

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**COMPACT COMMUNITIES WORK SESSION**  
**FEBRUARY 25, 2003**

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The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in the District Courtroom, located in Pittsboro, North Carolina, at 6:00 PM on February 25, 2003.

Present: Chairman Tommy Emerson; Vice Chair Carl Outz; Commissioners Margaret Pollard, and Bob Atwater; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Assistant County Manager, Paul Spruill; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

Absent: Commissioner Bunkey Morgan

The meeting was called to order by the Chairman at 6:00 PM.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Chairman Emerson invited everyone present to stand for the invocation followed by the recitation of the Pledge of Allegiance.

**AGENDA**

The Chairman reviewed the Agenda and asked if there were other additions, deletions, or corrections to the Agenda.

Chairman Emerson asked that a discussion of the Noise Ordinance be added to the Agenda, time permitting.

Commissioner Atwater moved, seconded by Commissioner Pollard, to approve the Agenda with the noted request. The motion carried four (4) to zero (0).

**Work Session Agenda**

- 1.) **Land and Water Conservation Fund (LWCF) Application:** Consideration of a request to adopt **Resolution Authorizing a Grant Application to the Land and Water Conservation Fund for Matching Funds to Develop the Southwest Community Park and Resolution for the Assurance of Availability of 50% Match**
- 2.) **3 M Reuse Project:** Consideration of a partnership for repayment of revolving loan, if necessary
- 3.) **Subdivision Final Approval for "Farrington Woods III: Whitaker Ridge":** Consideration of a request by Fitch Creations, Inc. for subdivision final approval for

**"Farrington Woods III: Whitaker Ridge"**, consisting of 11 lots on approximately 15 acres in Farrington Village, off Highway #15-501 North, in Williams Township

4.) **Presentation and Discussion with Land Use Planning Implementation Committee (LUPIC) regarding committee recommendations for compact communities**

**RECREATION**

**Land Water Conservation Fund (LWCF) Application:** Consideration of a request to apply for funds for the Southwest Community Park

The County Manager introduced the Land and Water Conservation Fund application and explained staff's effort to leverage \$430,000 with the \$250,000 initially committed to as a dollar-for-dollar match.

Chairman Emerson stated that the total project budget is \$680,000; that the difference between the previously appropriated \$250,000 and the project budget of \$680,000 is entirely grant money.

Commissioner Outz voiced concern that the citizens in the area do not want the park stating that he also believes the Superintendent of Chatham County Schools was not in favor of it and that the park would cost as much as \$100,000 per year to maintain.

Commissioner Pollard indicated that members of the community with which she has spoken categorically support the park. She stated that she recognized the benefits of having appropriated \$250,000 to leverage \$400,000.

Commissioner Atwater suggested the issue at hand is not to vote on whether or not to spend the \$250,000 match that the Board has already appropriated, but to leverage the funds already committed further by soliciting funds from the Land Water Conservation Fund.

The Chairman asked how much the County currently has in the payment in lieu fund by high school district and verified that the County would have to return the money if it did not proceed with the project.

Commissioner Atwater reiterated that initially he was not for the park, but given that the decision has been made, he feels that the Board should proceed.

Commissioner Outz suggested keeping the land and building trails on it.

The Chairman admitted that he was hoping for some non-controversial items after the Buck Mountain issue, but stated that this has been quite a controversial issue. He stated that he felt that Commissioner Outz has some good points; that he knows that there are strong feelings on the park issue; and that he also knows every issue has two sides.

Commissioner Pollard reiterated a need to invest in the recreational futures of the children. She suggested a need to assist children in learning to spend leisure time in a positive way.

Commissioner Atwater suggested that if the matter was forthcoming today, that the Board would not appropriate funds to do it given the current state of the economy. He stated, however, that this issue is about leveraging additional money.

Commissioner Pollard stated that she had talked with many citizens who lived in the area who voiced a need for the park in southwest Chatham County; and that the \$250,000 has been committed to leverage the

\$400,000 for a facility that the people of the area need; and that water nurtures the body and parks nurture the spirit.

Commissioner Pollard moved, seconded by Commissioner Atwater, to approve **Resolution #2003-01 Authorizing a Grant Application to the Land and Water Conservation Fund for Matching Funds to Develop the Southwest Community Park** and **Resolution #2003-02 for the Assurance of Availability of 50% Match**, attached hereto and by reference made a part hereof. The motion carried three (3) to one (1) with Commissioner Outz opposing.

Chairman Emerson stated that he had originally expected to vote to oppose the park until he received an email from Commissioner Morgan. He proceeded to read the email stating that Commissioner Morgan had received about five times the input from citizens voicing opposition to the park as those in favor of it; that he felt that if those against the park had turned out when it was proposed, the Board would not be going through what it is going through at this time; that he feels that since the Board did accept the grant a few years back and purchased the property, they have no choice but to continue with the project; that the \$180,000 grant being applied for at the meeting will cover the cost without the County having to match funds; that if they cancel the project now, the Board will have to return over \$100,000 in costs for the County to absorb and will have a very negative image, which would hurt them in the future when they need other grants for water and other worthwhile projects; and that if he was in attendance at the night's meeting, he would vote to continue the project but not exceed the total of \$680,000.

The Chairman continued by suggesting that in good conscience he could not vote against the project and take advantage of Commissioner Morgan's unintended absence. He apologized publicly to the citizens that he had told he would vote against the item. He explained that he hoped if he had been in Commissioner Morgan's circumstance that the Board would have given him the same consideration.

### **TOWN OF PITTSBORO/CHATHAM COUNTY PARTNERSHIP**

**3 M Reuse Project:** Consideration of a partnership for repayment of revolving loan, if necessary

The Mayor of the Town of Pittsboro, Nancy May, proposed that should any cost overruns occur and obligate the project to repaying debt service that the Town and the County split the difference.

The County Manager suggested that it is still the hope of both entities that loan funds may not be necessary. He further explained that the current Preliminary Engineering Report (PER) reflected the cost of the project would exceed the grant funds by \$860,000; that the Board might want to consider placing a "not to exceed amount" of \$430,000 which is 50% of the Revolving Loan needs estimate.

The Chairman explained that the principal debt holder will be the County and the respective attorneys for each entity would draw up a contract such that the Town would repay the County half of the monthly debt service.

Commissioner Outz inquired about the possibility of running a clean water line while the work is being done. The County Manager explained that the Board had discussed the possibility, but had not authorized such a project.

Commissioner Outz moved, seconded by Commissioner Atwater, to support the Town of Pittsboro's request to share the debt service for 50% of the Revolving Loan used for the 3 M Reuse Project. The motion carried four (4) to zero (0).

**Subdivision Final Approval for "Farrington Woods III: Whitaker Ridge":** Consideration of a request by Fitch Creations, Inc. for subdivision final approval for "**Farrington Woods III: Whitaker Ridge**", consisting of 11 lots on approximately 15 acres in Farrington Village, off Highway #15-501 North, in Williams Township

Commissioner Pollard moved, seconded by Commissioner Outz, to accept the Planning Board and Planning Department recommendation and approve the request by Fitch Creations, Inc. for subdivision final approval for "**Farrington Woods III: Whitaker Ridge**", consisting of 11 lots on approximately 15 acres in Farrington Village, off Highway #15-501 North, in Williams Township. The motion carried four (4) to zero (0).

### NOISE ORDINANCE

Chairman Emerson stated that he had received numerous calls from people reporting that there were gun shots being fired at all times of the night and day at the Sports Arena; that it was bothersome and that he is afraid that something bad is going to happen; that it is not just a problem in the Goldston area, that it is becoming a problem elsewhere.

The County Manager explained that the public hearing had been held on the Noise Ordinance; that no action had been taken on whether or not to revise the ordinance; and that the ordinance that the County had before the public hearing is the enforceable ordinance at this time.

Chairman Emerson asked that staff meet with the Sheriff to discuss potential changes to the Noise Ordinance.

Commissioner Outz suggested the possibility of a midnight curfew.

The County Attorney is to check into this matter further.

### PUBLIC INPUT SESSION

**Lynn Hayes**, 612 Oak Island Drive, Chapel Hill, NC, stated that she supports the efforts associated with smart growth and that she thinks that there are many areas of the Land Use Plan that need to be studied. She asked that special attention be devoted to costs of development and suggested a close look at any surrounding neighborhoods that may be impacted by development.

**Bob Knight**, 406 Chimney Rock Road, Sanford, NC, spoke about recreation and the need for young people to do some work to use recreation facilities. He suggested that the Commissioners attend the community meetings concerning parks. He stated that newspaper articles regarding park information needs to be placed on the front page of the newspaper instead of the back page; that people living on the river do not pollute the river; that industry pollutes the river; and that he is concerned about river buffers. He asked that laws not be passed that are not needed and that if laws are passed, the property owners should be given a tax break.

**Jane Gallagher**, 628 Red Bud, Pittsboro, NC, suggested the Board consider using a new tool to screen potential industrial polluters when recruiting economic development.

Commissioner Atwater responded to Mr. Knight's concern about the manner in which community meetings have been conducted. He assured him that the Board has received comments from all meetings from any individual who has spoken on recreation or LUPIC issues.

**Presentation and Discussion with Land Use Planning Implementation Committee (LUPIC) regarding committee recommendations for compact communities**

The Chairman praised the efforts of the Land Use Planning Implementation Committee (LUPIC) and Chairman, Larry Hicks.

The LUPIC Chairman asked each LUPIC member to introduce him/herself after which he opened the discussion and introduced the proposed agenda.

**Agenda**

- 1. Short Commentary from the Chairman**
- 2. Minority Reports**
- 3. Discussion of Tier 1 Issues**
- 4. Next Steps**

Chairman Hicks offered comments describing the process and the progress of the committee to date.

Mark McBee submitted a minority report and distributed it to various parties in attendance.

The Chairman then began to walk the Board through the Attachment 1, Supplemental Materials Document. He pointed out that many of the options included rely on the Land Use Development Plan. He suggested that the group did not remove any ideas submitted by any member prior to the public outreach sessions. He stated that the group recognized that many of the ideas would be trimmed as the Board moves toward a draft ordinance for public comment. He also pointed out that Triangle J is continuing to assist the group with a "sensitivity analysis" that would examine whether or not such a development can be built given the flexibility of a 1,000 acre tract; that based on an initial examination of the requirements, a project can be constructed that looks very similar to Southern Village or Meadowmont.

He pointed out the differences between Chatham County and other areas are the availability of public sewer. He explained that the LUPIC group is trying to account for the need for the extra acreage that is necessary due to the lack of sewer. He pointed out that once that acreage is accounted for, one ends up with densities similar to Briar Chapel and/or Meadowmont.

He explained that this ordinance is unique in that development pressures are resulting in spray irrigation systems, which necessitates efforts to protect ground water and surface water.

Chairman Emerson asked if the agronomic rates in the farm industry operate on the same logic as spray irrigation. Hal House responded that the two systems have different goals and he pointed out that LUPIC's efforts have been specific to development issues and the safe disposal of wastewater.

The Chairman went on to ask about the possibility of irrigating this water on a farmer's property if he needs it. Hal House responded that designing a system for disposal pushes the limits of the land and that they are working from the perspective of reusing water.

Chairman Emerson asked how the County can accommodate different soil types. Hal House responded that LUPIC's work has been designed around reuse water on varying soil types. He pointed out that a public reuse line into which a development dumps may be safer than depending on a temporary

arrangement to spray irrigate the water.

Steve Seilkop suggested that LUPIC was trying to write an ordinance that does not depend on a business for wastewater disposal that may not be there in the future.

Chairman Hicks reemphasized the need to plan for the system to sustain spray irrigation.

The Chairman went on to point out that the density formula produces homes on a 1000 acre tract that result in a substantial number of homes as compared with other compact communities, but that the densities are actually a bit lower which is better given that the homes can go on larger lots.

Commissioner Pollard suggested that densities need to be four units per acre or better to accomplish mass transit. Allen Baddour pointed out that the density in the residential built on area actually results in a number higher than four units per acre.

Chairman Emerson pointed out that a good deal of economic analysis from the developer's perspective still remains ahead. He pointed out that these kinds of issues need to be addressed after this information is made available, but prior to the Board of Commissioners making their decision.

Chairman Hicks pointed out that the current ordinance allows for development that is economically feasible at one unit per acre and that doubling the density means a greater return and may allow for exactions. He suggested that the wastewater issue is critical to greater densities and the County still has economic viability, physical viability, and environmental viability questions as we move through the process.

He made clear that we are not here to write an ordinance that does not allow compact communities to develop.

Allen Baddour and Larry Hicks also pointed out the importance of affordable housing.

Commissioner Outz also asked about the two-mile distance requirement. Chairman Hicks pointed out that it was not the group's interest to downzone areas around compact communities and intrude on property rights. The group opted instead to leave the existing uses by right of one unit per acre in place. He also pointed out that the land next door to compact communities often experiences increases in the value of property given it can still develop at its use by right density.

Chairman Hicks went on to clarify that the land next door has the same development rights that it has today, stating that one only has to develop with these higher densities if they are able to meet the menu of requirements that the committee is recommending.

The Chairman reviewed the recommended location of within one mile of four-lane highways and the flexibility of allowing the developer to have flexibility in locating the commercial areas.

He also suggested the passive open space requirement of 30 percent does not preclude a development from happening.

Commissioner Outz asked if a developer followed all of these recommendations, would it not raise the cost of the houses? Chairman Hicks pointed out that everything in the plan is not mandated. He also pointed out that the economic viability of the project and the demand for the homes will determine the cost of the houses.

Chairman Hicks emphasized again the importance of studying the developer's plans for wastewater because once the development is built, the health of the wastewater system is dependent on the people who live there.

Chairman Emerson asked if there are preemption legal issues related to the locality's ability to require wastewater plans more stringent than the State's standards. Ben Hitchings reported that this is possible if you receive special permission from the Environmental Management Commission and Triangle J is continuing to research the item.

Hal House responded that all of the recommendations related to wastewater are founded in good science. He pointed out that the issue at the State level is that they are using these recommendations in different ways. He offered the example of allowing a repair area for a spray system which the State does not require, but the concept of repair areas for subsurface systems that are required.

The Chairman asked if there are comparable ordinances. Allen Baddour and Hal House pointed out that what makes this ordinance unique is the need for wastewater spray irrigation.

Chairman Hicks encouraged the Board to contribute comment by email as they move toward March 17th and prepare a draft ordinance for public comment and for traveling the traditional Planning Board process.

Commissioner Atwater pointed out his belief that the document is in sufficient shape for moving forward to a draft ordinance and that he expects the Board to take the opportunity to pursue necessary detail.

The Chairman suggested that the perception is that there is a big struggle going on between a growth segment and a non-growth segment. He stated he does not believe this is the case, although there are divergent views. He also recognized that the process is flexible and stated that all of their interests are flexible enough to stand for more input as they move forward. He made clear his expectation for a draft ordinance to allow for a public hearing to get input before the item goes to the Planning Board.

Dr. Lucier supported the Chairman's summary of the process. He described the work to date as a menu that will result in an ordinance. He suggested that the Planning Board looks forward to doing its part after the public hearing.

The Chairman asked when the public hearing would be advertised and suggested that they have the flexibility to advertise the hearing as an initial hearing with a target date of March 17, 2003.

The Chairman went on to point out the ongoing nature of the project and suggested that any information that causes the LUPIC group to change any recommendations between now and March 17<sup>th</sup> is acceptable.

Commissioner Pollard asked for information from Hal House on the definition of an intermittent stream.

Hal House used a branch as an analogy of the definition of perennial, intermittent, and ephemeral streams. He also described the importance of each one.

## **ADJOURNMENT**

Commissioner Outz moved, seconded by Commissioner Pollard, that there being no further business

to come before the Board, the meeting be adjourned. The motion carried four (4) to zero (0), and the meeting was adjourned at 9:25 PM.

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Thomas J. Emerson, Chairman

ATTEST:

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Sandra B. Sublett, CMC  
Chatham County Board of Commissioners