fracking to the states.
- The **Halliburton** exemption partially removes injection wells from Federal / state injection well regulations – for Class II injection wells.
- The above combine to provide a regulatory framework for fracking. Note: fracking operators and injection well operators are often different in that injection wells often take water from numerous different well operators.
- **Forced or mandatory pooling – a quick discussion**
 - Old concept - 38 states have forced pooling regulations
 - Originated in the Midwest and Great Plains with the Public Land Survey.
 - Pennsylvania and West Virginia do not – both states rely on aspects of pooled leases
 - North Carolina does not have a current mandatory pooling law.

Some relevant Federal regulations and associated exemptions.

Federal Law	Applicable to Oil and Gas Development	Exemptions or Limitations	Source of Exemption Exemption or Limitation
Safe Drinking Water Act	<ul style="list-style-type: none"> Underground Injection Control Program Imminent and Substantial Endangerment Provision 	<ul style="list-style-type: none"> Hydraulic fracturing fluids other than diesel fuels do not require Underground Injection Control Permit 	Statutory – 2005 Energy Policy Act
Clean Water Act	<ul style="list-style-type: none"> National Pollutant Discharge Elimination System program Spill reporting and spill prevention and response planning requirements 	<ul style="list-style-type: none"> Federal stormwater permits not required for uncontaminated stormwater at oil and gas construction or well sites 	Statutory - 1967 Water Quality Act and 2005 Energy Policy Act
Resource Conservation and Recovery Act	<ul style="list-style-type: none"> Non-exempt wastes present at well sites may be regulated as hazardous Imminent and Substantial Endangerment Provision 	<ul style="list-style-type: none"> Oil and gas exploration and production wastes not regulated as hazardous waste 	1988 Regulatory/EPA decision
Comprehensive Environmental Response, Compensation, and Liability Act	<ul style="list-style-type: none"> Hazardous substance release reporting Imminent and Substantial Endangerment Provision for releases of a pollutant or contaminant 	<ul style="list-style-type: none"> Liability and reporting provisions do not apply to injections of fluids authorized by state law for production, enhanced recover, or produced water Petroleum releases not covered 	Statutory – 1980
Emergency Planning and Community Right-to-Know Act	<ul style="list-style-type: none"> Reporting on use, inventories, and releases into the environment of hazardous and toxic chemicals above threshold quantities 	<ul style="list-style-type: none"> Oil and gas well operations not required to report releases of listed chemicals to Toxics Release Inventory 	1997 Regulatory/EPA decision

One more area worth discussing – mineral rights

- Connected and severed mineral rights – can become complex situations
- Severed mineral rights can and are often subdivided
 - For example in the case of heirs
 - Can be split spatially or by formation vertically
- In the case of severed rights most legal deference is with the mineral owner in that the mineral owner generally has full access to the benefits of mineral ownership
 - Drilling and development
 - Secondary development
 - Pipelines can be a bit more complex

Also important

- State law limits local governments from implementing ordinances that regulate oil and gas development.
- However, moratoriums can be implemented and continued so long as such moratoriums are of fixed durations.

On the ground fracking operations are designed as systems

- Access roads
- Drill sites which become drill pads
- Well pads and supporting technology and environmental control features including various ponds and excavated areas for storage / evaporation of return and produced water. Ponds are used for water storage and as evaporation ponds so that potentially toxic solids can be removed and transported offsite for landfilling or other disposal.
 - Fluid mixing and warming equipment
 - Vapor control measure equipment
 - Storage
- May have on-site or nearby injection wells
- Pipelines
- Compressor stations and gathering compressors
- Existing infrastructure – roads, landfills

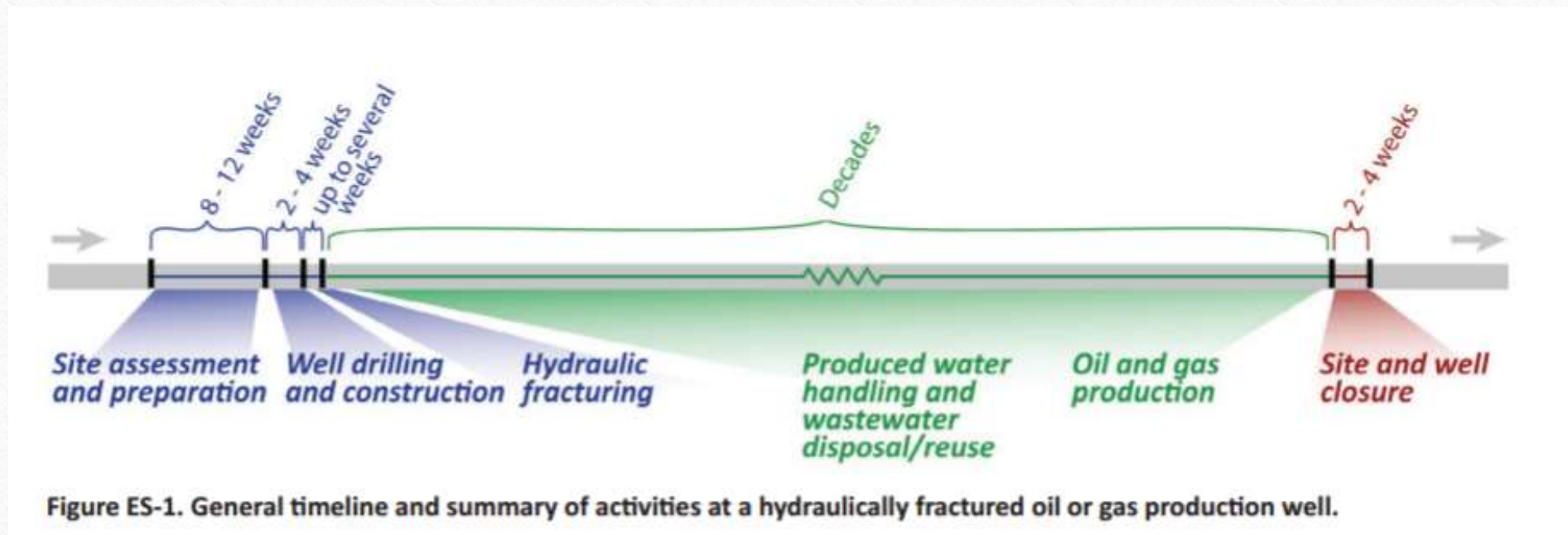
The process.....

- Drill to below depths of concern and case in metal and concrete
- Continue drilling into formations of interest – typically the above are a ten day process
- Once drilling is complete then fracking can be initiated – typically a two to three day process
- Wells may have up to 20 fracs
- Once fracking is complete the fracking equipment is removed and the site is prepped for production

A typical well site and well pad

- 8 to 15 acres
- Total area
 - 60% can be restored after construction and well development – revegetation, water control, and other mitigation
 - Well pad – 25% of area will remain disturbed –
 - Pipelines 4% remains disturbed after revegetation
 - Ponds 5%
 - Roads 7%

Typical timeline for a hydraulically fractured gas well.



Source: USEPA 2016.

Potential environmental impacts

- **Site preparation and drilling**
 - Seismic – minor issues
 - Well pad, roadway and pipeline construction – governed by state regulations
 - Erosion and sedimentation
 - Local roads – heavy vehicles and raw materials haulage
 - Drilling cuttings disposal – treated as hazardous waste – removed to offsite for disposal or treatment.
- **Accidents / equipment failures**
 - Surface water pollution
 - Accidents generally impact surface water and borehole failures impact groundwater

Fracking impacts

- Water use – one to four million gallons of water per frac – water is from local surface and / or groundwater sources
 - 200 or more tanker trucks per frac
- Potential leakage of fracking chemicals
 - Typically 30 trucks sand and 10 chemicals trucks per frac
- Leakage in aquifers is generally due to well casing or concrete failures
- Leakage in storage facilities generally impacts surface water

-
- Produced / flow water treatment and disposal
 - Injection
 - Storage, evaporation and landfilling
 - Treatment using specialized treatment facilities – water can be recycled
 - Methane and other fugitive gas
 - Condensers
 - Flaring – limited usage

Gas production impacts

- Gas leakage
- Noise – primarily from traffic and compressors – compressor noise can be significant
- Fugitive gases from compressor stations
 - Fugitive leaks in compressor hardware
 - Pollution emitted by compressors
- Continued well defects – monitoring has greatly improved

A couple of notes

- Seismic impacts have received a great deal of notoriety – however drilling and fracking have proven to have negligible impacts – significant impacts have been due to injection wells
- Methane gas has received a great deal of press as well – negligible methane escape during drilling and fracking – during well operation fugitive methane releases have been a common occurrence.

Some often overlooked impacts

- Well pads, roads, and pipelines result in significant landscape fragmentation
 - Loss of quality forests
 - Loss of interior forests
 - Loss of quality forest edges
 - Fragmentation of agricultural fields
- Community impacts
 - Perceptions of community health
 - Perceptions about environmental quality and health
 - Residential structures and land not being leased decreased in value

Fracking 2017

- Methane flaring use is on the decline with improved hardware removing 98% of the methane produced that typically escapes. Example in Pennsylvania wells can now flare a maximum of 30 days a year encouraging use of improved hardware.
- Injection well usage is on the decline with specialized treatment options on the rise.
- Specialized landfills are being developed to handle the most hazardous wastes once water and solids have been separated

A Case Study – Washington County PA

- **Marcellus Shale**
- **Heavy hydraulic fracturing in the County**
- **Location of a number of major problems and fracking related issues**

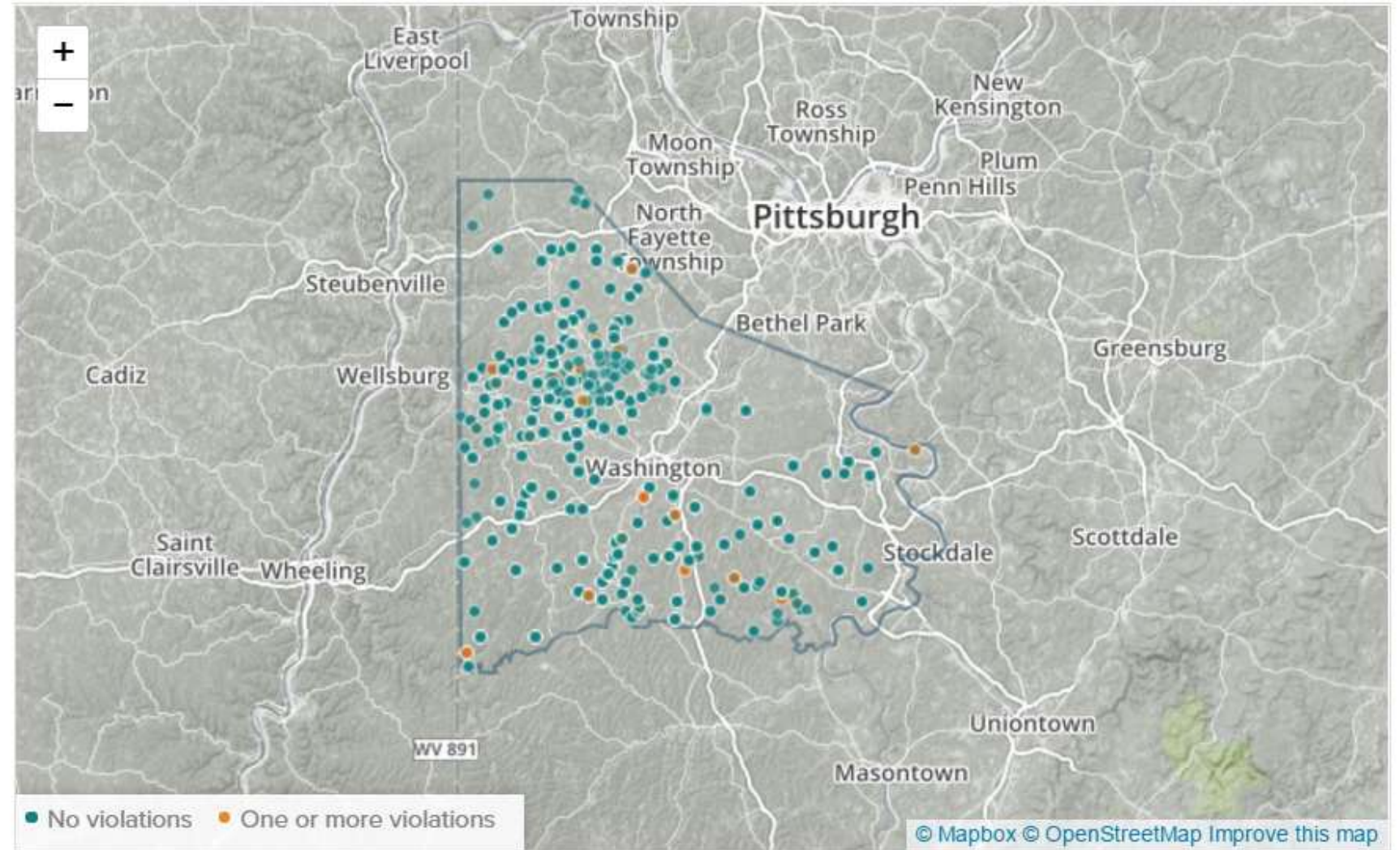
Washington County

ACTIVE WELLS

1,146

VIOLATIONS

153



Site preparation









A storage / evaporation basin and a compressor / gathering facility



Washington County summary

- **Major companies**
 - Range Resources
 - Chevron
 - Chesapeake Appalachia
 - Noble Energy
 - EQT
- **Issues**
 - A number of violations – drinking water well damage – over 100 complaints since 2015 with fewer violations.
 - Number of spills and accidents with resultant short-term surface water and shallow ground water damage
 - One township – East Findlay – without public drinking water wells since 2015.
 - A major well pad fire in January 2017. Fire was rapidly extinguished though limited evacuations were required – hardware malfunction. Human error accidents are rare

While we are in Washington County – one
more topic to discuss – site restoration

A large, stylized graphic of a leaf or flame shape, split vertically. The left half is light green and the right half is light blue, with a white outline. It is positioned behind the title text.

RECOMMENDED PRACTICES: Site Planning, Development and Restoration

MSC RP 2012-1 April 26, 2012, Updated June 20, 2013

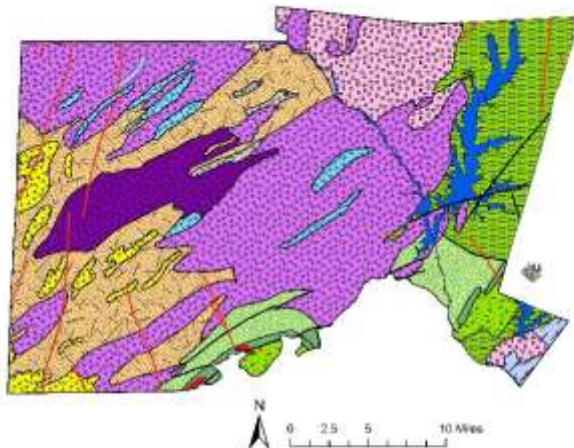
Table 2-1. Site Planning, Development and Restoration Process Recommended Practices

Each step in the following table may be implemented as appropriate.

Major Steps in the Process	Elements for Reducing Impacts, and for Improving Restoration and Final Reclamation Outcomes
Identify Local Need for Site	Determine the operational needs and ideal location(s) for well pad(s), access road(s), pipelines, gas compression and processing facilities, water pipelines and impoundments, and other necessary facilities.
Generate Unconstrained Conceptual Site Plan	Prepare an unconstrained conceptual site plan free of potential landowner, regulatory or environmental constraints based on what would be ideal from an operational perspective.
Conduct a Constraints Analysis	Conduct fact-finding to identify constraints including regulatory/zoning/siting constraints, landowner and local community desires/preferences, environmental and public resource constraints, highway access constraints and the presence of other sensitive locations.
Refine Concept	Adjust the conceptual site plan to account for known constraints. Consideration should be given to minimizing surface disturbance. Impacts may be reduced by using brownfield or industrial areas and previously cleared land, if practical. It may be possible to use existing logging roads and trails when planning access roads or pipeline right of ways. Another option is to plan for pipelines adjacent to existing roads. In addition, there may be opportunities for coordination of infrastructure with other companies, for example: use of shared right of ways for pipeline corridors, pooling of mineral rights to optimize the number of well pads, etc.
Discuss Plans with Surface Owner(s); Alter Site Concept as Needed	Welcome input from the surface owner(s) and consider changes to the overall design. This may include a discussion of the refined concept plan and how this concept would fit within their existing and planned future uses of the site, making adjustments as appropriate.
Identify Site Features to Retain or Protect	Identify features to be retained – including timber, stumps, slashing, mulch, topsoil, ponds or stock watering devices, access roads, etc. – and account for retention of these items in site planning.
Prepare Final Site Plan from Previous Concepts; Highlight Retained Features	Prepare context-sensitive site plan while accounting for potential future oil and gas extraction from other formations.
Implement E&S and Other Environmental Controls	Build the site. Ensure that planned erosion and sedimentation (E&S), stormwater and other environmental controls are installed and maintained. Consider using permanent controls such as sedimentation basins, with potential future use, over temporary measures that can be damaged and may require multiple replacements over time.
Implement Partial Restoration During Operational Life	Reclaim portions of the site that will not be needed during the post drilling, production phase so as to minimize the impact of the project. Try to avoid additional disturbance of stable soils while minimizing soil compaction and new disturbances required to access other formations. Note that the original development phase of well pads, as well as of pipelines, gas compression and processing facilities, often requires a larger footprint than operational phases.
Implement Final Restoration Conducive to Surface Owner's Plans and Objectives	Conduct final restoration upon completion of the project. Well pads will be in use for decades, whereas surface disturbances for buried gathering or transmission pipelines can be fully reclaimed soon after installation. In re-contouring a site, control erosion and storm water runoff, minimize site compaction, apply lime and fertilizer as necessary, seed with use-adapted mix, mulch appropriately, and plant trees and shrubs as appropriate.
Conduct Site Monitoring, Maintenance and Repair	Conduct site monitoring, maintenance and repair throughout the life of the project. Although listed last in this process, site monitoring, maintenance and repair begins with initial site development and continues until the site is fully restored and the site is permanently closed. Critical elements include repair of access controls and gates, security fencing, ruts or washouts (often caused by uncontrolled all-terrain vehicle access), and revegetation of areas where initial efforts did not yield desired results.

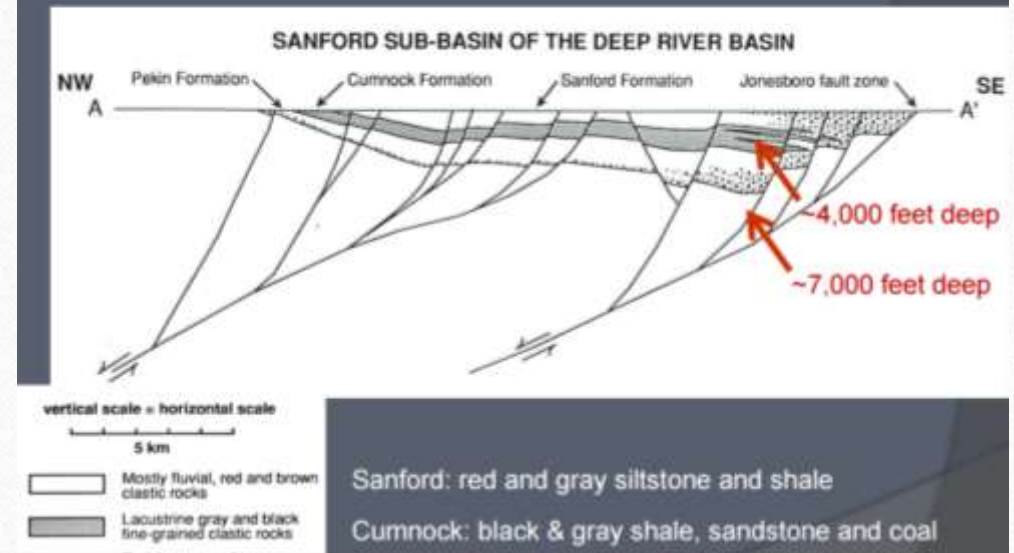
To our interest – Chatham County

Chatham County Geologic Map



Map compiled by W.T. Howe (19 May 2017).
Map layers provided by CGIA website.
Geological information provided by the N.C. Geological Survey.

Generalized cross section



Some background

- The County has been concerned about potential fracking since 2009
- The USGS and NCGS have been focused in the region with current estimates being about 1.7 tcf of gas in the Deep River Basin
- The Cumnock Formation is the primary potential gas bearing formation in the Basin.
- This means
 - The gas bearing formation is extremely shallow in the County
 - The formation also is in less than 5% of the County.

Introducing a new concept – shallow fracking

- Shallow fracking – less than 3,000 foot depths – some as shallow as 100 feet. Shallow fracking places fracking closer to potential formations of concern such as aquifers.
- Generally vertical borehole fracking with limited horizontal fracking.
- Water usage is only minimally reduced
- Construction and fracking can occur more rapidly

- Shallow wells typically have a higher percentage of aquifer leakage
- If fracking ever occurs in Chatham County it will be shallow fracking due to the relatively shallow depths of the Cumnock Formation.

Shallow wells

- Many times do not have the depth for horizontal fracking – horizontal drilling can turn only 1 to 4 degrees per 50 feet of depth so up to 500 feet of additional well depth is required for horizontal drilling.
- Fracking with vertical wells does reduce well spacing – often on 40 acre or less spacings. Spacing is generally a function of geology and well performance which can be estimated from a test well.

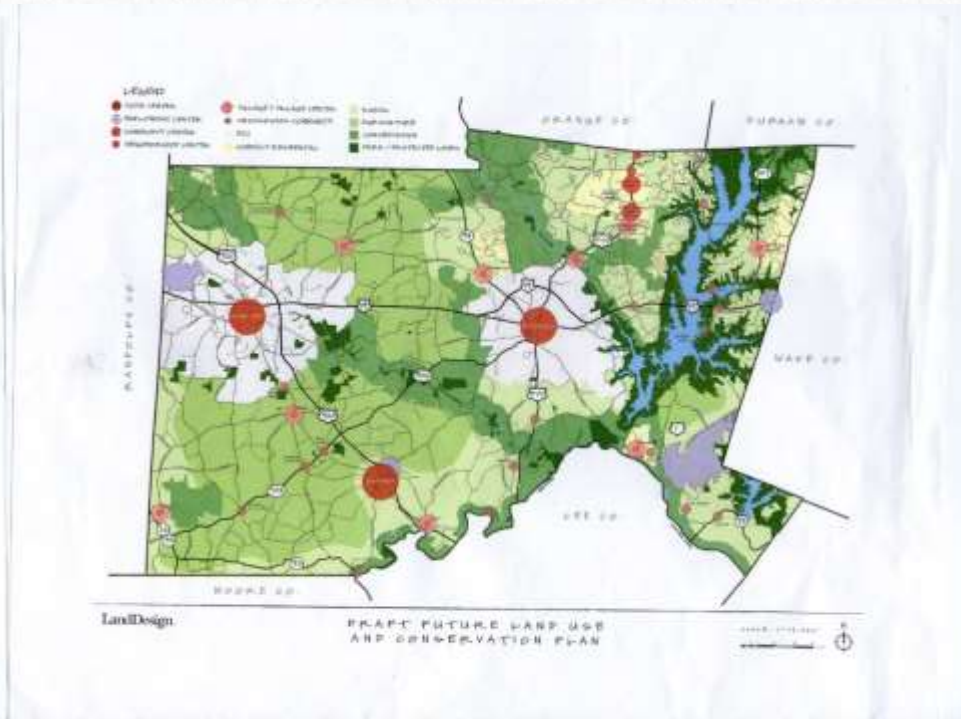
Shallow wells

- Most feasible in areas with deep fracking or existing convention gas infrastructure in place.
- May be in smaller basins over the large deeper basins.

The Cumnock Region of the County

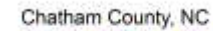
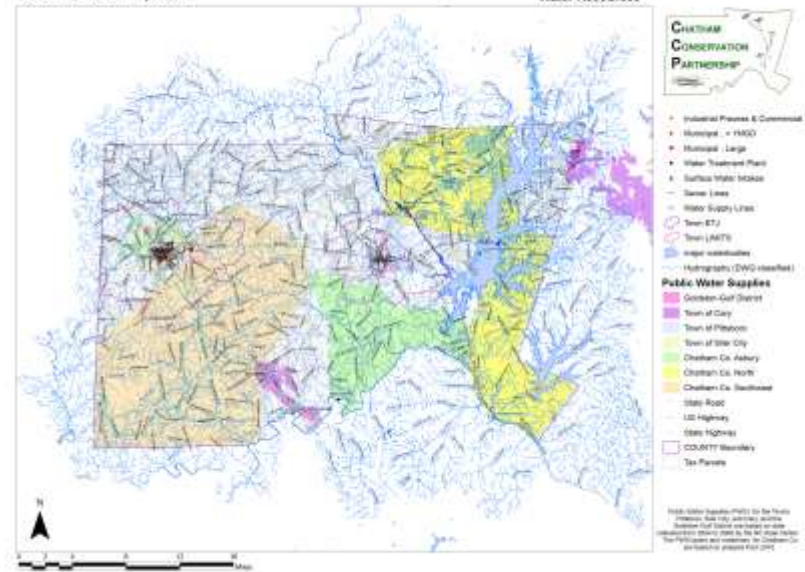
- The Duke Power Station eliminates a significant area for fracking – 5 mile radius around the plant that can be expanded by the NRC.
- Public lands in that portion of the County eliminate much of the area for fracking.
- Landscape values as illustrated in the following maps are of moderate to high importance when compared with much of the county.
- Most Cumnock areas in the county are either outcrop areas (where the shale is at the surface of the ground) or extremely shallow – generally too shallow for the development of hydraulic fracture wells.
- A cursory GIS analysis identified less than 1,000 acres that could be fracked.

The County has had and is in the midst of comprehensive planning efforts



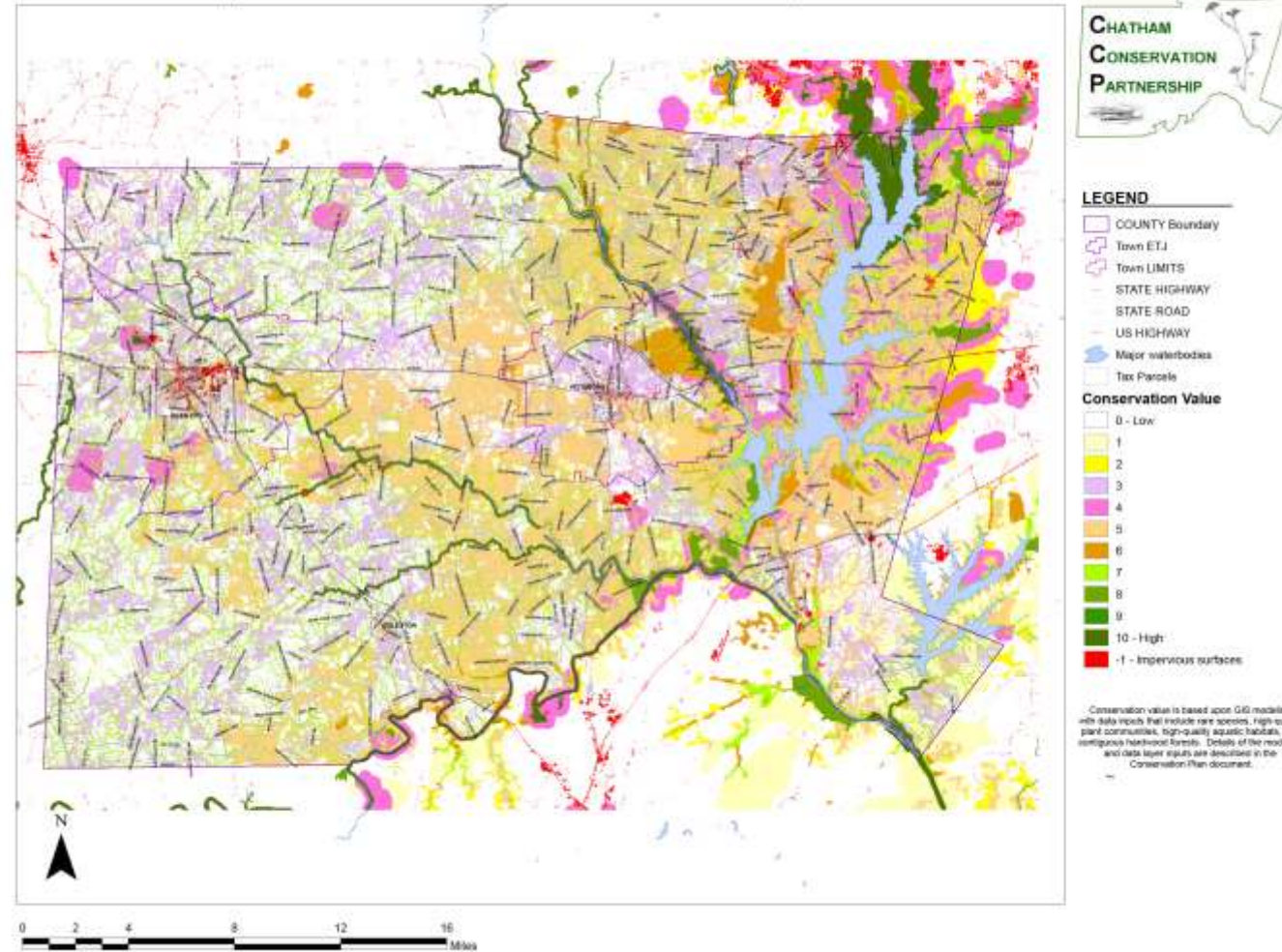
- From the comprehensive planning effort – the Cumnock region in the southern portion of the County is being planned as conservation, industrial, and mixed rural and agriculture.

Chatham County, NC

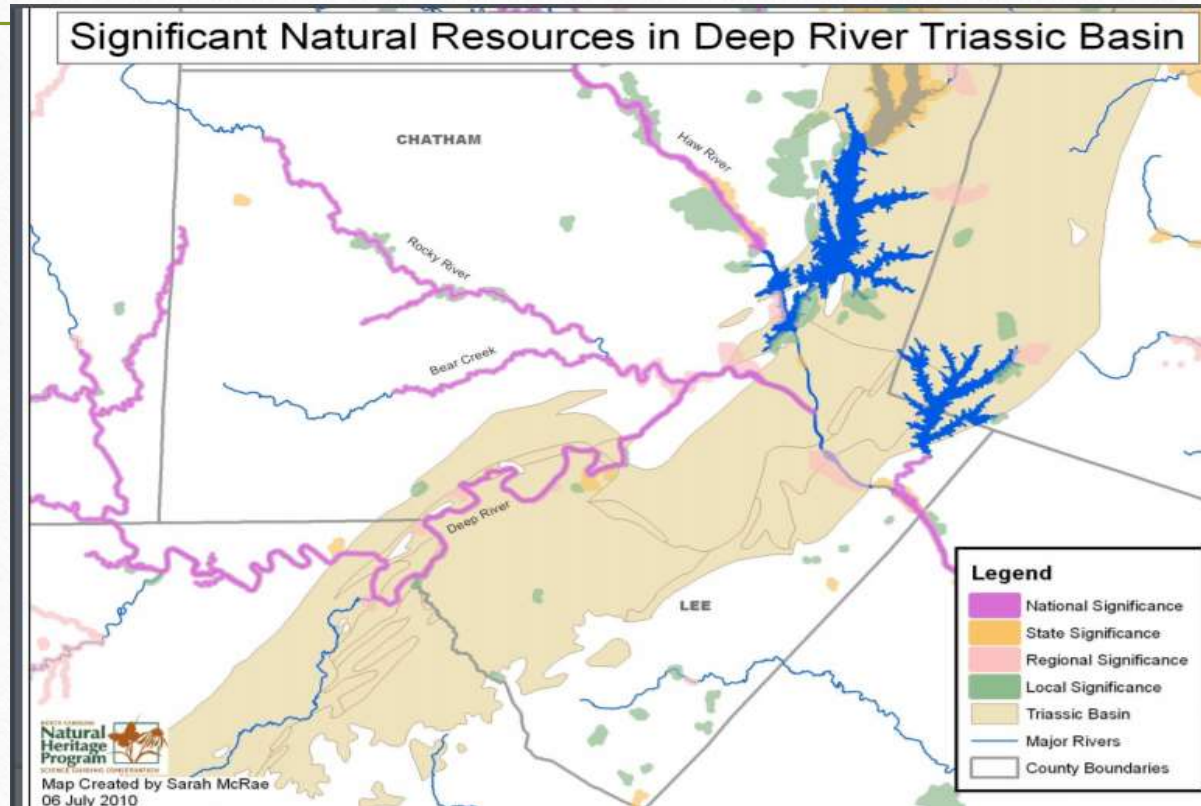


Chatham County, NC

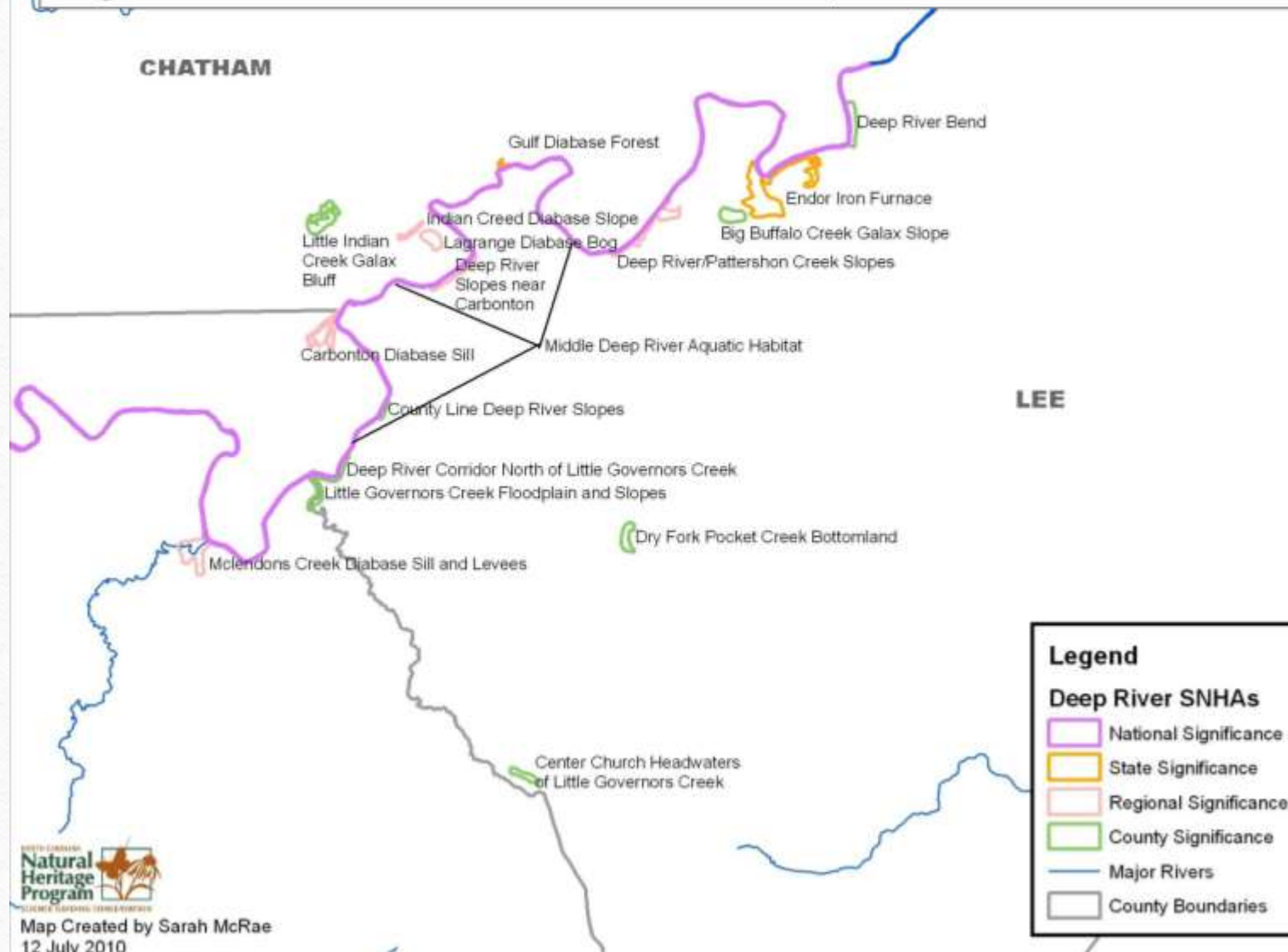
Biodiversity/Wildlife Habitat Resources



North Carolina State Heritage Program identified significant environmental resources in the Basin



Significant Natural Resources in Deep River Triassic Basin



A brief summary

- Fracking in Chatham County is unlikely but possible in a very small area of the County – probably less than 1,000 acres – acres are spread over a number of non-contiguous areas so fracking feasibility is extremely low based on shale depth and surface ownership and conditions. A more detailed spatial analysis could be completed with the available geologic data, available Lidar data, updated land use, and exclusion zones such as the power station buffer.
- The Cumnock deepens while maintaining formation thickness clearly making Lee County more attractive for development. Due to the infrastructure requirements of the fracking process it would be conceivable that small portions of Chatham County could be developed from infrastructure developed in Lee County.

Recommendations

- Formation of a multi-county working group focusing on larger geographic issues of unconventional shale development.
- Develop voluntary guidelines for shale gas development in the County similar to those developed by the working group in the Marcellus region.
- Modify land use regulations to include a conditional use permitting process that is consistent with state laws targeting protection of water quality.

For more reading – I would suggest the following references

- Physicians for Social Responsibility. Compendium of Scientific, Medical, and Media Findings Demonstrating Risks and Harms of Fracking Unconventional Gas and Oil Extraction. November 2016.
- United States Environmental Protection Agency. Hydraulic Fracturing for Oil and Gas: Impacts from the Hydraulic Fracturing Water Cycle on Drinking Water Resources in the United States. December 2016.
- Any readings on shallow fracking.
- Chatham County Geologic Map – May 2017.

A special thanks

- Walt Haven and the NC Geologic Survey for providing up to date geologic mapping and data as well as personal observations.

Summary and questions

- Final comprehensive report with responses to questions /comments will be prepared
 - Outline
 - Summary of potentials and issues associated with fracking in Chatham County
 - Responses to all questions with relevant citations
 - Appendices – environmental issues, infrastructure issues, health and safety issues, ecological issues, and community issues
- Additional questions can be submitted through June 16 to by email address – jason.sullivan@chathamnc.org .
- Questions



Chatham County, NC

Text File

File Number: 17-2255

Agenda Date: 7/17/2017

Version: 1

Status: Board Priorities

In Control: Planning

File Type: Agenda Item

Agenda Number:

Vote on a request to approve Sears Design Group, P. A. on behalf of Fitch Creations, Inc. for subdivision Sketch Plan Revision of Fearington - Section X, Areas "D" - "M", consisting of 126 remaining lots on 123 acres, located off US 15-501 N, Weathersfield/SR-1807, Millcroft/ SR-1817, and E. Camden/SR-1813, Williams Township, parcel #18998.

Action Requested:

Request by Sears Design Group, P. A. on behalf of Fitch Creations, Inc. for subdivision Sketch Plan Revision of Fearington - Section X, Areas "D" - "M", consisting of 126 remaining lots on 123 acres, located off US 15-501 N, Weathersfield/SR-1807, Millcroft/ SR-1817, and E. Camden/SR-1813, Williams Township, parcel #18998.

Introduction & Background:

Zoning: R-1 with a Conditional Use Permit for a Planned Unit Development

Watershed District: WSIV-PA

Water Source: Public, Chatham County

Sewer: private WWTP

Floodable Area: None in Section X

Fearington Village was approved in 1976 as a Planned Unit Development with a master plan allowing mixed uses such as a Village Center for commercial uses, 1333 dwellings units (including detached single family homes and attached townhomes), open space and utilities. The master plan has been modified over the years to meet market demands, plus additional land was added to the PUD in 1981 and 1991. In 1999 Galloway Ridge, a continuing care community, was approved. Fearington Village now includes approximately 956 acres and 1602 dwelling units (including the Galloway Ridge units). Two sections of Fearington, Fearington Woods, approved in 1989, and Whitaker Ridge, approved in 2003, are not part of the PUD. There are 126 lots remaining to be final platted of the 1602 originally allowed.

The 1999 approved revision request included four conditions of approval. See attachment # 3. The conditions have been addressed as follows per the 2012 revised sketch design approval:

1. The building height will not to exceed 57 feet.
2. Access for county water has been/will be provided in an easement to the adjoining property owners of Lingerfeldt, Riggsbee, and Barber.

3. Public road access has been provided to Barber lands (Henderson Place Subdivision)
4. Private road access has been granted to Riggsbee. It is for emergency access only and not for public or private street connection that would allow traffic from development of those properties to Fearington Village streets. Private road access as stated was provided to the Riggsbee property during approval of Phase 1 of Galloway Ridge. Utility and private road access will be provided to the Lingerfeldt property as shown on the 2012, and 2017 revised sketch plans.

In 2012 the Board of County Commissioners granted approval of a sketch design revision which is shown on Attachment # 6, Sheet No. SD1. The application in 2012 stated there were 226 lots remaining of the overall 1602 lots that would be platted in Section X. It has since been determined by Sears Design Group, that the remaining lot count of 226, as stated in the 2012 Revision Application Booklet, was incorrect and that there were actually 200 remaining lots at that time. In 2013 and 2015, Section A, Burke Place, consisting of 12 single family lots; Section B, Millcreek consisting of 29 single family lots; and Section K, Rutherford Place consisting of 12 townhome lots have received final plat approval. To date there are 147 lots remaining to be final platted. Of the remaining 147 lots, 21 lots in Area C - Richmond, received preliminary plat approval on May 15, 2017. The request revision for Areas "D " - "M" consist of 126 lots. The chart shown on Sheet SD2, attachment # 7, gives a breakdown on lots in Areas A - M.

Fearington Village is reviewed under the pre-2008 Subdivision Regulations and the 1994 Watershed Protection Ordinance based on previous approvals and on requirements of continued development of the overall project.

Discussion & Analysis:

The request before the Board is to revise the lot and road layout to accommodate changing market conditions and different dwelling types in Section X than were previously proposed. See attachment # 6, sheet SD1, for the existing approved lot and road layout and Attachment # 7, sheet SD2, for the proposed modifications. Fearington Village has evolved over time, and the developer has requested revisions to the master plan as market conditions have changed. See attachment # 2, Request for Sketch Plan Revision, dated May 12, 2017. No additional lots are being added with this revision request.

Water: public, Chatham County water is available and will be utilized.

Sewer: Section X is served by the private Fearington WWTP. Alan Keith, P. E., Diehl & Phillips, P. A, has certified in a letter dated 5/23/17 that "The Fearington WWTP currently has existing constructed capacity to serve some future areas in Section X, in addition to the currently constructed Area A, Area B, and Area K.....The existing collection system has capacity to serve the entire Section X project.....Fitch Creations, Inc. currently has Authorization to Construct an expansion to the wastewater treatment plant from the North Carolina Department of Environmental Quality. Fitch Creations will expand the Fearington WWTP as needed to provide adequate treatment capacity for Fearington until buildout, and as required to comply with NC DEQ rules." See attachment #4 to view the certification letter.

Stream Buffers: Fearington Village is subject to the 1994 Watershed Protection Ordinance. In 2010, the developer hired a private consultant, S & EC to conduct an on-site stream determination. The features were confirmed by the Corps of Engineers and by Chatham County in 2010. Ephemeral features and wetlands were not required

to be buffered under the 1994 Watershed Ordinance. The developer, however, volunteered to provide a 25 foot wide undisturbed buffer around all wetlands and has stated in the 2017 revision application that buffers will be provided around well-defined ephemeral features. (A 30 foot wide volunteer buffer was placed along an ephemeral feature in Area C) Section X contains stream features and wetlands and all features are located within common area.

Stormwater: Fearington Village is exempt from the Chatham County Stormwater Ordinance based on the existing approved valid sketch design plan. The project is not exempt from the Jordan Lake Buffer requirements which include diffuse flow requirements under 15A NCAC 02B.0267. The project is subject to the Chatham County Soil Erosion and Sedimentation Control Ordinance.

Roadways: Access roads are proposed to be public, state maintained roads with some private alleys. Dan Sears has met with Chief Page with the North Chatham Fire Department to discuss emergency vehicle access. Based on that discussion, Mr. Sears has provided information shown as attachment #5 along with a typical road cross-section. The travel ways are proposed to be 20' to 22' wide, unobstructed, with no on street parking; and vertical clearance will be maintained to a 14 foot overhead clearance. Some off-street, overflow parking will be provided, per Mr. Sears. Cul-de-sac turning radii will meet the required 40' pavement and 55' right-of-way. A road plan approval from NCDOT for public roads will be submitted with the preliminary plat submittals. Mr. Sears has stated that Fitch Creations will continue working with North Chatham Fire Department to insure proper emergency vehicle access.

TRC: The Technical Review Committee met on 5/17/17 to review the project. Chief John Strowd, North Chatham Fire Department, was present along with Larry Bridges, Utilities Director; and other departments including Environmental Quality, Emergency Management, Planning, Central Permitting, etc. Staff discussed emergency vehicle access; on street parking, water availability and road names.

The Planning Board met on June 6, 2017 to review the request. Alan Keith, P. E., Dan Sears, Sears Design Group, and Van Finch, surveyor were present to answer questions. Questions from the Planning Board included: whether the pasture area would remain; water quality concerns regarding livestock on site and access to water features; buffers proposed on streams and wetlands; is The Knolls part of Fearington village; expansion to WWTP; property is within JLBA.

Mr. Sears and Mr. Keith addressed the questions stating that the pasture areas as labeled on the revised sketch plan would remain; that when the new street, West Camden, was constructed, there would be fencing outside the state road right-of-way creating fenced pasture areas with gates to allow the farmers to move the cattle from one pasture to another; that the existing wetland shown within the pasture was a constructed wetland for watering the livestock; that riparian buffers were established based on the 1994 Watershed Ordinance plus the developer had provided additional voluntary buffers around wetlands and along ephemeral features; that buffer widths ranged from 25 feet around wetlands; 30 feet along ephemeral features, and 50 feet along intermittent and perennial features, except 100 feet along Bush Creek; that The Knolls is part of Fearington Village; that there is a 50 foot riparian buffer along Bush Creek on The Knolls side and a 100 foot riparian buffer (50 feet voluntary) along Bush Creek in Section X, that the WWTP currently does not operate at its current capacity; that Fitch Creations has a permit to expand the WWTP to 500,000 gpd in the future if needed; and that the revised plan has less attached housing and more single family

homes.

Recommendation:

The Planning Board (by unanimous vote - 9 members present) and the Planning Department recommend granting approval of the request for Sketch Plan Revision of Fearrington - Section X, Areas "D" - "M" as submitted.