



# Chatham County, NC

## Meeting Minutes

### Board of Commissioners

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Monday, July 17, 2023

2:00 PM

Agriculture and Conference Center

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

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

#### PUBLIC INPUT SESSION

*Amy Fulford stated she is originally from Goldston and has lived there almost her entire life. Her company, Brooks Contractor & Compost (BC&C), has been operating since 1990 in southwest Chatham County to process organic waste as a composting facility. BC&C works in agriculture and landscaping and do not do a whole lot of business within Chatham County. Annually they take in about 65,000 tons to process. Most of that tonnage is from outside counties. She knows Chatham is experiencing a lot of growth and development and she just wanted to make the commissioners aware they are here. She left the commissioners with a quote. "Though the problems of the world are increasingly complex, the solutions remain embarrassingly simple" – Bill Mollison, the Father of Permaculture. Oftentimes the most life-changing solutions are extremely simple. She is available to talk to the commissioners if they are ever interested in how her company can be of service.*

*Chair Howard encouraged Ms. Fulford to contact the Climate Change Advisory Committee and she will follow up with her as well.*

#### BOARD PRIORITIES

[23-4804](#)

Receive annual update from the Chatham Health Alliance

**Attachments:** [Alliance BOC Presentation 6.2023](#)

*Health Alliance Executive Director Julie Wilkerson and Health Alliance Program Manager Sara Martin presented to the Board. (presentation attached)*

*Ms. Wilkerson said they are now working with Central Carolina Community College with the Chatham Promise Program.*

*Ms. Martin said the Community Resource Hub is a tool to connect people to different service providers.*

*Chair Howard asked for more information about SEEDS. Ms. Martin said SEEDS stands for Self-Enhancing Employment and Development Services and it is run by Travis Patterson, and he is the co-planner for the Chatham Resource Hub along with Ms. Martin.*

Chair Howard thanked both Ms. Wilkerson and Ms. Martin for their presentation.

Commissioner Kenlan stated she is excited about the Chatham Moves physical activities trailer. She asked how the Health Alliance decides where the trailer goes. Ms. Wilkerson said the Parks and Recreation Department can use it anytime and can bring it to their events. The sub-committee has identified parts of the county that do not have access to recreation activities and will send the trailer to those areas.

Commissioner Gomez Flores asked how involved the Health Alliance is in bringing services as far as public health. He serves on the Chatham Hospital Board and asked how involved the Health Alliance is with that entity. Ms. Wilkerson said the Health Alliance works with the EMBRACe Project – Equity for Moms and Babies Realized Across Chatham. The Health Alliance members work a lot with the hospital. They were part of the planning meetings when the maternity care center was at risk of closing.

Ms. Wilkerson also shared information about NC Care 360, a statewide referral network. Providers can refer their patients to social determinants of health. They are trying to find out which providers are using NC Care 360 and which ones are not so they know how to support those providers.

Chair Howard asked if the Health Alliance is partnering with other people or organizations around economic development, Chatham County Schools, MyfutureNC, or any providers on the transportation side of things. Ms. Wilkerson stated they really rely on the members for those kinds of connections. Central Carolina Community College (CCCC), Chatham County Schools (CCS), Economic Development Corporation (EDC), and the Chamber of Commerce are all partners and the Health Alliance seeks out their feedback. The living wage program is a good example of that partnership. They are working with Durham and Orange Counties about how they are using that program in their area.

Ms. Wilkerson invited anyone to email her names and contact information of other possible partners.

[23-4859](#)

Receive an update from Chatham County Cooperative Extension 4-H 2023

**Attachments:** [2023 BOC Meeting - Chatham County 4-H Presentation](#)

Chatham Cooperative Extension Director Dr. Ginger Cunningham, Chatham County 4-H Agent Bobbie McLean, and Chatham Cooperative Extension Intern Sarah Sessoms presented to the Board. (presentation attached)

Dr. Cunningham explained that Cooperative Extension is a land grant university model that includes teaching, extension, and research components. NC State University and NC A&T University work together for the North Carolina State Extension program. The virtual education programs have attracted participation with communities all over the globe. She said 4-H relied heavily on volunteers. There was a free cost for teachers with United Way's support for two elementary school programs : butterfly life cycle program and embryology program. Dr. Cunningham stated over 1,300 students participated in the butterfly life cycle program. Cooperative Extension partnered with the Livestock Conservancy for the embryology program. The data showed that students have better school attendance while the program is running in the classroom.

Ms. McLean gave an overview of the 2023 summer adventure day camp activities and

*upcoming programming.*

*Commissioner Gomez Flores asked if Extension had any youth initiatives that informed and encouraged youth to enter the public realm. Dr. Cunningham said it was a goal that an outcome of the teen advisory council would be to create opportunities for job shadowing and interning. Intermittent programs like the 4-H Citizenship Focus highlight the public sector. She hopes to have a pilot program in the next calendar year.*

*Commissioner Kenlan said she loved hearing about all the summer camp programming. She enjoyed the 4-H programming as a child and asked what the demand has been for camp. Dr. Cunningham said Chatham Extension does not work in silos but instead works with a lot of community partners and County departments. There is a lot of demand for 4-H camps and programming and they work with the Parks and Recreation Department. Parks and Recreation staff help assist and 4-H has specialty camps as well. If an Extension camp fills up, staff can refer them out to another community partner opportunity.*

*Chair Howard said she will continue to work with Ms. McClean on how to get more programming in the classrooms.*

## [23-4851](#)

### Receive an update from Agriculture Advisory Board

**Attachments:** [Chatham County Ag BoC presentation July 2023](#)

*Agriculture Advisory Board member Amy Fulford presented to the Board. (presentation attached)*

*Ms. Fulford said the Agriculture Advisory Board (AAB) members are mostly farmers. She thanked Cathy Jones for her service to the Board.*

*She said the AAB expected the Chatham Farmland Preservation Plan (FPP) update completion by the end of 2023. Participation with the surveys has been low for Chatham. Chair Howard asked who received the surveys. Ms. Fulford said there are three types of surveys for non-producers, agriculture businesses, and agriculture producers. Knowledge of the survey is spread by word of mouth of people telling others to go online and complete the survey.*

*Commissioner Gomez Flores asked if the AAB was involved with the Unified Development Ordinance (UDO) conversations. Dr. Cunningham said the AAB has had conversations with Chatham County Planning Director Jason Sullivan and the planning department about coordinating the FPP with the UDO. She had hoped to finish the FPP sooner but it was moving slower than previously hoped. She said the UDO and FPP may finish around the same time. Commissioner Gomez Flores said his constituents are heavily reliant on wells and some have experienced their wells drying up. Dr. Cunningham said two years ago a well subcommittee was formed.*

*Commissioner Gomez Flores was interested in the expansion of the agriculture technology sector in North Carolina and ask if it posed a threat to the beef industry. Dr. Cunningham said she did not see agriculture technology as a hindrance but as a benefit. Last week North Carolina State University was contacted by Massachusetts Institute of Technology (MIT) to pilot some technology. Extension is getting involved on the entry level to become more beneficial to producers. Chair Howard said that is so good to hear. Dr. Cunningham said agriculture work is hard work, physically demanding*

work.

Commissioner Delaney said he saw common goals with the Climate Change Advisory Committee especially with conservation issues. He said there is a strategic planning meeting on Saturday. He asked if AAB expected to give the Board specific goals for acreage conservation or steps to help them achieve those goals. Dr. Cunningham said there will soon be sound metrics, not just on preservation but where Chatham wants to be and needs to be. This will help identify the gaps and help determine which partnerships to rely on. Extension hopes to have the metrics by the end of the calendar year.

Dr. Dykers, member of the Agriculture Advisory Board, said he has 280 acres in the farmland preservation trust. Several months ago, a man came and asked him about establishing a solar farm on his property. He believed a focus on preservation of crop and pasture land should be priority. He said solar panels should be built over impermeable surfaces like buildings and roads.

Chair Howard said she is looking for what we can accomplish as a community, and there is an opportunity right now since there is still so much green acreage in Chatham County. If Chatham is not aggressive from the beginning an opportunity to do it right is missed for future generations.

#### [23-4843](#)

#### Receive FY2023 Fourth Quarter Budget Update

**Attachments:** [FY23 4th Quarter Budget Update](#)

Chatham County Budget Director Darrell Butts presented to the Board. (presentation attached)

Mr. Butts said staff normally does not present a 4th Quarter Budget Update to the Board. He said these were not the final numbers that the Board will hear from the auditors in the fall. He said supply chain issues have eased a little but there is still some difficulty obtaining vehicles, especially law enforcement vehicles.

Mr. Butts said permits and fees exceeded expectations and two large building permits we expected for July, but they were received in June.

Vice Chair Dasher asked if inspections would have been flat if there had not been a large industrial permit issued in June. Mr. Butts said inspections would have come pretty close to being flat. In Fiscal Year 2022 the County permits were heavily residential with little industrial. In Fiscal Year 2023 permits were heavier on the industrial side.

#### [23-4855](#)

#### Receive Quarterly Update on American Rescue Plan Act Funds.

**Attachments:** [ARPA Quarterly Update July 2023](#)

Chatham County Budget and Management Analyst Will Curvin presented to the Board. (presentation attached)

Mr. Curvin said the American Rescue Plan Act (ARPA) funded job positions increased by two that were approved by the Board and have not been filled. He said the positions were Substance Abuse Counselor and Parenting Educator.

Vice Chair Dasher asked if the housing assistance were available to existing residents that are social service clients. Mr. Curvin said he believed that was how staff identified those to assist and it is a one-time assistance funding program.

Chair Howard asked when the Board could expect to have a conversation about nonprofits in relation to ARPA funding. Mr. Curvin said staff hoped to have something to bring to the Board in October. Mr. Butts said staff sent out supplementary questions to the agencies that submitted for the funds and staff are allowing them an opportunity to respond. He said staff are in the middle of that process and will then have an internal staff review.

Commissioner Gomez Flores received an email about the Growing Rural Economies with Access to Technology (GREAT) grant program and asked if the County was still in budget. Mr. LaMontagne said the County was in budget and will have more funding opportunities through the Completing Access to Broadband (CAB) program.

[23-4875](#)

Receive presentation on Incorporation and Alternatives in North Carolina

**Attachments:** [Incorporation and Alternatives in North Carolina](#)

Chatham County Policy Analyst Brenton Hart presented to the Board. (presentation attached)

Chair Howard asked if conditions were within a county or a town outside of a county. Mr. Hart said towns outside of a county would meet the three-fifths concurrence vote requirement.

Commissioner Kenlan asked if the incorporation criteria was based on people per square mile. She asked if Pittsboro met the criteria. Mr. Hart said he was not sure, but will get the data for the Board. Chair Howard said Pittsboro was already incorporated. Commissioner Kenlan said she wanted to use the information for comparison purposes.

Vice Chair Dasher said he was curious about County Service Districts and what the criteria was around that.

County Attorney Bob Hagemann said an example is conditional rezoning. He said there is a lot of flexibility in establishing a County Service District. Mr. LaMontagne said the Water District existed. Chair Howard said there is an exhaustive list. Mr. Hagemann said fire protection, sewer, watershed improvement, and law enforcement are a few examples and the tax can be leveraged within the districts.

Vice Chair Dasher asked if a developer could say they are willing for a project to be a service district. Mr. Hagemann said it was more common through a private Home Owners Association (HOA) for a pool or clubhouse. That conversation would be with the developer and the County. Commissioner Kenlan asked if the County or the developer would initiate this conversation. Mr. Hagemann said anyone could initiate and any district would need approval of the Board.

Commissioner Delaney said the historical trend was to not incorporate. He asked if the distances were measured by distance to the border of a county. Mr. Hart said the NC Constitution states that it does not always go through the commission but had been typical since the 1980's and that is how it was measured. Mr. Hagemann said any portion required the three-fifths vote, but had largely gone away. He said there is a joint

commission process but the General Assembly is not bound by this process.

Commissioner Delaney asked what the recent history and state-wide requests were. He said it would be helpful to know. Chair Howard said it has not risen to the level of debate at the Board level. It has been the decision of this Board that an overlay tax district is not beneficial to the County or community. Vice Chair Dasher said the Board had no interest. Mr. Hagemann said incorporations were defensive. He said it was done to not be taxed or annexed and a certain level of services within the district must be provided. He said there are legal restrictions and he can get the Board more information. Mr. LaMontagne said Plan Chatham was to direct development to the towns. Mr. Hagemann said the involuntary annexation process was largely taken away and most annexation is done voluntary and it has to be 100% of residents.

Chair Howard said extraterritorial jurisdictions (ETJs) have provided some services. Mr. Hagemann said the provision of water and sewer are the largest provisions for involuntary annexation. He said Chatham Park was an example in the county where a development agreement was in place.

## **RECESS**

### **End of Work Session**

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

## **INVOCATION and PLEDGE OF ALLEGIANCE**

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

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

## **CALL TO ORDER**

Chair Howard welcomed those in attendance and called the meeting to order at 6:01pm.

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

The Chair requested the Board add item #23-4847 - Vote to approve a contract with NeoGov for the purchase of Human Resources management software - to the consent agenda.

**A motion was made by Vice Chair Dasher, seconded by Commissioner Kenlan, 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

### **[23-4837](#)**

Vote on a request by Ashton Smith, P.E. on behalf of Gilberto Lopez-Ponce to approve a subdivision **First Plat of Eden Parcels**,

consisting of 11 lots on 14.87 acres, located off US 15-501 N (SR-15), parcel 2949 in Baldwin Township.

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

**A motion was made by Vice Chair Dasher, seconded by Commissioner Kenlan, 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

[23-4839](#)

Vote on a request by Craig Nursey on behalf of Swain Land & Timber, LLC to approve a **twelve (12) month extension of First Plat to extend the current first plat expiration date for McBane Park Subdivision from August 16, 2023 to August 16, 2024, consisting of 149 lots**, located off Old Graham Road, S. R. 1520, parcel #85448.

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

**A motion was made by Vice Chair Dasher, seconded by Commissioner Kenlan, 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

[23-4838](#)

Vote on a request by Chad Abbott, P.E. on behalf of Lovin Spoonful, LLC to approve a subdivision **First Plat** application for **Ridgecrest Subdivision**, consisting of 28 lots on 49.41 acres, located off Hamlet Chapel Road (SR-1525), parcel 1798 in Baldwin Township.

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

**A motion was made by Vice Chair Dasher, seconded by Commissioner Kenlan, 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

[23-4825](#)

Vote to accept \$7,500 National Institutes for Health (NIH) grant funds from UNC Chapel Hill for Equity for Moms and Babies Realized Across Chatham (EMBRACe) project to support initiative focused on severe hypertension in pregnancy

**A motion was made by Vice Chair Dasher, seconded by Commissioner Kenlan, 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

[23-4826](#)

Vote to accept five-year, \$237,243 for Public Health Infrastructure Workforce Development funding from the CDC through NC DHHS to support staff development with a focus on the public health foundational capabilities

**A motion was made by Vice Chair Dasher, seconded by Commissioner Kenlan, 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

[23-4828](#)

Vote to accept an additional \$258 from NC DHHS to support child health programming at CCPHD

**A motion was made by Vice Chair Dasher, seconded by Commissioner Kenlan, 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

[23-4858](#)

Vote to approve grants to recreation agencies recommendations.

**A motion was made by Vice Chair Dasher, seconded by Commissioner Kenlan, 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

[23-4829](#)

Vote to approve the naming of two private roads in Chatham County

**Attachments:**

[Beginnings Road Petition](#)

[Beginnings Road](#)

[Beginnings Road Area Map](#)

[Southern Pecan Ln Petition](#)

[Southern Pecan Ln map](#)

[Southern Pecan Ln area map](#)

**A motion was made by Vice Chair Dasher, seconded by Commissioner Kenlan, 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

[23-4830](#)

Vote to adopt a resolution to approve the conveyance of kitchen equipment that is County property, to the Alliance Serving Chatham County (ASCC).

**Attachments:**

[ASCC Cooking Equipment Resolution 6.8.23](#)

**A motion was made by Vice Chair Dasher, seconded by Commissioner Kenlan, that this Resolution #23-033 Conveying kitchen equipment that is County property, to the Alliance Serving Chatham County (ASCC), 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

[23-4831](#)

Vote to adopt a resolution to approve the conveyance of kitchen



equipment that is County property, to the Chatham Outreach Alliance (CORA).

**Attachments:**     [CORA Cooking Equipment Resolution](#)

**A motion was made by Vice Chair Dasher, seconded by Commissioner Kenlan, that this Resolution #23-034 Conveying kitchen equipment that is County property, to the Chatham Outreach Alliance (CORA), 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

[23-4832](#)

Vote to adopt a resolution to approve the conveyance of kitchen equipment that is County property, to the Saint Bartholomew's Episcopal Church.

**Attachments:**     [St Barts Cooking Equipment Resolution 6.8.23](#)

**A motion was made by Vice Chair Dasher, seconded by Commissioner Kenlan, that this Resolution #23-035 Conveying of kitchen equipment that is County property to Saint Bartholomew's Episcopal Church, 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

[23-4840](#)

Vote to approve FY2023 - 2024 Budget Ordinance amendment correcting expenditures for Bennett Fire District

**A motion was made by Vice Chair Dasher, seconded by Commissioner Kenlan, 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

[23-4769](#)

Vote to approve new appointment and reappointments to the Juvenile Crime Prevention Council (JCPC)

**Attachments:**     [JCPC Reappointments 7-1-23](#)

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

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

[23-4841](#)

Vote on a request to reappoint Karen Barbee, EdD, to fill a third (3rd) term on the Board of Health as a public member, effective July 17, 2023.

**A motion was made by Vice Chair Dasher, seconded by Commissioner Kenlan, 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

[23-4842](#)

Vote on a request to appoint Delfino Benitez to a first (1st) term on the Board of Health as a public member, effective July 17, 2023.

**A motion was made by Vice Chair Dasher, seconded by Commissioner Kenlan, 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

[23-4850](#)

Vote to approve reappointments to the Agriculture Advisory Board.

**A motion was made by Vice Chair Dasher, seconded by Commissioner Kenlan, 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

[23-4856](#)

Vote on a request to approve an appointment of Laura McKelvey to the Environmental Review Advisory Committee

**A motion was made by Vice Chair Dasher, seconded by Commissioner Kenlan, 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

[23-4857](#)

Vote to approve the Order of Collection for 2023 property taxes

**Attachments:** [Chatham County Charge 2023](#)

**A motion was made by Vice Chair Dasher, seconded by Commissioner Kenlan, that the Order of Collection for 2023 Property Taxes, 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

[23-4860](#)

Vote to approve Annual Settlement and adopt a Resolution Charging the Tax Collector with Collections of Delinquent Taxes

**Attachments:** [Tax Settlement Resolution 2023](#)

[Outstanding Taxpayers](#)

[2023 Annual Settlement](#)

**A motion was made by Vice Chair Dasher, seconded by Commissioner Kenlan, that this Resolution #23-036 Charging the Tax Collector with Collections of Delinquent Tax, attached hereto and by reference made a par 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

[23-4861](#)

Vote to approve Tax Releases and Refunds

**Attachments:** [June 2023 Release and Refund Report](#)  
[June 2023 NCVTS Pending Refund Report](#)

**A motion was made by Vice Chair Dasher, seconded by Commissioner Kenlan, 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 - Vice Chair Dasher, Commissioner Delaney, Chair Howard, Commissioner Kenlan and Commissioner Gomez Flores

[23-4862](#)

Vote to approve a contract with Smith Gardner, Inc. for closed landfill monitoring

**Attachments:** [Smith Gardner signed Landfill Monitoring Contract FY 24](#)  
[Chatham FY 2023-24 Closed MSW Revised Budget March 2023](#)

**A motion was made by Vice Chair Dasher, seconded by Commissioner Kenlan, 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

[23-4863](#)

Vote to approve annual contract between Chatham County Public Health Department and Chatham County Schools for school nurse and school wellness program positions at CCS

**Attachments:** [FY24 Health Dept. and Schools Contract Final](#)

**A motion was made by Vice Chair Dasher, seconded by Commissioner Kenlan, 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

[23-4847](#)

Vote to approve a contract with NeoGov for the purchase of Human Resources management software

**Attachments:** [NEOGOV Order Form - Chatham, County of \(NC\) - Recruit+, eF, LE & SSO, NHI, EEI, PI \(MUNIS\) - Y1P - NCSA](#)

**A motion was made by Vice Chair Dasher, seconded by Commissioner Kenlan, 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

### End of Consent Agenda

### PUBLIC INPUT SESSION

*Jake Muehlbach submitted the following written comments:*

*I'm Jake Muehlbach, I'm sure you are all familiar with the negligently passed inspections at my home. At the last meeting Commissioner Howard went out of her way to respond to my statements. When Howard spoke up, I really thought we were finally going to get the apology we've been waiting on for 3 years. But no, she took the time to remind everyone of the county's immunity. Commissioner Howard commented that immunity is not unique to Chatham County. Well maybe not, but construction being approved with over 30 code violations and major structural issues is unique to Chatham County. Permits being issued that should have required an engineer's approval is unique to Chatham County. Immunity doesn't mean that you did no wrong, it just means you aren't going to allow yourself to be held accountable. The County terminated their inspector, he was reprimanded by the state and his supervisor was demoted. Clearly the county has acknowledged they were negligent. The builder is now out of business, with no registered assets and our judgments remains unpaid. Again, I'm asking for the county to take responsibility and pay to make this right.*

*§ 153A-435. The board of commissioners shall determine what liabilities and what officers, agents, and employees shall be covered by any insurance purchased pursuant to this subsection.*

*§ 153A-435. Purchase of insurance pursuant to this subsection waives the county's governmental immunity*

*General Statute 153A-435, gives county commissioners the authority to decide what and who their insurance will provide coverage for, it also establishes that a county automatically waives its immunity with the purchase of insurance. I've issued requests to multiple state agencies and officials, to investigate Chatham County and the handling of this situation. Specifically, the financial statement you are providing the public, which claims you have insurance coverage for situations where you claim immunity. Why are the tax payers funding this policy? Also, I've requested an investigation of the County Manager and Director of Permitting, regarding our home and their actions. I'd like Chatham County to conduct their own internal investigation into these matters as well.*

*§ 153A-102. Commissioners to fix fees. The board of commissioners may fix the fees and commissions charged by county officers and employees for performing services or duties permitted or required by law.*

*Statute 153A-102 allows commissioners to adjust fees for county services. With that said, if the county is going to continue to avoid accountability for their mandatory services, then I'm requesting that fees for all permits and inspections be waived. Additionally, I'm requesting that citizens applying for a permit are notified in writing that the county does not guarantee their services and won't be held liable. Making it clear that in Chatham County you build at your own risk. The commissioners are the highest level of government in Chatham and represent the actions of this county. If you sit idly by and do nothing, then you mine as well have signed our negligent inspections yourselves. The tax paying voters of Chatham County are watching. Please help my family.*

*Disappointed Chatham County Resident  
Jake Muehlbach*

*Michele Pinto submitted the following written comments:*

*My brother and his wife Anita are not trust fund babies. No one gave them money to build this house. In fact, our family was so poor in the early years of our childhood that we didn't even have indoor plumbing or running water. How many people do you know that grew up with a johnny house and outdoor shower? They work long hours, nights and weekends at difficult jobs serving their community, my brother as a lineman for the local power company and Anita as an ICU nurse. They saved their money and put in overtime for years to be able to buy a piece of property and build their forever home. Chatham County's negligence has robbed them of their life savings and their dream. They have been failed by all entities that are supposed to protect them. Chatham County advertises participation in an insurance policy to the taxpayers that fund this policy. Here is A summary of the 2020 Chatham County NC Financial Statement (the year the house was completed)*

#### *Risk Management*

*The County is exposed to various risks of loss related to torts; errors and omissions. The County purchases insurance for general liability, errors and omissions and employment practices liability. General liability and public officials have a \$1,000,000 per occurrence limit.*

*Here are some Definitions of terms used:*

*General Liability- insurance protects you and your business from "general" claims involving bodily injuries and property damage..*

*Tort: is a civil wrong that causes a claimant to suffer loss or harm, resulting in legal liability.*

*Errors and Omissions: professional advice or services you provided that caused financial harm due to errors, mistakes or failure to perform a service and this includes any misstatement or misleading statement or any act, omission, neglect or breach of duty.*

*And If you look up the definition of Sovereign Immunity it is derived from British doctrine of "The king can do no wrong." It does not mean they did not commit mistakes, it means they can not be held liable for those mistakes. Do you feel like the kings sitting on the throne of your high court, looking down on the peasants of Chatham County? I thought the government worked for the good of the people, not the other way around. Please do the right thing for my brother's family.*

*Michelle M. Pinto*

*Ann Corrigan spoke about the Muehlbach family. Ms. Corrigan said she lives in Chatham County and does not know the Muehlbachs personally. She said this could happen to anyone that builds a home in Chatham County. Future residents should think long and hard about it. She said the inspections department can not be trusted and has not taken responsibility. The Certificate of Occupancy was issued to the Muehlbachs, but the home has thirty violations and is in danger of falling down. She said it is time to make this right and we teach our children to take responsibility for our mistakes.*

*Victoria Gillot said she is a resident of Chatham County and did not know she was going to talk until she walked in the door. She asked why the County did not file the insurance policy. She said it she did not know if homes in the county are being*

*inspected. She will hire someone else to inspect her home. She said the County should just admit the mistake and asked what the reputation is going to be. She said fix it for everyone.*

*Jane Galligher said she is a resident of Chatham County and Johnny Carson never rehearsed his lines. She listened to Jane Crates about Chatham County being included in the Historical Registry. She said the County Manager has apologized and the State Law does waiver immunity. She said the County works for the commissioners and the commissioners work for the people and there are hundreds of people. She encouraged the Board to write an open letter to the public. She said when an injustice is done, all residents feel it.*

*Chair Howard stated the Board probably would not be able to speak to the community at large. She finds it difficult that the fellow members of this Board are being cast in a light that is unfair to them, at the very least. As the Chair of a Board that should speak to the public she will take on that responsibility. There is no lack of caring on the part of this Board but instead there is a deep caring. She does not think people put their private lives in the public sphere if they do not care. Chair Howard would like to shield the newer members of the Board from the animosity that has come to them, but she cannot. It is not an easy position to be the elected official that is told there is nothing you can do. She asked the County Attorney to speak a little more broadly than the Board has in the past. There is nothing the Board can do beyond what is legally allowed. That is difficult for the commissioners as individuals, as homeowners, as residents of Chatham County and if there is something that can be done differently in the future the members are open to that conversation. Chair Howard said she does not want the impression of the community to be that there was a lack of compassion or concern among the Board. She takes responsibility for not having said that in the past on behalf of the Board.*

*County Attorney Bob Hagemann stated he normally tries to give his legal advice to the Board in confidence. Given the public nature of this situation, however, he respects the Boards request to address the legal issues publicly. Mr. Hagemann said his explanation of the law does not necessarily mean the members of the Board will like it or the public will like it. His job is to give the Board the best reading of the law in North Carolina and the situation the Board is in right now. North Carolina, like it or not, still retains this doctrine of governmental immunity. The NC Courts have been asked on a number of occasions to overrule the doctrine and they have repeatedly said that is a matter for the NC General Assembly. The General Assembly has chosen, to this point, to not do away with the doctrine of governmental or sovereign immunity. The General Assembly has, however, authorized cities and counties in NC to waive governmental immunity through the purchase of insurance. Chatham County has purchased insurance, however, the policy expressly retained governmental immunity.*

*Mr. Hagemann said like it or not, the situation in which the County finds itself is that Chatham County retains governmental immunity. When the County was sued in this case, it was appropriately referred to the insurance carrier. The claim was filed and the insurance carrier hired a lawyer, as is the norm, to defend the County. Mr. Hagemann has spoken with that lawyer on two occasions and she has explained to him how it played out in court. She has an obligation, on behalf of her client, the insurance agency, to vigorously defend all claims. In this case she asserted the defense of governmental immunity, which is an available defense in NC and was an available defense under the County's policy.*

*Mr. Hagemann continued that the NC Courts have also held that building inspections*

*and building permits is a government function, subject to governmental immunity. A state superior court judge heard the case and ruled, in Mr. Hagemann's opinion legally and correctly so, that governmental immunity applied and dismissed the County from the lawsuit. Mr. Hagemann said he is not expecting anyone to like this outcome or say that they agree with this decision but it is in his opinion a proper application of the NC law to this situation.*

*Mr. Hagemann said in his opinion, because of the decision of the courts, the Board has no discretion to pay this claim. There is no authorization to pay this claim. To do so would be an improper expenditure of County funds. Mr. Hagemann said it is his professional legal advice that the Board lacks the authority to pay any money for this claim. In fact, there is a court of appeals decision where a city in NC waived governmental immunity in a case where it had governmental immunity and the court held it subjected the local government to a possible equal protection claim of not consistently asserting rights from claim to claim. Mr. Hagemann said that he, along with everyone else in this room, feels sorry for the family that has been damaged and hurt by this situation. He has done his best to explain to the Board and indirectly to the audience and anyone else watching that the law of NC regarding governmental immunity and the waiver of governmental immunity and how that was applied by a judge in NC who found, in his opinion correctly so, that governmental immunity applies.*

*Commissioner Kenlan asked the attorney to clarify that in order to not have governmental immunity the County would need to purchase an insurance policy that waived governmental immunity. Mr. Hagemann stated that was correct.*

*Mr. Hagemann said he would be happy to talk with the Muelbach's attorney.*

## **BOARD PRIORITIES**

### **[23-4881](#)**

Vote to accept an offer to purchase approximately 8.139 acres of property, and its improvements, collectively the "Old Central Services Facility/Property", in ownership of the Chatham County Board of Education located at 369 West Street, Pittsboro, with Parcel ID 62426, at a value of \$2,770,290.80

*Assistant County Manager Bryan Thompson presented to the Board.*

*Mr. Thompson said this is a several part process that is fairly straight forward. The new central services building has been built and is occupied by Chatham County Schools. The Board of Education's attorney has offered their property to the County at tax value or fair market value. There will be no monetary exchange. The monetary consideration will be satisfied with the next capital investment the County makes in the schools, which will in all likelihood be the Chatham Park North Village elementary school.*

*The Board is being asked to accept the offer.*

**A motion was made by Vice Chair Dasher, seconded by Commissioner Delaney, 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

[23-4864](#)

Discuss applications and vote to appoint two members of the Appearance Commission

*Chatham County Clerk to the Board Lindsay Ray presented to the Board.*

*Ms. Ray said the Board received an email last week with all applications that have been received from the past year and the Appearance Commission reviewed them. She said these are full Board appointments and the Appearance Commission recommended Charles Walker and Jack Ritchie. The Appearance Commission provided the commissioners an explanation as to why they recommended these applicants.*

*Chair Howard asked if there was any discussion to appoint anyone other than the two recommendations from the Appearance Commission. There being none the Chair called for a motion.*

**A motion was made by Commissioner Kenlan, seconded by Commissioner Gomez Flores, that these Appointments be approved. The motion carried by the following vote:**

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

[23-4836](#)

Discuss Chatham County Board of Commissioners Rules of Procedure

**Attachments:** [BOC Rules of Procedure - Electronic Meeting Language Included - April 2020](#)  
[Chatham County Hearing Rules \(1\)](#)

*Clerk to the Board Lindsay Ray said that Commissioner Delaney had mentioned in a previous board meeting that he would like the Board to review its Rules of Procedure. Ms. Ray said the Rules of Procedure had not been reviewed in quite some time and she wanted to give the Board some historical information about how the Rules came to be. In January 1994, staff proposed a draft of the rules that were based on recommendations from the University of North Carolina's School of Government. The Board reviewed the rules at their February 1994 retreat and it was approved. She said the Rules of Procedure have remained largely the same, because they have worked. In 2020, cosmetic updates and language around electronic meetings during states of emergency were added. In 2021 the Board adopted rules of procedure for zoning public hearings and first plat subdivisions. Ms. Ray recommended these supplemental rules be incorporated into the Rules of Procedure so there are not two separate documents.*

*Chair Howard asked if the Board had anything in particular to address.*

*Commissioner Delaney said it may be a good time to add an additional category that emphasized types of procedures that encouraged civil public discourse and facilitated substantive discussion. He asked if there was interest from the other board members as a purpose and a goal for the Board and the public to demonstrate civil discourse. He said the Board had something like that with the Board's 'Rules for Board of Commissioners Meetings' which are openly displayed during meetings. Vice Chair Dasher suggested a vision statement in addition to the purpose section.*

*Commissioner Delaney said he would be happy to draft something and send to the Board. Chair Howard said the Board had a booklet. Ms. Ray said the booklet the*



publication will need an update in the future. She will order three additional copies for the newer commissioners.

Vice Chair Dasher asked if the Rules of Procedure would incorporate the new rules around zoning public hearings. Ms. Ray said the second document is specific to zoning public hearings and first plats and can be incorporated into the Public Hearings section of the Rules of Procedure. Chair Howard suggested the Board adopt the revised Rules of Procedure at a later date once Commissioner Delaney provided his edits. The Board agreed by consensus to adopt revised Rules of Procedure at a later date.

## **CLERK'S REPORT**

Clerk to the Board Lindsay Ray reminded the Board of the redistricting agenda item on the August 7th Board of Commissioner meeting at 6 PM.

She wanted to address concerns about why the Board meeting videos are not on the website. She said the meetings at the Historic Courthouse are livestreamed and the recordings live on the County's Board agenda and minutes website hosted by a third party. Because the Historic Courthouse A/V system is currently inoperable the Board of Commissioners had to be moved to the Ag Center and staff had to transition the livestreaming and recording to Microsoft Teams. The County website does not have the ability to upload large video files and it would need to be linked to an external source and the County does not want to be vulnerable to another cyber attack. The Board meeting videos can be shared with anyone upon request by contacting the Clerk's Office.

The Request for Proposals (RFP) scoring for the Historic Courthouse A/V project will begin Thursday and staff hope to bring a request for the BOC to award a bid in August. Staff hope it will not take more than eight months to complete.

## **MANAGER'S REPORT**

County Manager Dan LaMontagne said the second round of Growing Rural Economies with Access to Technology (GREAT) grant has begun. It has a two year time frame. The AT&T contract will come to the Board. There have been a total of 2,742 residents served. The County will proceed into the Completing Access to Broadband (CAB) program. The CAB program will require a 35% match from the County. The GREAT grant required a 15% match. The Rural Digital Opportunity Fund (RDOF) will connect another 3,500 homes in the middle of the county with broadband services. This will begin at the end of the 2024 calendar year. Brightspeed has begun planning. The contract with Bellsouth, North Carolina Department of Information Technology (NCDIT), and Chatham County will be coming to the Board.

Vice Chair Dasher asked if there was a map that residents could view for the broadband services in the county. Mr. LaMontagne said NC onemap shows all GREAT grant locations and which homes are to be connected. The County will use this map to find served and under served areas in the county. There are additional funds for broadband that were negotiated with ARPA funding.

Commissioner Gomez Flores asked if there has been interest in collaboration with Spectrum for fiber connectivity in Siler City using ARPA funding. Mr. LaMontagne said there is dedicated fiber for the County and there have been a lot of conversations with Conterra. The stop gap program is just the beginning. The Broadband Equity, Access,

and Deployment (BEAD) planning grant is another source of funding. Staff is working closely with the North Carolina Association of County Commissioners.

He said the Chatham Outreach Alliance (CORA) reception is July 20th, 4 pm - 6 pm.

## **COMMISSIONERS' REPORTS**

Commissioner Delaney participated six weeks ago in an hour long seminar about linking goals with budget and building capacity from IT. He will be attending a University of North Carolina School of Government seminar on strategic planning. The Climate Change Advisory Committee meeting on strategic planning is Saturday, 9 am - 1 pm. This meeting will build toward the August agenda and will be open to the public.

Commissioner Gomez Flores attended the Juvenile Crime Prevention Council meeting on Friday and there was conversation regarding prevention of juvenile crimes. A subcommittee developed to communicate with the appropriate legislative community. The Parks and Recreation Advisory Committee had a difficult conversation about grant funding provided to recreation agencies and the desire to increase their funding. The project that scored the highest in the budget process did not receive funding. The other requests were smaller so they could be funded more easily and the larger request would not be possible because of the amount of time to spend the amount required. Chatham County's Parks and Recreation Director Tracy Burnett will look into the dollar amount for next year. Research Triangle Partnership launched a skills assessment survey to prepare the workforce in North Carolina. He will forward the email about the survey.

Vice Chair Dasher had nothing to report.

Commissioner Kenlan attended the community partners meeting for Web Squared in Mosaic and she met some great people from North Carolina with ideas that work with entrepreneurship programs and a black entrepreneurship council. She congratulated the Hispanic Liaison for their new space. It is open to the public. She attended a social for Chatham magazine for the Women of Achievement in Chatham. Nine women were selected. She congratulated her mother, Elaine Chiosso, for being recognized for her environmental efforts. The selection of people really highlighted the diversity of creativity and entrepreneurship in the county. It was very inspiring.

Chair Howard said the annual conference for the Association of County Commissioners is next month. There are excellent workshops. She had the opportunity to meet with Attorney General Josh Stein and local law enforcement to discuss retention and recruitment in Chatham. It is a challenge in many communities and it is good to know that Chatham had so many voices committed in the room. If the County wants to have good policing it must invest in policing and commit to public safety. Chatham has some real challenges ahead with the professional end, funding end and education. Chatham does incredible work and we will collaborate and find solutions to the challenges ahead. We visited the new Emergency Operations Center on the anniversary of FirstNet. It is a top notch space and was an opportunity to hear about the statewide network for emergency response and what can we do to support that as a board and as a community. She attended the Association of County Commissioners' Executive Board meeting and there were several good conversations.

Chair Howard also attended the Vaya Board meeting. There are a lot of questions about how Medicaid role out is going to happen. There are not clear answers on how we are going to manage physical and mental health. At the county level we end up dealing

*with what is not resolved. People will show up and it is important to stay in the conversations. There are great people serving on the Vaya Board like Chatham County Health Director, Mike Zelek, and Chatham County Social Services Director, Jennie Kristiansen and our Vaya representative are all very much invested. It is a real question on how it is actually going to happen. We already know there are some places where kids with mental health challenges are not finding the spaces or funding. It is something to keep our eye on.*

*During the Association of County Commissioners' Executive meeting we had the opportunity for commissioners to highlight things happening in their community. A commissioner shared a collaborative project that they are doing in his community where the school district, a local developer, government, and private enterprise are collaborating on building an apartment complex for government employees. The project is focusing specifically on teachers and public safety officers in collaboration with State Employee Credit Union. She knows a lot of people will be interested in this. We are not going to meet our affordable housing goals without collaboration. We are not going to get good people in Chatham if they cannot afford to live here comfortably. It does not matter how well you pay if the cost of living is too high to maintain. These are very important conversations about keeping our teachers and law enforcement here. We want to keep our kids here. If we are going to do that, it is going to have to be something other than single family homes on large lots depending on well and septic. She will keep her eye on the project and see how it plays out and continue conversations with the relevant players.*

## **ADJOURNMENT**

**A motion was made by Commissioner Franklin Gomez Flores, seconded by Commissioner David Delaney, that this meeting was adjourned. The motion carried by the following vote:**

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