Chatham County, NC

Meeting Minutes

Board of Commissioners

Tuesday, January 17, 2023	3:00 PM	Agriculture and Conference Center

Work Session - 3:00 PM - Agriculture and Conference Center

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

RECOGNITION OF RETIREES

Chair Howard invited Ronald Dowdy to the podium and read a statement into the record:

Ronald Dowdy began work with Chatham County in April 2010 as a water treatment plant operator. Ronald is one of those employees who makes a tremendous impact on the public without them ever knowing it. His commitment to the water treatment plant running at its optimum level means that Chatham County water is top quality. The water treatment plant is a 24/7 operation and Ronald has gone above and beyond to cover staff shortages and be ready to cover in times of natural disaster to make sure the plant continued to run. We wish him all the best in his retirement.

The Board thanked Mr. Dowdy for his service.

Mr. Dowdy stated that he has enjoyed his time at the County and appreciates the opportunity to work here.

PUBLIC INPUT SESSION

No one signed up to speak.

BOARD PRIORITIES

22-4647 Receive annual audit report

Attachments: Chatham County - 2022 Presentation Template

Finance Officer Roy Lynch introduced Kari Dunlap, an auditor with Martin Starnes and Associates. Ms. Dunlap gave a presentation to the Board. (Presentation attached)

This Agenda Item was received and filed.

22-4651 Receive Update from the Durham, Chapel Hill, Carrboro Metropolitan Planning Organization

Attachments: DCHC MPO 2021-22 Annual Report Presentation -Chatham County

Doug Plachcinski with DCHC MPO gave a presentation to the Board. (Presentation attached)

Mr. Plachcinski said they collect about $1 per capita of the planning area in membership dues.

Chair Howard was excited about the transition with the Triangle J Council of Governments (TJCOG). She asked Mr. Plachcinski to talk about what Chatham's growing population in the planning area could look like. There is a little disconnect with the community because Chatham's area is such a small portion of the county and the MPO overall. Mr. Plachicinski said the towns and cities adjacent to Chatham are growing into Chatham County. For the whole triangle, they expect growth of 800,000 jobs. They are concerned about sprawl, and it is inefficient to provide services in sprawling areas and the focus is on connected urban areas. They are happy to see denser development along already-developed corridors. As Cary spreads over into Chatham, participation in the Capital Area MPO will be an option for Chatham. Intuitively the area east of Jordan Lake will likely fall under the Capital Area MPO.

Vice Chair Dasher asked if it would make a difference from a planning standpoint to have 15-501 from Pittsboro to Chapel Hill all in one planning area. Mr. Plachcinski said they should take a look at the regional area planning organization portion of Chatham. Chair Howard said for a county without a lot of urban centers Chatham may potentially be in part of three planning organizations, DCHC MPO, TARPO, and CAMPO. Mr. Plachcinski said he had worked with MPOs that have split areas and they are good models.

Commissioner Delaney asked what a corridor study on 15-501 would look like. Mr. Plachcinski said their emphasis on the Hwy 70 corridor is not just focused on vehicle traffic but modes of transportation. He would suggest starting to look at land use planning on the Hwy 15-501 corridor and determining what some realistic public transportation models would be.

Mr. Plachcinski said the megasites will impact and inform future plans.

Commissioner Kenlan asked for clarification on what nonmotorized enhancements were. Mr. Plachcinski said separate trails, sidewalks, and better crossings. Crossings are key because it is easy to provide trails/sidewalks parallel to a roadway but crossing from one side of a road to another is much more difficult

This Agenda Item was received and filed.

22-4638 Receive Great Trails State Coalition (GTSC) and the 2023 Year of the Trail presentation

Attachments: Great State Trails Coalition & Year of the Trail 2023 Presentation

Gretchen Smith gave a presentation to the Board. (Presentation attached)

Legislative Goals:
Establish a Great Trails State Fund for all types of trails, not just State Trails
Establish recurring funding for State Trail nonprofits
Co-Sponsor a bill to designate the Haw River Trail as a state trail

Parks and Recreation Director Tracy Burnette continued the presentation.

They will partner with the Pittsboro-Siler City Convention and Visitors Bureau (CVB) which will publish 12 blog posts throughout the year.

Ms. Burnette introduced the new trail coordinator Ben Rippe who started his position today. Mr. Rippe is excited to work in Chatham and looks forward to working with the Commissioners.

Commissioner Gomez Flores asked if there is a document that shows all the trails in Chatham County. Ms. Burnette said they have a trail map and the CVB will highlight seven different trails throughout the year.

Chair Howard asked how the elected officials get involved with the cities and counties group. Ms. Smith said invitations went out to all the commissioners and county staff. If an official joins at the committee steering level, they would be part of that group. When she gets a notification about an upcoming working group meeting, she will make sure to get the commissioners that information. She believes they will hold the meetings quarterly. There is a meeting on January 26th.

Chair Howard thanked them both for their presentation.

This Agenda Item was received and filed.

22-4630 Receive FY2023 Second Quarter Budget Update

Attachments: FY23 2nd Quarter Budget Update

Budget Director Darrell Butts gave a presentation to the Board. (Presentation attached)

Mr. Butts explained that leases now must be separated out and they have always been captured in the operating fund. That will look odd for a couple of years.

Mr. Butts explained that the current 57% for ad valorem tax would be closer to 80% at his third-quarter budget update in a couple of months.

Mr. Butts said the three-year average shows the County's collection rate stays strong.

Mr. Butts explained why environmental health revenue is down 30% from last year. There is a decrease in septic permits because of how much development is happening in the municipalities and not the unincorporated areas.

This Agenda Item was received and filed.

22-4646 Receive Quarterly Update on American Rescue Plan Act Funds.

Attachments: ARPA Quarterly Update - January 17th, 2023

Budget Analyst Will Curvin gave a presentation to the Board. (Presentation attached)

Vice Chair Dasher asked if the hydrant repair project cost was still unknown since the last update. Mr. Curvin said it was. The really critical replacements could be about $1 million.

Chair Howard asked if the staff were developing a process for nonprofits to get

access. Mr. Curvin said yes, it will kick off on February 1st. Vice Chair Dasher asked if the pool of funds would be available all at once. Mr. Curvin said staff will need to see what is submitted.

Commissioner Delaney asked if with a project like the Siler City extension in the CIP, the County would have to spend and then have the funds applied as reimbursements. Mr. Curvin said that would be a revenue replacement project.

Mr. LaMontagne said they are planning to match to avoid uniform guidance. They haven't set a real clock on that but staff are treating it as if they have.

This Agenda Item was received and filed.

RECESS

End of Work Session

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

INVOCATION and PLEDGE OF ALLEGIANCE

The Chair asked everyone to pause for a moment of silence after which they asked everyone to stand for the Pledge of Allegiance.

CALL TO ORDER

The Chair called the meeting to order at 6:02 pm.

APPROVAL OF AGENDA and CONSENT AGENDA

The Chair requested to add the Council on Aging's contract addendum with Triangle J Council of Governments to the consent agenda.

Planning Board appointments and Commissioner Gomez Flores's Affordable Housing Advisory Committee appointment were added to the end of the agenda after the public hearings.

A motion was made by Vice Chair Dasher, seconded by Commissioner Gomez Flores, that the agenda and consent agenda be approved as amended. The motion carried by the following vote:

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

22-4537 Vote on a legislative request by Drafting and Design Services, Inc. on behalf of Because of His Grace, LLC to approve for a rezoning from R-1 Residential to GU-NB General Use Neighborhood Business on Parcels 77640, 80540, 94921, and 5588 being a total of 9.71 acres, located at 4295 Old US 1, Cape Fear Township.

Attachments: More information from the Planning department website

A motion was made by Vice Chair Dasher, seconded by Commissioner Gomez

Flores, that this Resolution #23-01 approving a consistency statement and statement of reasonableness for the Approval of Because of His Grace, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

A motion was made by Vice Chair Dasher, seconded by Commissioner Gomez Flores, that this Ordinance, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

22-4538 Vote on a legislative request by Russ Anderson to approve for a rezoning from R-1 Residential to General Use Light Industrial (IL) on Parcel 5518 being 15 acres, located at 5749 Old US 1, Cape Fear Township.

Attachments: More information from the Planning department website

A motion was made by Vice Chair Dasher, seconded by Commissioner Gomez Flores, that this Resolution #23-02 approving a consistency statement and statement of reasonableness for the approval of Russ Anderson, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

A motion was made by Vice Chair Dasher, seconded by Commissioner Gomez Flores, that this Ordinance, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

22-4539 Vote on a legislative request by Withers Ravenel on behalf of Joette and Manley Midgett for ST Wooten to approve a rezoning from R-1 Residential to CD-IH Conditional District Heavy Industrial for a concrete batch mixing plant and other proposed uses as indicated on Parcel 68321 being 21.26 acres, located off Pea Ridge Rd., Cape Fear Township.

Attachments: More information from the Planning department website

A motion was made by Vice Chair Dasher, seconded by Commissioner Gomez Flores, that this Resolution #23-03 approving a consistency statement and statement of reasonableness for the approval of ST Wooten, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

A motion was made by Vice Chair Dasher, seconded by Commissioner Gomez Flores, that this Ordinance, attached hereto and by reference made a part

hereof, be adopted. The motion carried by the following vote:

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

22-4607 Vote on a request to accept $35,463 TDE Perinatal Care Coordination grant funds from UNC Chapel Hill

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

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

22-4610 Vote on a request to approve $1,165.00 additional Title X funds to the NC Statewide Family Planning Program FY 22-23.

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

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

22-4631 Vote on a request to approve Fiscal Year 2022-2023 Budget Amendments

Attachments: Budget Amendment 2022-2023 Jan22

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

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

22-4635 Vote on a request by Mark Ashness, P.E. on behalf of Pea Ridge Developers, LLC to approve subdivision First Plat review and approval of Firefly Overlook, consisting of 30 lots on 75.2 acres, located at the corner of Seaforth Road (SR-1941) and N. Pea Ridge (SR-1700), parcels 18070 and 17531.

Attachments: More information from the Planning department website

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

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

22-4639 Vote on a request to appoint Tammy Kirkman, Jessica Norton and Nicholas Keifer as Deputy Finance Officers for the purpose of signing inmate trust account checks

A motion was made by Vice Chair Dasher, seconded by Commissioner Gomez Flores, that this Appointment be approved. The motion carried by the following

vote:

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

22-4640 Vote to approve Tax Releases and Refunds

Attachments: December 2022 Release and Refund Report

December 2022 NCVTS Pending Refund Report

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

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

22-4641 Vote on request to approve a grant application by the Chatham County Sheriff's Office to the NC Governor's Crime Commission on Violence Against Women Act (VAWA) for federal funding and authorize the County Manager to have final approval before submission.

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

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

22-4644 Vote on a request by the Pittsboro Volunteer Fire Rescue Department to approve the purchase of emergency fire apparatus, post notice of a public hearing, appoint Chief Daryl Griffin, Pittsboro Volunteer Fire Rescue Department, to conduct the public hearing, and secure financing in a sum not to exceed $900,000.00 through tax exempt borrowing.

Attachments: Attachment A - HR4333 Tax Exempt Borrowing Requirements.pdf

Attachment B-Pittsboro VFD Tax Exempt Borrowing Request

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

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

22-4645 Vote on a request to approve North Chatham Volunteer Fire Department Firefighter Relief Fund Board of Trustees Appointment of John Strowd

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

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

22-4648 Vote on a request to accept the North Carolina Department of Commerce Building Reuse Grant Award for the Gaines Oil Building Reuse Project and approve the Grant Agreement and supporting document associated with the same

Attachments: Gaines Oil Bulding Reuse Agreement - 2023-031-3201-2587 Contract (002) - Jan 2023

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

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

22-4649 Vote on a request to approve an Encroachment Agreement with the Town of Pittsboro for the installation and maintenance upon the right of way of the public premises known as Courthouse Square located northwest of the Chatham County Courthouse in the Town of Pittsboro with the conversion of a portion of the existing sidewalk and parking area into a public bio-retention drainage system

Attachments: BMP Easement 7-24-2017 pg 209-212 (003)

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

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

22-4650 Vote on a request to approve a Resolution Supporting Compression Increases for Division of Juvenile Justice and Delinquency Prevention Detention and Youth Development Center Staff

Attachments: RES JCPC 01.17.2023

A motion was made by Vice Chair Dasher, seconded by Commissioner Gomez Flores, that this Resolution #23-04 supporting compression increases for Division of Juvenile Justice and Delinquency Prevention Detention and Youth Development Center Staff, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

22-4652 Vote on a request to approve ETJ appointments to the Town of Planning Board.

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

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

22-4653 Vote on a request to adopt a resolution proclaiming February as We Love Seniors Month in Chatham County

Attachments: We Love Seniors Month Proclamation - 2023

A motion was made by Vice Chair Dasher, seconded by Commissioner Gomez Flores, that this Resolution #23-05 proclaiming February 2023 as We Love Seniors Month, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

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

25-0356 Vote on a request to approve an addendum to the American Rescue Plan (ARP) Act Agreement for the Provision of County-Based Aging Services and authorize the county attorney to negotiate the agreement and authorize the county manager to execute the agreement.

Attachments: ARPA 2023 Amendment

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

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

End of Consent Agenda

PUBLIC INPUT SESSION

Anne Kachergis read the following written comments:

I'm Anne Kachergis and I live on Stone Wall Road, which is about a mile south of Briar Chapel. Last year an LLC purchased 3.8 acres on Stone Wall Road from a neighbor. This LLC plans to build four small A-frame houses on this land to rent as short-term rentals. The owners of the LLC don't intend to live on the property. Stone Wall is a small private road that connects with another small private road, Alley Oop, which connects with Parker Herndon Road at a blind curve. Our gravel road is so narrow in most places that two cars cannot pass each other. Our neighborhood was never a planned development, and it has grown incrementally over the years. As a result, we don't have a formal road maintenance agreement, nor do we have neighborhood covenants.

Stone Wall Road has been maintained by neighbors on a voluntary and neighborly basis. To date, I count 20 residences that use Stone Wall as their main egress. Virtually no one who uses Stone Wall Road wants a short-term rental development consisting of four houses on our road. No one wishes for extra traffic on the gravel road, extra maintenance of the road, or strangers walking the neighborhood lanes who have no tangible connection to our neighborhood. Collectively, we have children, horses, donkeys, cows, chickens, dogs, and ponds that we want to keep private and safe. Some of us are concerned that our property values will fall because of the presence of the short-term rentals, and our personal and property liability will rise.

There is a 1989 Consent Judgment pertaining to our road, filed in book 549 page 652

in the Chatham County courthouse, that prohibits the use of Stone Wall Road for non-residential or commercial purposes. My neighbors and I were of the opinion that this consent judgment could prevent short-term developments in our neighborhood from being developed because they are commercial ventures. Counter to our hopes and expectations, the short-term rental development has gotten the green light from Chatham County. The reason, I understand, is because Chatham County deems short-term rentals as residences, even if the owners do not reside there, and even if the property is owned and managed by a Limited Liability Corporation.

I urge you to enact regulations that will prevent this sort of thing from happening in other small neighborhoods across the county. Parenthetically, I doubt any of my neighbors would object to one of our residents opening a short-term rental on their property to earn extra income, as long as they maintained residence on the same property. I'm eager to hear your thoughts on this matter. Does this lack of regulation look like a loophole to you? Is there anything I can do to help change the county classification of short-term rental properties? I would be happy to report back to my neighborhood that this problem has the attention of our county commissioners.

PUBLIC HEARINGS

22-4632 A legislative public hearing requested by Hardip Dhillon on Parcels 5336, 5584, 84340, and 5577 to rezone from R-1 Residential and MH-NC to General Use Neighborhood Business (NB) totaling approximately 15.25 acres, located on Old US 1, Cape Fear Township.

Attachments: More information from the Planning department website

Zoning Administrator Angela Plummer gave a presentation reviewing the specifics of the request including the five findings required by the Chatham County Zoning Ordinance. (Presentation attached)

Attorney for the applicant Nick Robinson. He stated a new attorney at his firm, Tracy Ayock, would present this application to the Board.

Ms. Ayock clarified the applicant was only asking for the rezoning for the portion of the property north of US 1 and not the two residential portions across Old US 1. She reviewed the five findings required by the zoning ordinance.

The Chair opened the public hearing. No one signed up to speak.

Commissioner Delaney asked if septic was the anticipated choice for wastewater. It is not being served by a public system. Mr. Robinson said it will be whatever system they can get to function for the use that meets their need.

Commissioner Gomez Flores asked if there were mobile homes. Mr. Robinson said there were mobile homes but the handful of residents living there would be vacated by the time any development would happen. He confirmed there are only two mobile homes on the property.

The Chair closed the hearing.

This Agenda Item was referred to the Planning Board.

22-4633 A legislative public hearing requested by Hardip Dhillon on Parcels 5333, 5517, 5521, and 5520 to rezone from R-1 Residential and B-1

Business to General Use Neighborhood Business (NB) totaling approximately 16 acres, located on Old US 1, Cape Fear Township.

Attachments: More information from the Planning department website

Zoning Administrator Angela Plummer gave a presentation reviewing the specifics of the request including the five findings required by the Chatham County Zoning Ordinance. (Presentation attached)

The attorney for the applicant Tracy Ayock gave a presentation to the Board that reviewed the five findings required by the Chatham County Zoning Ordinance. (Presentation attached)

The Chair opened the hearing.

No one signed up to speak.

The Chair closed the hearing.

This Agenda Item was referred to the Planning Board.

22-4540 A legislative public hearing requested by The Leads Group, PA on behalf of Aaron Horton Toothbrush LLC to rezone Parcel 18493 from R-1 Residential to General Use Light Industrial being approximately 4.04 acres, located at 27 Mt View Church Rd., Oakland Township.

Attachments: More information from the Planning department website

Zoning Administrator Angela Plummer gave a presentation reviewing the specifics of the request including the five findings required by the Chatham County Zoning Ordinance. (Presentation attached)

Chad Huffine spoke on behalf of the applicant. He clarified onsite wastewater is proposed and they would connect to the County water system. He would like to be able to address any concerns raised by the neighbors.

The Chair opened the hearing.

Donald Paul Lyerly asked the commissioners to consider the input from the neighbors and he appreciated their time.

Johnny Shaw thanked the county commissioners and county managers for the excellent support given to the Council on Aging during the transition. He also gave additional comments about the rezoning. He was glad to see so many of his neighbors tonight because he dosen't see them enough. He and his neighbors have put a lot of time and effort into improving the Rocky River and it would be a shame to ruin that work.

Chair Howard asked why they chose that rezoning designation. The applicant stated they worked with Ms. Plummer to determine the best-allowed use for that property. He would be open to considering other zoning designations and addressing the neighbors' concerns.

The Chair closed the hearing.

This Agenda Item was referred to the Planning

22-4634

A quasi-judicial evidentiary public hearing for a Special Use Permit for Fitch Creations for a new Planned Residential Development on Parcel 95264, being 51.765 acres located off Big Hole Rd., for 43 lots, Williams Township.

Attachments: More information from the Planning department website

Chair Howard turned the item over to the County Attorney to explain quasi-judicial hearings and the difference between an evidentiary hearing like this one and a legislative hearing like the previous hearings. He stressed that their minds should not already be made up, and they should disclose if they have already made up their mind and be recused from the hearing and vote. He explained exparte communication and the obligation to disclose. He explained what happens between now and the vote and what to do if they are approached about the rezoning and input.

The Chair administered the oath to those wishing to speak.

Zoning Administrator Angela Plummer reviewed the specifics of the request in the attached presentation.

• Current zoning is R-I Residential, PRDs are allowed via an SUP application
• Located within the Conservation zone of the Comprehensive Land Use Plan
• Is adjacent to Fearrington Village where access to the section will be developed
• This is a land-locked property
• NRCS/USGS maps show blueline stream on northwestern corner of property
• FEMA map 3710977400J, dated 2/2/2007 shows no floodable areas on or near the parcel
• Watershed is WSIV-Protected Area, Jordan Lake Buffer area
• Parcel is 51.765 acres and proposes 43 residential lots
• A community meeting was held June 28, 2022, for the SUP and the subdivision processes
• The Chatham County Appearance Commission reviewed the perimeter landscaping October 25, 2022
• A 50-foot perimeter landscape buffer is proposed
• Access road, trail systems, and emergency access will connect to the existing Fearrington Village development
• Through the EIA review, wetland and additional water features were noted which require buffering as shown
• The subdivision submittal has been received and will be presented at the February Planning Board meeting following this public hearing
• A TIA was provided and stated NCDOT does not feel this additional use would impair existing roadways or traffic serving this area

FINDING NO 1- No error is being claimed in the ordinance.

FINDING NO 2- Request is either essential or desirable for the public convenience or welfare:
• Granville will set up its own sub-HOA association from the larger Fearrington Village HOA
• In keeping with the aesthetics of FY, signage will continue in design appearance, only three streetlights are
proposed at cul-de-sacs and intersection, and all other zoning requirements will be complied with Ill
• The FY HOA will provide membership and access for the recreational offerings within the larger FY PUD

• With FY nearing full build-out, more land opportunity is requested to continue to serve those looking to located in or near FY

FINDING NO 3- Request 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:
• Will give residents the opportunity to access existing FV amenities by walking and biking
• Will residents the opportunity to live in a rural setting designed in compliance with county requirements for stream corridor protection and additional preserved wildlife corridors
• Development will be with the same developer as FV, Fitch Creations
• The lots will utilize the existing, privately held sewer treatment facility and connect to county water
• Will provide needed housing for the northeastern portion of the county near to supporting non-residential uses

FNDING NO 4: Manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof:
• Chapter 2, pg 16- An increased higher income population along the US 15/501 corridor will continue to expand and support local retail, restaurants, and other businesses helping to reduce sales leakage outside the county
• Pg 18- Rural character is being preserved by an extensive perimeter landscaped wooded buffer and protected open space
• Pg 21-Land Use Suitability- the Comp Plan identifies this area as high residential and high to medium suitability for commercial and medium to high for conservation
• Chapter 3- by being a modest expansion of FV, it is not visible to the surrounding general public, a wooded buffer, open space with buffered streams, and the preservation of tree cover on proposed lots are keeping with the rural character and preservation of natural resources
• Chapter 4 Economic Development, ED Policy 4, pg 56: additional housing for the area will increase demand for existing restaurants and service-based businesses
• Compact growth near existing developments promotes Policy 3, pg 63 Land Use Goals and pg 66 helps to preserve rural character.

FINDING NO 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.
• County water
• Private sewer treatment facility
• Access is through the existing FV development
• Stormwater measures to be complied with the Chatham County Stormwater Ordinance
• Open space is being provided above the minimum required with 21.88% more
• Recreation with a wooded park and a gazebo will be with a walking trail network that will connect the two developments

The attorney for the applicant, T.C. Morphis with the Brough Law Firm, addressed the Board. Mr. Morphis identified the documents submitted with the application and formally entered those officially into the record. He said Ms. Plummer did an excellent job of doing a high-level overview. He brought many experts who could answer questions. He provided their resumes, formally submitted them into the record, and asked them to be admitted as experts for the hearing. He said Dan Sears would be speaking on behalf of Fitch Creations. Fitch Creations has been the builder since the 1970s, and it is extraordinary that the same original builder and land planner are still working on this project. Mr. Morphis asked the applicant to be allowed to respond to

any public comment received and also reserved the right to cross-examine if necessary.

Mr. Morphis reviewed the experts and their qualifications as experts:

The land planning team consists of members of the Sears Design Group, specifically Dan Sears and Robert Harrison. Both are licensed landscape architects in North Carolina. They have extensive experience with land planning for residential subdivisions. They also have significant experience with regulatory compliance, specifically with zoning ordinances, unified development ordinances, and comprehensive planning. He asked that they be tenured and accepted as experts in both land planning and regulatory compliance.

The third expert is Alan R. Keith, PE, with Dillon Phillips, an engineering firm out of Raleigh. He is the civil engineer on this project. He has over 40 years of experience as a consulting engineer, and he is working on infrastructure design. He asked he be tenured and accepted as an expert in civil engineering.

The next two experts are Steven Ball and Mason Montgomery, who are both soil and environmental consultants PA. They have prepared the environmental impact assessment. They both have experience in forestry and also in environmental regulatory compliance, specifically, but not limited to, wetlands and stream delineation. He asked that they be tenured and accepted as experts in those areas.

The final expert is Caroline Cheeves, PA , who performed the traffic impact analysis. She is a professional engineer, a traffic engineer. She has six years of experience with these types of projects. He asked her to be tenured and accepted as an expert in traffic engineering.

The Board approved the speakers as experts for the purpose of the hearing.

Mr. Sears addressed the Board and gave an overview of what has happened in this area over the past 45 years. Fearrington Village was started in 1974. The Village was designed around the old farm buildings and farmhouses. It has shops, homes, recreation, and restaurants. When the Village is built out, there will still be 150 acres of open space. Surrounding the Village, there are 18 single-family subdivisions. There are two semi-detached communities. There are three neo-traditional neighborhoods. There is one retirement community that has a single-family element and a multi-family element called Galloway Ridge. In the future, there are three more single-family subdivisions as part of what's approved. The applicant hopes the Granville development will also be a part of the project.

Ms. Sears said Granville will be served by the Fearrington Homeowners Association and Sub-Association. The stormwater will be handled by the sub-association for the ponds that will be constructed. Granville is located on the southern portion of the property line and is 52 acres. Lots will average three-quarters of an acre. That is the size of property that is in demand in Fearrington. Their approach to the design was to test all three types of subdivisions allowed. They chose the option with more open space. There will be passive and active recreation spaces.

Chair Howard asked if he could show where the proposed development was on the site plan. Mr. Sears pulled up the Fearrington Village site plan and reviewed where this proposed development would be located.

The Chair invited the Clerk to call on those who signed up to speak.

Rose Krasnow submitted her comments in writing but first thanked the commissioners, especially the new commissioners, for their service.

I am Rose Krasnow, President of the Fearrington Homeowners Association, and I am testifying tonight on behalf of our Board. First, let me begin by saying that the Board is not opposed to the addition of these 43 units. As I'm sure you know, Fearrington Village is a very unique community. The builder has worked hard to preserve as many trees as possible, to build a variety of different housing types, to create a number of public spaces and walking trails, and to carry on some of the agricultural uses that characterized the property in the 200 years prior to its purchase by Fitch Creations. We are protected from the tremendous amount of development going on all around us by having only two entrances into the community off 15-501, and the private sewer system, which is also owned by the Fitch's, not only has enough capacity for these 43 new homes but also is currently being upgraded so that it can meet today's new environmental standards. This application makes it clear that Granville has been planned to blend in well with the Village and to provide additional open space and walking paths.

Nevertheless, the community does have some concerns, which I would like to bring to your attention. Construction in Fearrington Village first began in 1976, and while very unusual, the same developer is still in place. The PUD, which I believe was the first to be approved in Chatham County, has already been amended several times. The current PUD approval calls for 1602 homes, not all of which have been built. What is interesting is that some neighborhoods that are a part of Fearrington were approved over and above the original 1602 units. This is true of an older neighborhood called the Woods; it is true of the Henderson Place neighborhood, and it will be true of Granville as well. So residents do not know just how big Fearrington Village might become. This creates a few problems. For example, we always seem to have construction going on, with its attendant noise and heavy-duty truck traffic. With respect to Granville, we have asked Fitch Creations to build a gravel construction road through the pasture on the south side of Weathersfield, so that much of this truck traffic will not bother residents in existing homes on East Camden, Rutherford Close and Millcroft or destroy the existing roads. The PUD approval actually shows that a road will be built from West Camden across the pasture to Millcroft, and while the Fitches weren't planning on building it now, we think a construction road in this area would make sense.

We are also concerned that the Granville plan calls for seven wet ponds. As a retired urban planner, I am well aware that stormwater runoff must be controlled, and that the runoff after construction is complete is supposed to be no greater than what it was before construction began. This is important, because the runoff from this new area will go to Bush Creek which runs throughout the Village, and we don't want existing residents to suddenly find they have standing water or flooding issues. I am also aware that today's best stormwater practices call for several smaller facilities versus one large one. Nevertheless, seven seems extreme. The application makes it clear that the Granville HOA will be responsible for the maintenance of these facilities, but to make 43 homes responsible for 7 wet ponds seems like a heavy burden indeed. What is the expected depth of these ponds? Will they be fenced? If not, won't they pose a hazard to children? Will they attract mosquitoes and become filled with trash? It seems that an underground detention system would be greatly preferable, even if somewhat more expensive. Or could they be dry ponds, rather than wet ponds? I have seen many dry ponds that are very aesthetically pleasing.

We also have concerns about the effect of this new development on the existing infrastructure and amenities in the Village. Our Clubhouse, known as the Gathering Place, was built in 1990 when the community only had 550 homes. It is not large

enough to hold many events, such as our annual meeting. The pool, tennis courts, and playground are also not big enough for our current population. We have been talking to the Fitch's about these issues because we must now compete with many new developments that have brand new and much larger amenities. Because our dues can only go up by 5% without a vote of the membership, the Board is worried that we won't be able to keep the community up to the standards we all expect. The Fitch's have indicated that they will work with us to see if we can agree on some ways they can help. Some ideas that have been discussed would be to pay a certain amount to the FHA for each unit sold, since they will be able to use all our amenities, or to give us some additional land so that we might be able to expand our amenities ourselves. We think any approval should take this into account and impose appropriate conditions to make sure that the Association can meet its obligations to its residents.

One last item is, of course, traffic on 15-501. We know this is a state matter. We know that 43 new homes will not generate a lot of trips. Nevertheless, it has gotten increasingly dangerous to get in and out of our community and to drive on 15-501, where traffic is clearly going to increase tremendously. While we would love to see a traffic light at Weathersfield and 15-501, we know that is unlikely to happen. However, a traffic light at Mt. Gilead and 15-501 is soon going to be a necessity, and we hope that you, as our elected representatives, will advocate for that on behalf of Fearrington Village and every other residential community that is or soon will be traveling that road.

Thank you very much for your time. As I said at the outset, we know the Village is a very unique community, and we are testifying tonight to make sure that we can keep it that way.

Commissioner Kenlan asked if staff could pull up the Appearance Commission report on page three. Chatham County Planning Director Jason Sullivan pulled it up on the screen from the application materials. Commissioner Kenlan thanked the applicant for the application. She also thanked the Appearance Commission for their work of suggesting native plants with the landscaping and site design.

Commissioner Delaney asked if someone could speak to the financial burdens on the HOA and the feasibility of having a sub-HOA pick up that burden. Mr. Morphis said he did not believe that the internal workings of the FHA are necessarily factors that the Board of Commissioners is allowed to consider. He asked Mr. Fitch to answer the questions about the seven wet ponds being cared for by 43 residents. Mr. Fitch said they do not think it will ultimately be a burden to the residents there.

Commissioner Delaney asked what standards are factored into this for use. Alan Keith responded. The reason they chose the wet ponds was to comply with the County ordinance. The reason for seven wet ponds was to try to preserve the three streams on the property. They are trying to keep overall drainage areas to the pond at a minimum.

The Chair closed the hearing.

This Agenda Item was referred to the Planning Board.

25-0355 Vote to approve the appointment of Kent Jones to the District 5 seat on the Affordable Housing Advisory Committee

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

by the following vote:

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

22-4603 Vote on a request to approve appointments to the Planning Board

A motion was made by Commissioner Kenlan, seconded by Commissioner Gomez Flores, to reappoint George Lucier to the Planning Board for the At Large seat. The motion carried by the following vote:

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

A motion was made by Chair Howard, seconded by Commissioner Gomez Flores, to appoint Mary ROODcowsky to the Planning Board to represent District 1. The motion carried by the following vote:

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

Commissioner Dasher will postpone his appointment until he can talk more with potential applicants.

Commissioner Delaney will postpone his appointments until February 20th in order to make as many diverse appointments as possible.

Commissioner Kenlan postponed her second appointment to the February 20th meeting.

A motion was made by Commissioner Kenlan, seconded by Vice Chair Dasher, to appoint Tony Maher to the Planning Board to represent District 4. The motion carried by the following vote:

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

A motion was made by Commissioner Gomez Flores, seconded by Commissioner Kenlan, to reappoint Eric Andrews and appoint Norma Hernandez to represent District 5 on the Planning Board. The motion carried by the following vote:

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

CLERK'S REPORT

The Clerk had nothing to report.

MANAGER'S REPORT

County Manager LaMontagne said all three managers will be at the City and County Managers conference from February 1st to the 3rd.

He is working with the Clerk to line up the legislative breakfast, and they hope it can be in February.

The Eastern Senior Center renovation is complete, and there will be an open house tomorrow afternoon.

COMMISSIONERS' REPORTS

Commissioner Delaney met with the Board of Elections chair and director last week.

Commissioner Gomez Flores said last week JCPC posted the RFPs. He is on the monitoring subcommittee, which gauges the performance of the recipients of the funding. He also has a series of meetings coming up over the next couple of weeks. The Innovate Chatham meeting is this Thursday to talk about issues around broadband.

Commissioner Kenlan will be attending the School of Government Essentials training this week and appreciates the opportunity.

Chair Howard said that at the end of the budget retreat, she failed to thank staff for all of the work that went into the retreat. She also thanked the staff for the ease of access to all of them. The Board is very lucky to have a team like this supporting them.

ADJOURNMENT

A motion was made by Vice Chair Mike Dasher, seconded by Commissioner David Delaney, that the meeting be adjourned. The motion carried by the following vote:

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