

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
NOVEMBER 13, 2003

The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in the Superior Courtroom, Courthouse Circle, located in Pittsboro, North Carolina, at 4:00 PM on November 13, 2003.

Present: Chairman Tommy Emerson; Commissioners Margaret Pollard, Bob Atwater, and Bunkey Morgan; County Manager, Charlie Horne; County Attorney, Bob Gunn; Finance Officer, Vicki McConnell; and Assistant County Manager, Renee Dickson

The Chairman called the Work Session to order at 4:05 PM.

Work Session Agenda

1. **Compact Communities Ordinance**

GOVERNORS CLUB

A discussion ensued with regard to the Morehead Road and Governors Club water system improvements.

The County Manager explained that staff recommendation is to proceed with improvements as summarized by the engineer at last work session in order to minimize reoccurring problems and enhance system distribution.

Commissioner Outz asked if this was to be a permanent "fix".

Tim Carpenter explained that Hobbs Upchurch & Associates had evaluated a number of options and that none were better operationally or in terms of cost. He stated that this should alleviate a large portion of the water break problem.

Chairman Emerson asked about financing the project.

The County Manager stated that the funds would come from capital reserve, loans, and/or the general fund balance.

A discussion ensued with regard to how this would affect the general fund balance, payback, and water rates.

The Chairman asked that the Board make a decision on whether to proceed with the project, stating

that they can struggle later with how to fund it.

Commissioner Pollard moved, seconded by Commissioner Atwater, to proceed with Governors Club water system remediation, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Morgan stated that he was reluctant to spend \$1.6 million without knowing how the County will pay for it.

Commissioner Pollard asked why not borrow the funds if the water fees will support the loan.

Commissioner Morgan stated that he was comfortable with the water fees paying for it. He further stated that he did not want the money to come out of the General Fund Balance and that he did not want the general public without water to pay for it.

The County Manager stated that staff's recommendation would be to front the money from General Fund with intent to reimburse with loans or other sources.

The motion carried five (5) to zero (0).

Commissioner Morgan asked that staff look into supplying water to Silk Hope School. The County Manager stated that staff would look into this and the possibility of obtaining water from the Ruritan well-water located across the street and also running water from Siler City.

COMPACT COMMUNITIES

The Board discussed allowing stormwater structures in ephemeral stream buffers.

Commissioner Morgan stated that he was reluctant to impose rules for compact communities that aren't applied countywide and that are stronger than the State's rules. He asked the County Attorney if stronger rules on ephemeral streams could be adopted and if the County could run into trouble not using the same rules on compact communities and subdivisions.

The County Attorney stated that greater density might justify this but that he is not entirely satisfied. Commissioner Morgan asked that he render a decision by the date of the public hearing.

Chairman Emerson asked if the Board could agree to allow a stormwater management structure in ephemeral stream buffers under acceptable conditions.

George Lucier stated that the Planning Board would have to work on that language.

The Planning Director raised the issue that ephemeral streams pose a problem for compact communities and interfere with the ability to develop property as commercial areas.

Chairman Emerson asked if flexibility could be built into the ordinance to deal with this matter.

Mr. Lucier recommended against this and noted that the developer could ask for a variance with impact assessment which lengthens the process of getting development approved.

Chairman Emerson stated that the Board needs to come to a consensus that they concur with language

to allow stormwater structure in ephemeral stream buffers.

Commissioner Atwater stated that clarification needs to be added to include low-impact design structures.

RECESS

The Chairman recessed the meeting for dinner at 5:15 PM.

RECONVENE

The Chairman reconvened the meeting at 5:45 PM.

A discussion on "affordable housing" ensued.

Ben Hitchings recommended that the ordinance be updated each year with information from HUD.

Jennifer Andrews stated that property use can be regulated but ownership can not. She expressed concerns about the legality of the affordable housing provisions of the ordinance.

Chairman Emerson asked Ms. Andrews, Mr. Lucier, John Graybeal, Mr. Hitchings, and the County Attorney to meet and develop language for this provision and to look at the previously agreed to options plus the options identified by Ms. Andrews.

The County Manager suggest that rather than providing the options available, that the developer be given the goal to determine the method for reaching the goal.

Perimeter Buffers:

Commissioner Morgan voiced concern that the application process will be lengthened because of the mitigation requirement of the perimeter and viewshed buffers.

Charles Eliason suggested giving some guidance about what the developer could do to obtain a 50% reduction in the buffers.

Larry Hicks clarified that perimeter buffers refer only to the perimeter of the development; that it does not establish buffers within the development.

Gray Styles stated that he was unclear about how the perimeter buffer interacts with roads.

Chairman Emerson received agreement from each Commissioner, with clarification needed, as to where perimeter and viewshed buffers apply.

Viewshed Buffers:

Chairman Emerson asked that language be included in the ordinance to allow the perimeter to be reduced on four-lane roads with mitigation.

The proposed wording is as follows:

"The Chatham County Board of Commissioners may allow a reduction in the view shed buffer width required by this ordinance of up to fifty percent along roads if it determines that the impact of the compact community is adequately mitigated by community design or topography."

Separation:

It was discussed that a decision to approve an adjacent compact community would be dependent on results of an impact assessment.

Commissioner Atwater asked if this could be handled through a conditional use permit.

Chairman Emerson proposed current language and polled Board members. Each agreed they could live with it.

Transportation:

Chairman Emerson reminded the Board that they were discussing criteria and procedures for assessments, not the ordinance itself.

Recreation:

Commissioner Atwater asked if the Board wanted to delegate the responsibility of reviewing recreation recommendations to staff?

Performance Standards:

Building height was discussed and ultimately raised to 60 feet.

Town Center Clarification:

It was decided that each project shall include an identifiable town center (non-geographical) and/or transit stop with shops, retail, and offices that are connected to the mix of residential uses in a practical way.

The Board discussed the walkability of commercial areas and the feasibility of compact communities across Highway #15-501; that 10,000 square feet refers only to low volume establishments; and that alleys and private roads should be dedicated to the incorporated owners association or equivalent entity for the compact community.

ADJOURNMENT

Commissioner Morgan moved, seconded by Commissioner Atwater, that there being no further business to come before the Board, the meeting be adjourned. The motion carried five (5) to zero (0), and the meeting was recessed at 8:20 PM.

Thomas J. Emerson, Chairman

ATTEST:

Sandra B. Sublett, CMC, Clerk to the Board
Chatham County Board of Commissioners