



# Chatham County, NC

## Meeting Minutes Board of Commissioners

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Monday, February 2, 2015

9:30 AM

New Chatham County Detention Center

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627 Renaissance Drive, Pittsboro, NC 27312  
Training Room

### Regular Session - 9:30 AM - New Chatham County Detention Center

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

#### **INVOCATION and PLEDGE OF ALLEGIANCE**

*Commissioner Cross delivered the invocation.*

#### **CALL TO ORDER**

*Chairman Crawford welcomed those in attendance and called the meeting to order at 9:30 AM.*

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

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

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

#### **[15-1124](#)**

Vote on a request to approve corrections to Financial and Budgetary Policies.

**Attachments:** [AppendixA--FinancialandBudgetaryPolicies\(withChangesMarked\)](#)

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

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

#### **[15-1127](#)**

Vote on a request to approve the 2014 Tax Lien Advertisement.

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

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

[15-1129](#)

Vote on a request from citizens for the re-naming of a private road in Chatham County

**Attachments:** [E & W ANTEBELLUM DRIVE PETITION](#)  
[E & W ANTEBELLUM DRIVE](#)

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

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

[15-1130](#)

Vote on a request to approve two appointments to the Appearance Commission

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

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

[15-1134](#)

Vote on a request to approve an Easement between the County and Duke Energy for the new Agriculture Civic Center located at 1192 Hwy 64.

**Attachments:** [Chatham-SteveJudge-CountyofChatham-1192Hwy64 Ag Building Agri-Civic Easement Attachment 1](#)

**A motion was made by Vice Chair Cross, seconded by Commissioner Petty, 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 Cross, Commissioner Hales, Commissioner Howard and Commissioner Petty

[15-1144](#)

Vote on a request to approve the rejection of an offer from Kevin Milikan to purchase foreclosed property located at 1715 Wren Smith Road, Siler City, NC.

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

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

### **End of Consent Agenda**

### **PUBLIC INPUT SESSION**

*Jeffrey Starkewether, 590 Old Goldston Road, provided the following comments:*

*As a former seven-year board member of the Chatham County Economic Development Corporation, I am deeply troubled by the EDC's release of an idealized economic assessment of Chatham Park. I am particularly troubled that the county's official economic development organization has allowed itself to publish a one-sided public relations aid for an outside developer who has refused to allow essential independent professional assessments of the environmental, fiscal, traffic and socio-economic impacts of their massive development. Meanwhile local citizens raising legitimate concerns about the development's master plan can't help but feel the EDC has abandoned the concerns and interests of Chatham County residents.*

*I want to briefly address some of the limitations and questions about this report, raise what I consider the troubling actions of the EDC in commissioning and issuing this report and make a couple of suggestions about how the county should address this.*

*The IMPLAN tool used in the EDC assessment is a static mathematical model not appropriate for evaluating the massive multi-use Chatham Park proposal that will take 30-40 years to be fully developed. According to UNC School of Government Professor Jonathan Morgan, this model assumes all economic factors remain constant, which is unrealistic for the long term. This type of assessment is primarily useful for looking at the impact of a proposed large employer whose labor force will reach its peak in a few years.*

*The model is based on a best-case scenario development build-out. The EDC study author admits this in his general limiting conditions comments. To properly use this tool under this risky development environment, several alternative scenarios should have been assessed. The study does not reveal the assumptions, data and parameters provided by the representatives of Chatham Park Investors that serve as the inputs for this input-output model. Without them, how can anyone assess its accuracy or validity?*

*Clearly the inputs came from a biased source – the developers seeking a positive assessment. Moreover, it is impossible to judge the accuracy or validity of the inputs without the developers also providing a market/economic feasibility study that demonstrates there is a demand in Pittsboro for the massive number of residences and commercial, office and institutional spaces they have proposed.*

*What is more troubling is that the EDC accepted an unrevealed amount of money from Chatham Park Investors in order to commission this report, something they failed to disclose in their press release. And the EDC, a public body, has not publicly shared the assumptions, data, and parameters provided by the outside developer who funded the report – all public records that they are required by law to release. Moreover, the EDC press release unconditionally asserts that the positive benefits listed in the study "will" occur, even though the report's author said he could not warrant that "any of the values or estimations ...will be actually achieved."*

*Finally, I have been unable to find any record that this study was authorized by the governing board of the EDC. Under the EDC bylaws neither the EDC Executive Board nor its President has such authority unless specially authorized. Several EDC board members told me they first learned about the study at the January 2015 meeting when EDC President Diane Reid informed them it would soon be released. Moreover, I have been unable to find any EDC board minutes indicating that the board officially approved a resolution supporting Chatham Park that was signed by the board co-chairs and issued on November 26, 2013 by the EDC.*

*Without suggesting any possible intentional misdeeds by the EDC, I would suggest the county commissioners consider taking the following actions to protect the integrity*

of the county going forward in regards to how this will be received by many citizens. First, the commissioners should demand a release of all the assumptions, data, and parameters that went into this report, as well as the financial records concerning the donation from the developers, the spending of those funds and documentation of how the EDC approved the donation and authorized this study. Secondly, the EDC board and staff need to receive a formal refresher course on open meeting and public records law, as well as its bylaws and legal relationship with the county. Finally, the EDC board and staff should be instructed by the county commissioners that they are responsible for carrying out the economic development policies of the county commissioners, that they should only be providing objective, balanced factual economic information to the county, towns and public, and that they should cease and desist from taking sides in development disputes, especially where Chatham residents are not in agreement with proposals of outside developers.

Dee Reid, 590 Old Goldston Road, provided the following comments:

*Economic Impact Report Cannot Stand Alone*

*I agree that it is troubling indeed that the Economic Impact Report on Chatham Park was published by a public county agency, as a public relations tool for Chatham Park, with data and funding from the developers of Chatham Park, with no transparency concerning the process and the report's content. This needs to be investigated so it never happens again.*

*I'd like to speak briefly about why this economic impact study is not useful for any other purpose except public relations, especially when it stands alone. It provides a lop-sided view, summarizing only the benefits, without any context about the true costs to the county, the Town, as well as other county property owners and taxpayers.*

*Without a cost-benefit comparison involving other impact assessments we cannot truly know what the economic benefits are. Allow me to quote an expert on this point: UNC School of Government Professor Jonathan Morgan, who writes that the "most significant limitation of economic impact analysis is that it represents only the economic benefits of the development project and does not address local government costs....Public officials must utilize fiscal impact analysis techniques...to understand what effect a development project will have on the local government budget."*

*I'd also like to quote from two pre-eminent land-use planning experts, based at the best urban and regional planning department in the nation, at UNC-Chapel Hill.*

*In their recent book, Sustainable Development: Integrating Design, Development and Regulation (published by the American Planners Association), UNC Professors David R. Godshalk and Emil E. Malizia discuss the essential importance of the development review process to include an array of impact assessments, similar to those that have been required for recent major developments in the county (Briar Chapel) and in the Town of Pittsboro (Powell Place and Pittsboro Place). It's puzzling that the EDC championed Chatham Park, even after its developers have refused to do any of these impact assessments, except for the economic all-benefits one.*

*From Chapter 2: Design, Development, Page 14*

*"One essential aspect of development review is the estimating of impacts of the proposed development. The on-site impacts are handled through compliance with local regulatory standards. The broader community impacts are gauged with various*

*impact studies. The developer hires credible professionals to conduct these analyses. Usually environmental, traffic, fiscal, and economic impacts studies are completed during the review process. The results inform the final decision made by the local jurisdiction.”*

*[More extensive excerpts are included in the hand-out]*

*Another important type of impact assessment not mentioned by Malizia and Godschaulk, but increasingly relevant today, is a socio-economic impact assessment. This type of assessment is becoming more common and necessary, especially with changing demographics in the county and the potentially large negative local impact of major developments on working class and lower income families, minority, senior and youth communities, and small town and rural areas.*

*A description is included in the hand out, of a socio economic impact study taken from Mary Edwards highly regard Community Guide to Development Impact Analysis at [http://www.lic.wisc.edu/shapingdane/facilitation/all\\_resources/impacts/CommDev.pdf](http://www.lic.wisc.edu/shapingdane/facilitation/all_resources/impacts/CommDev.pdf)*

## **BOARD PRIORITIES**

### **15-1143**

#### **Postponement of the Open Use regional meetings.**

*Commissioner Hales stated the Board of Commissioners has established a new Planning Board and their first meeting will be tomorrow, February 3, 2015. The former Board had made a recommendation on how to proceed with Open Use, the new Planning Board has some additional thoughts and ideas. She believes there should be a hearing of those in case there are additional recommendations besides Open Use. Commissioner Hales suggested postponing the Open Use regional meetings.*

*Commissioner Howard agrees. She believes we are best served if we get as much information as we can and this is an opportunity to hear from some very strong individuals with a lot of planning experience.*

*Commissioner Petty asked if there is now a question as to whether this Board is not in favor of the Open Use plan. Commissioner Howard believes there is a good possibility there is a better option.*

*Vice Chair Cross asked if the Planning Board has made a recommendation to vote and postpone these meetings. Commissioner Howard stated there wasn't a timeline established for the meetings. Vice Chair Cross disagreed and stated the Board had agreed for the Planning Department to go ahead and schedule the Open Use regional meetings. He wanted to know who is requesting to postpone the meetings; the Planning Board or some of the commissioners. Commissioner Howard stated several of the commissioners felt there may be a better option than Open Use.*

*Commissioner Petty stated if the Board's intention is to continue with open use then there is no reason to delay the meetings but if the intention is to go another direction then it needs to be stated. He believes the Planning Department gave the best options available at that time. This Board agreed and decided to move forward. He would like to understand the purpose of delaying the meetings.*

Commissioner Hales stated the four options the previous Planning Board discussed and recommended may not be the only four options available. This new Planning Board has additional ideas. It seemed rather than move aggressively forward with Open Use, perhaps we should stop and see if there is a better resolution to help with the land use plan and zoning.

Commissioner Petty asked if they believed the Planning Board may give an option that the staff did not come up with.

The County Manager stated they try to ensure that staff is not going down a road the Board doesn't want to go down.

Commissioner Howard made a motion to postpone the open use regional meetings. Commissioner Hales seconded the motion.

Jason Sullivan, Planning Director, stated the options that staff presented were geared toward what would address industrial uses and the unzoned areas of the county. He stated that if direction of the discussion was reframed they could indeed come up with different options.

Commissioner Petty stated the biggest concern was industrial applications and this was the quickest way to address that. It sounds like we are changing direction.

Vice Chair Cross stated when the discussion started the primary issue was the fracking issue in the unzoned areas, particularly in the southwest part of the county. We determined that the Open Use Plan was the quickest way to address this issue. There isn't anything prohibiting the Planning Board from coming forward with other suggestions. This is just the first step of the zoning process. He believed Commissioner Hales was for that process.

Commissioner Hales agreed she was for that process but she has learned more along the way. There might be a strategy to get us further down the zoning trail. The land use plan is really what drives the train and we don't have that. There are people on the new Planning Board that do know a lot about zoning and they could help show us where we want to go as a county. She is very concerned about fracking.

Vice Chair Cross would like to point out when we take zoning to unzoned portions of the county it is going to be received as not at all or little at best. We agreed this would be a way to ease it in. He is not opposed to more input from the Planning Board but he does not believe it is going to hurt anything to go forward with the meetings.

Commissioner Petty believes by postponing the meetings we are delaying an opportunity to deal with some of the concerns happening in the county and it won't affect the direction of the Board.

Chairman Crawford stated if the Board is going to postpone the meetings they need to determine an actionable time.

**A motion was made by Commissioner Howard, seconded by Commissioner Hales, that the Open Use regional meetings be postponed until the Planning Board has an opportunity to present an alternative direction on planning to the Commissioners. The motion carried by the following vote:**

**Aye:** 3 - Chairman Crawford, Commissioner Hales and Commissioner Howard

**No:** 2 - Vice Chair Cross and Commissioner Petty

**MANAGER' S REPORTS**

*The County Manager asked Jason Sullivan, Planning Director, to give the Commissioners an update on the Brickhaven clay mine site. Dan LaMontagne, Public Works and Environmental Quality Director also contributed to the conversation.*

*They provided maps of the site and explained different parts of the permit to the Commissioners.*

**COMMISSIONERS' REPORTS**

*Chairman Crawford stated the Triangle J Council of Governments honored Vice Chair Mike Cross at their last meeting for his service with a plaque.*

**CLOSED SESSION**

[15-1135](#)

Closed Session to discuss matters within the attorney client privilege.

**A motion was made by Commissioner Howard, seconded by Commissioner Hales, to go out of the Regular Session and convene in Closed Session for the purpose of discussing matters within the attorney/client privilege. The motion carried by the following vote:**

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

**ADJOURNMENT**

**A motion was made by Vice Chair Cross, seconded by Commissioner Howard, that the meeting be adjourned. The motion carried by the following vote:**

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

**Immediately following the meeting the Commissioners will tour the new Detention Center and will also attend the Annual Luncheon for the Board of Commissioners hosted by the Chatham County Cooperative Extension.**