

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
NOVEMBER 17, 2003

The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in the Henry H. Dunlap, Jr. Building Classroom, located in Pittsboro, North Carolina, at 3:30 PM on November 17, 2003.

Present: Chairman Tommy Emerson; Commissioners Margaret Pollard, Bob Atwater, and Bunkey Morgan; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Assistant County Manager, Renee Dickson; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

Absent: Commissioner Carl Outz

The Chairman called the meeting to order at 3:32 PM.

Work Session

1. Wildlife Update
2. Leadership Academy Report
3. ABC Salaries
4. Compact Communities Ordinance
5. MPO Transportation Improvement Plan Discussion
6. Consideration of Board Trip to Southern Village
7. On-Call Policy Discussion

WILDLIFE UPDATE

The County Manager introduced Reggie Barker, Wildlife Officer, George Strader, District Biologist, and Sgt. Sharpe, Wildlife Officer.

Officer Barker explained that the human population, not the deer population, has increased in Chatham County; that this has reduced the deer habitat which has compacted the deer into certain areas; that hunters now have four months, from September to January, to harvest deer by bow and arrow, muzzle loader, rifle or shot gun; that the commission has encouraged hunters to harvest more doe; that if the season is extended it will give the hunter an opportunity to sit in a deer stand longer to wait for a buck to come by; that it will not encourage him to shoot doe; that each hunter can legally harvest six deer; that they can all be doe; that there is a two-buck maximum; that they have received a lot of calls from citizens who are dead-set against hunting; that they do not want gun shots around their homes; that they do not like the season being

four months in length; that that seems to be the growing trend for the County; that there are depredation laws in effect which state that if someone has an animal on their property causing damage or costing someone money, they are allowed to shoot the deer without a permit as long as it is caught in the act; that the permit system is designed to allow farmers retain possession of the animal and utilize it; that the law allows a person to protect their property; that they have complaints from people who live in subdivisions where no hunting is allowed yet the deer do seven to ten thousand dollars of damage per year in landscaping; that they encourage archery hunting in these circumstances; that there is no danger of a long-range accident; and that there are basically no hunting accidents archery related.

George Strader stated that they operate within guidelines of the State Legislature; that they can't operate or make recommendations outside the time frame set aside for hunting deer; that the entire season is open to doe harvest in Chatham County; that over the years, beginning in the 1970s when the population started to grow, the number of doe days increased gradually; that that was to control the population; that the two-buck limit was passed three years ago; that prior to that, thirty-eight percent of doe were harvested; that during the past year, the number jumped to forty-eight percent; that the increase was due to the change in regulations; that another program in which landowners can participate is the Deer Management Assistance Program (D-MAP); that this program offers extra tags to landowners during the regular deer season; that a landowner has to meet certain qualifications by owning at least two thousand acres or group with adjoining landowners; that next year the acreage is going to be lowered; that another problem they run into is that a lot of landowners do not want to allow any type of hunting; that hunting is really their only population control measure that they have for the white-tail deer; and that if hunting can be allowed, it needs to be encouraged.

He further stated that even though they cannot extend the deer season within the State Legislature guidelines, there is no reason that it cannot be proposed; that during the regulation process which begins in July, citizens can make recommendations to the Legislature to address any issue.

Mr. Barker stated that a lot of hunters, due to lack of incentives, are not going to harvest the deer; that in a past program, "Hunters for the Hungry" was started; a program of this type might be considered and coordinated through the County; that a lot of sportsmen clubs offer prizes for the one who kills the largest buck; and that this could be done for the largest doe by body weight to encourage the harvest of more doe.

Commissioner Morgan speculated that local automobile insurance companies might sponsor a contest of this type.

LEADERSHIP ACADEMY REPORT

Aaron Becker, member of the University of North Carolina MBA Program (Leading and Managing Class) explained that his class evaluated the Chatham Leadership Academy program to measure the impact of the program. He stated that he had received positive feedback from trainees randomly interviewed in the program; that they had gained new confidence as leaders; that they have a better understanding of Chatham County Government; that the academy had strengthened networks across the organization; that there was high morale among trainees; that supervisor feedback conveyed great performance, a better use of employee time, a better understanding of the organization, and better presentation skills; that none reported reduced productivity; and that most were supportive of time commitment. He stated that the group had made recommendations including incorporation of more interactive exercises, reduction of classes to 2.5 hours (split between two days if necessary) and award certification after core courses are completed with electives to be completed at a more leisurely rate.

ABC SALARIES

By consensus, the Board agreed to have staff retrieve more information from surrounding counties before a decision is made on ABC salary adjustments, to find out further the actual role of the ABC Board, and to ask ABC Board members to meet with the Board regarding this issue.

SOUTHERN VILLAGE VISIT

By consensus, the Board expressed no desire to visit the Southern Village, each stating that they had already visited the community.

BREAK

The Chairman called for a five-minute break.

COMPACT COMMUNITIES ORDINANCE

The revised language as discussed, with changes indicated by strikethroughs, underlines, and red text are as follows:

Please note that the revised language includes the following two minor changes as well:

- 1) The language regarding the use of the federal Low Income Housing Tax Credit Program has been broadened to include the similar state program and other available subsidies.
- 2) Based on a review of the Chapel Hill "small house" ordinance, the phrase "by family size" has been added in Options A and B in order to provide additional minor clarification on how to interpret the Area Median Family Income figures published annually by HUD without going to the lengths of including a detailed table in the actual ordinance. It would still be advisable for the County to provide such a table to developers, builders, and homeowners, so that they have a clear understanding of the price points they need to meet in order to be in compliance with the provisions of the ordinance. It is also recommended that the table be updated annually when HUD releases its new AMFI figures for the region. This is a straightforward process that could be done in a few hours by a housing expert or bank loan officer using a methodology provided in hard copy titled "Proposed Format for Determining Qualifying Incomes and Home Prices for the Chatham Compact Communities Ordinance" and dated November 13, 2003.

In addition, two other related issues raised in the subcommittee meeting and the Board of Commissioners' Work Session include the following:

- a) What might happen to the donated land in Option A if the designated agency(ies) go out of business; and
- b) How can the County help ensure that the affordable housing provisions are enforced.

The first issue can potentially be addressed as a condition established by the County when it designates the agency(ies) that would receive title to the donated land. As discussed at the affordable housing meeting, conservation land trusts sometimes designate an entity to hold a "remainder interest" in which they

would receive the land or easement if the primary owner or easement holder goes out of business. It was recommended that the County seek legal counsel for a recommendation on any requirement to include in this regard.

Language contained in the Chapel Hill "small house" ordinance may help address the second issue. The last paragraph in Section 3.8.6.1 reads that "The subdivision preliminary and final plats and the Planned Development-Housing proposals minor subdivision plats shall indicate clearly each lot on which an affordable unit must be constructed, and the builder, developer and purchaser shall be bound by the restriction." It was recommended adding language similar to this to the provisions that already exist in the "Compliance" section of Section 13.3.

Finally, the compliance section also indicates that Chatham County shall provide a sample deed with the appropriate language to enact the provisions of the affordable housing section. TJCOG can provide samples for review and possible adaptation by Chatham County. In addition, as a follow up to the County Manager's concerns about the potential cost of completing this and the other set-up work for this component of the ordinance, one good source of low cost assistance are the UNC and Duke Community Development Law Clinics. The faculty contact for the UNC program is Mark Dorosin (telephone: 962-4107; dorosin@email.unc.edu). The faculty contact for the Duke program is Andrew Foster (telephone: 680-2964; foster@law.duke.edu).

Moderately Priced Dwellings:

All compact communities shall provide on-site housing for low and moderate-income households. These shall be designated as "Moderately Priced Dwellings."

Each compact community shall provide one of the following three options for Moderately Priced Dwellings:

- A. A minimum of five percent (5%) of the total dwellings in the development shall be sold and affordable to buyers whose household incomes are no greater than sixty percent (60%) of the Area Median Family Income, with title to the lots donated by the developer to a nonprofit community agency designated by the County whose mission is to expand and preserve housing for low-income households. The designated agency(ies) will hold title to the land in perpetuity and lease it to qualifying households whose incomes are no more than sixty percent (60%) of the Area Median Family Income by family size, and the agency(ies) have first right of refusal to purchase the dwelling unit at any time the owner decides to sell it. ~~The provisions of this section are not intended to preclude the use of Low Income Housing Tax Credits.~~ The developer and/or designated nonprofit community agency(ies) may use the state and federal Low Income Housing Tax Credit programs or any other available subsidies to create affordable rental dwellings to help meet the requirements of this option.
- B. A minimum of ten percent (10%) of the total dwellings in the development shall be sold and affordable to buyers whose household incomes are no greater than sixty percent (60%) of the Area Median Family Income by family size. These dwellings shall remain moderately priced dwellings sold to qualifying households according to the terms of this ordinance for at least thirty (30) years.
- C. Upon approval of Chatham County, the developer may meet this provision

through an alternative means, provided that it does both of the following things at a minimum:

- Ensure the development and sale of moderately priced dwellings in a manner equivalent to that in ~~Option A or~~ Option B above; and
- Ensure that at least ~~two thirds~~ one half (~~2/3~~ 1/2) of the total moderately priced dwelling units required in ~~Option A or~~ Option B are built within the proposed compact community.

Compliance:

The application, master plan, and subdivision preliminary and final plats for each compact community shall designate the lots for Moderately Priced Dwellings, and the builder, developer, and purchaser(s) shall be bound by the restriction according to the terms of this ordinance.

Before the issuance of the first building permit for any construction in a Compact Community, the applicant shall execute and record a deed restriction binding the applicant and all other parties that receive title to the property on all lots for dwellings designated as "Moderately Priced." This deed shall conform to a form supplied by the Chatham County Attorney providing for the term of price, buyers' income certification, and owner occupancy for homes to be sold.

The deed shall run with the land for the period of control.

Dwellings designated as "Moderately Priced" and for sale are intended for owner occupancy.

The income eligible homebuyers for Moderately Priced Dwellings shall be documented and certified by an agency designated by the Chatham County Manager.

The pace of construction of Moderately Priced Dwellings must reasonably coincide with the construction of market rate dwellings. To insure the construction of Moderately Priced Dwellings, the issuance of building permits shall be phased. Chatham County may issue building permits for up to 50% of the dwellings in a development covered by this ordinance without requiring construction of the affordable units. However, before building permit(s) can be issued for the construction of any additional dwellings, the developer must have received certificates of occupancy for at least half of the Moderately Priced Dwellings approved in the development as a whole. All of the Moderately Priced Dwellings shall have certificates of occupancy before the County issues building permits for the final 10% of dwellings in the development.

Work on Compact Communities is to continue at the work session on December 8, 2003.

JOINT MEETING WITH CARY TOWN COUNCIL

A joint meeting with the Cary Town Council was discussed. By consensus, an evening meeting was preferred. It was suggested that the Chairs of both organizations set the agenda for the meeting. Location is to be determined.

MPO TRANSPORTATION PLAN

The MPO 2025 Long-Range Transportation Plan (Highway Component-Chatham County Related Projects) was discussed. The Planning Director stated that the committee is requesting a priority list of projects from the Board by November 22, 2003, but that a December 8, 2003 Board of Commissioners' meeting decision would be acceptable.

Commissioner Pollard stated that she felt that it was prudent to include "Park and Ride" lots.

The Planning Director reiterated that Commissioner Pollard had expressed a desire to set up a "Local Transportation Advisory Committee". He stated that he felt that a committee of this type would be extremely helpful.

SILK HOPE SCHOOL WATER

- The County Manager stated that he had communicated with Joel Brower, Siler City Town Manager, who stated that they were willing to help with the water situation at Silk Hope School any way possible. Discussions on this issue will continue.

RECESS

- Commissioner Pollard moved, seconded by Commissioner Morgan, that the meeting be recessed for the regularly scheduled Board of Commissioners' meeting to be held in the District Courtroom. The motion carried four (4) to zero (0), and the meeting was recessed at 5:45 PM.

Thomas J. Emerson, Chairman

ATTEST:

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