

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**MAY 21, 2012**

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The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Agricultural Building Auditorium, 45 South Street, Pittsboro, North Carolina, 6:00 PM on May 21, 2012.

Present: Brian Bock, Chairman; Walter Petty, Vice Chairman; Commissioners Mike Cross, Sally Kost, and Pamela Stewart

Staff Present: Charlie Horne, County Manager; Jep Rose, County Attorney; Renee Paschal, Assistant County Manager; Vicki McConnell, Finance Officer; Sandra B. Sublett, Clerk to the Board; and Lindsay Ray, Deputy Clerk to the Board

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Commissioner Cross delivered the invocation after which the Chairman invited everyone present to stand and recite the Pledge of Allegiance.

**CALL TO ORDER**

Chairman Bock welcomed those in attendance and called the meeting to order at 6:00 PM.

**AGENDA AND CONSENT AGENDA**

Chairman Bock explained that there had been a request by Commissioner Kost to remove the following items from the Consent Agenda and place them on the Regular Agenda for discussion:

- Vote on a request by Paul Messick, Attorney-at-Law, on behalf of Parker Springs, LLC to adopt Resolution Accepting the Voluntary Relinquishment of Chatham County Approvals Related to Parker Springs Subdivision, Pursuant to the North Carolina Permit Extension Act of 2009 (Amended by Session Law 2010-177)
- Vote on a request by Talitha Sanders and Ellen Martin for a conditional use permit on Parcel #75481, located at 235 Easy Street, Baldwin Township, on 4.564 acres for a daycare center for 15 or fewer children
- Vote on a request by the Chatham County Board of Commissioners for text amendments to sections 11 and 22 of the Countywide Lighting Ordinance to allow internally-illuminated signs and delete the amortization requirement for vehicular canopy lighting

Commissioner Petty, seconded by Commissioner Cross, to approve the Agenda and Consent Agenda with the noted requests as follows:

1. **Minutes:** Approval of Board Minutes for the Regular Session held on May 7, 2012 and the Work Session held on May 7, 2012

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

2. **Tax Releases and Refunds:** Vote on a request to approve tax releases and refunds, attached hereto and by reference made a part hereof.

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

3. **Collection of Minimal Tax Bills:** Vote on a request to approve **Resolution #2012-27 Not to Bill or Collect Minimal Taxes**, attached hereto and by reference made a part hereof.

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

4. **Foreclosure Legal Services:** Vote on a request to approve the contract with Zacchaeus Legal Services, attached hereto and by reference made a part hereof.

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

5. **Naming of Private Drive:** Vote on a request from citizens for the naming of a private road in Chatham County: Lucky Lane

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

6. **Criminal History Check Policy:** Vote on a request to approve amendment to Criminal History Check Policy, attached hereto and by reference made a part hereof.

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

7. **Chatham County Public Utilities Division Supervisory Control and Data Acquisition (SCADA) System:** Vote on a request to standardize the Monitoring System and PLC's for the SCADA system for both informal and formal purchases in the future

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

- ~~8. **Parker Springs, LLC:** Vote on a request by Paul Messick, Attorney at Law, on behalf of Parker Springs, LLC to adopt **Resolution Accepting the Voluntary Relinquishment of Chatham County Approvals Related to Parker Springs Subdivision, Pursuant to the North Carolina Permit Extension Act of 2009 (Amended by Session Law 2010-177)**~~

~~This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion.~~

9. **Search Ring Approval:** Vote on a request for search ring approval from Matthew Danielson with Raleigh Towers to locate a telecommunications tower within the northeastern portion of the County

As per the Planning Staff and Planning Board recommendation (by unanimous vote), approval of the search ring was granted as submitted.

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

10. **Chatham County Zoning Ordinance Text Amendment:** Vote on a request by Kent Dickens for a text amendment to the Chatham County Zoning Ordinance to add boat storage facility and recreational vehicle storage to the list of permitted uses under the Industrial Light and Industrial Heavy zoning classifications

As per the Planning Staff and Planning Board recommendation (by unanimous vote), the Board of Commissioners adopted **An Ordinance Amending the Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof.

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

11. **Conditional Use Neighborhood Business Rezoning Request:** Vote on a request by George Farrell on property located at 306 McGhee Road, Parcel #74986, to rezone approximately 2.096 acres of the 10.01 acre tract from R-1 Residential to CU-NB Conditional Use Neighborhood Business, Williams Township

As per the Planning Staff and Planning Board recommendation (by vote of 5-1-1), the Board of Commissioners approved the rezoning request as submitted and adopted **An Ordinance Approving Amending The Zoning Map of Chatham County For a Portion of Parcel #74986**, attached hereto and by reference made a part hereof.

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

12. **Conditional Use Permit Request:** Vote on a request by George Farrell on property located at 306 McGhee Road, Parcel #74986, for a conditional use permit for a boat storage facility and recreational vehicle storage facility on approximately 2.096 acres of the 10.01 acre tract, Williams Township

As per the Planning Staff and Planning Board recommendation (by a vote of 5-1-1), the Board of Commissioners approved the conditional use permit request as submitted and adopted **Resolution #2012-28 Approving a Conditional Use Permit Request by George Farrell**, attached hereto and by reference made a part hereof.

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

13. **Conditional Use Permit Revision Request:** Vote on a request by Scott Thomas, on behalf of Jessie Fearington, for property located at the corner of US 15-501 North and Morris Road, Parcel #65232, to remove approximately .322 acres from the existing conditional use permit to be recombined with property owned by the North Chatham Fire Department

As per the Planning Staff and Planning Board recommendation (by unanimous vote), the Board of Commissioners approved the request as submitted and adopted **Resolution #2012-29 Approving a Revision to a Conditional Use Permit Request by Scott Thomas on behalf of Jessie Fearington**, attached hereto and by reference made a part hereof.

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

- ~~14. **Conditional Use Permit Request:** Vote on a request by Talitha Sanders and Ellen Martin for a conditional use permit on Parcel #75481, located at 235 Easy Street, Baldwin Township, on 4.564 acres for a daycare center for 15 or fewer children~~

~~This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion.~~

- ~~15. **Countywide Lighting Ordinance Text Amendments:** Vote on a request by the Chatham County Board of Commissioners for text amendments to sections 11 and 22 of the Countywide Lighting Ordinance to allow internally illuminated signs and delete the amortization requirement for vehicular canopy lighting~~

~~This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion.~~

16. **Subdivision Regulations Text Amendments:** Vote on a request by the Chatham County Board of Commissioners for text amendments to sections 7.2 and 7.7 of the Subdivision Regulations to clarify conservation subdivision standards and review procedure

As per the Planning Staff and Planning Board recommendation (by a vote of 5-1-1), the Board of Commissioners adopted **An Ordinance Amending the Chatham County Subdivision Regulations**, attached hereto and by reference made a part hereof.

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

### **END OF CONSENT AGENDA**

### **PUBLIC INPUT SESSION**

**Bill Sommers**, 29 East Madison, Fearington Village, Pittsboro, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

"My remarks summarized within the 3 minutes allotted are expanded in what follows and I request they be included in official minutes of the May 21<sup>st</sup> meeting.

I would first like to expand my comments on two items regarding **Agenda Item 18: Briar Chapel Conditional Use Permit Revision Request** and **Item 14F- Library** and **Item 20: Moderate Income Housing**. I also want to expand my request regarding potential dangerous road conditions at the road way in front of Galloway Ridge as it meets the heavily traveled intersection with State Highway 15-501.

**1. 14F- Library:** This item allows Briar Chapel (BC) to exchange the estimated cost for building a Chatham Public Library extension to service Briar Chapel residents and presumably Chatham County residents living in close proximity to the extension. In lieu thereof BC would pay the County \$80,000 and "...the County will determine as to how to use that resource." While one could make a very good case for the construction of the library extension within the BC area where there is no interference with housing development, e.g. the currently unused 60 acres on the east side of 15-501 which would, in turn, make a bookmobile unnecessary and would serve a substantial portion of Chatham County residents who would like to have a modest library extension nearby.

It does appear that the Board has not involved itself positively regarding our excellent library services and it needs. But if such a potential as noted above is not within the Board's development program, in any event, the funds that were allocated for library purposes in the first place, should be used to meet the County's growing library needs in a variety of growing services – and should not be used for funding non-library projects or programs.

To use these funds for other than library needs is a travesty against the very reason the funds were allocated in relation to the original proposal. This is not a "foolish consistency" but a consistency if properly used could continue to be available for current and future needs of our Library.

**2. No. 20. Moderate Income Housing:** This proposed transfer of funds from Briar Chapel to Chatham County underlines the seriousness of the original proposal, namely, to build low cost housing units in a development whose planned disposition is, generally, housing for those of sufficient incomes to purchase higher cost housing. The originators of this requirement in the original authorization had in mind a relatively small "mixed-housing" effort by which low income families might also buy homes within a predominate middle class - and upwards – home owners housing. The idea is based on a laudable effort to have people of different means live together in a community where interchange becomes a building-block of cooperation and understanding. Too often in our communities we focus on price, income and , to some extent, education and social standing which instill a regularized interchange between owners who, by and large, have – or have had – similar income status and educational levels. In a country that was founded on an idea that variations in income, education and living status should not interfere or denigrate into a kind of class friction. We have fought wars on this issue and we have forced, in many cases, the law to understand a certain equality that is based on the soul and heart of varied economic status.

In Chatham County there are a number of large scale developments, e.g. Fearington Village, Governor's Club - where the proposal that was made in Briar Chapel, has not been implemented and thus, in this case, we have moved away from on our country's ideals. It was the view of the elected officials at the time of Briar Chapel's approval to rectify this situation with the requirement for "Moderate Income Housing" and to have here in Chatham a promotion that might give impetus to other housing developments in other areas.

To transfer the BC funds to the County – for the same purpose – obviously shows a failure of both BC and Chatham County in implementing this very important statement of equality of person, undetermined by race, education or financial strength. It leaves the County Board to be the custodian of this rather marvelous and practical effort. How well the County Board will use these funds should be carefully watched and evaluated – if such is possible in current political activity.

Emerson's "foolish hobgoblin" seems to have rooted its application via Chatham County wherein one action the Board has decided to use the library money as it sees fit while the larger funds assessed from Briar Chapel will be used to do what the Board, unfortunately, is not likely to implement. Thus is literature, thus is history!

### **3. The Weathersfield Road Intersection with 15-501:**

My third comment and request is related to the potential problem of the future of the incoming-exit via Weathersfield in Fearington to the connection with State 15-501 highway going north and south at this point.

Galloway Ridge is currently undergoing a substantial expansion which involves a significant use of the Weathersfield/ 15-501 exit and entrance as the increased numbers of drivers will be attempting to move left or right onto 15-501. In addition Fitch, Inc. has applied for substantial increases in the last of his housing section under a prior approval. The increased traffic – via Fitch Development and Galloway Ridge expansion - will make a significant increase, particularly related to entry and discharge from Weathersfield Road to 15-501.

This increased traffic will, in a very short time, make it necessary to enlarge the State maintained Weathersfield Road in the vicinity of the building at both Galloway Ridge and the Fitch Development which houses will use this same roadway and return which must undergo entry - and return - via 15-501. However, the current roadway system will not be able to undertake the estimated volume of in-exit traffic.

We ask your help in contacting the State Department of Highways in order to receive a professional assessment of future traffic which may need varied reconstruction of exit-entry road patterns in order to make this intersection safe and workable in order to eliminate accidents and give those using this intersection assurance of safety.

Your cooperation in this situation will be greatly appreciated.”

### **BOARD PRIORITIES**

**Parker Springs, LLC:** Vote on a request by Paul Messick, Attorney-at-Law, on behalf of Parker Springs, LLC to adopt **Resolution Accepting the Voluntary Relinquishment of Chatham County Approvals Related to Parker Springs Subdivision, Pursuant to the North Carolina Permit Extension Act of 2009 (Amended by Session Law 2010-177)**

Commissioner Kost stated that when this project was originally approved, it was going to help with some water pressure issues on Mt. Gilead Road; however, without the project, she wants to know what is going to be done to address the problem.

David Hughes, Public Works Director, stated that as they entered discussions with Parker Springs, they asked them if they would grant an easement along the southern

boundary. They were given a map and presently have it under advisement. The existing loop has to go through the Cooper Subdivision that is also not developed. There are a couple of missing parts of the puzzle. It would obviously be beneficial if they could put a loop together from Big Woods Road to Mt. Gilead.

Commissioner Kost asked if we were still going to pursue the loop as opposed to any other options, i.e. from the north. Mr. Hughes stated that the plan all along was to come through Cooper Subdivision. The projects have been on the books for about five years. If it is not possible, an alternate plan will have to be discussed and they might be able to come down Highway #64. The County would end up bearing the cost which would be considerably more expensive.

As per the Planning Department recommendation, Commissioner Kost moved, seconded by Commissioner Petty, to the request for approval was granted and **Resolution #2012-30 Accepting the Voluntary Relinquishment of Chatham County Approvals Related to Parker Springs Subdivision, Pursuant to the North Carolina Permit Extension Act of 2009 (Amended by Session Law 2010-177)**, was adopted. The resolution is attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

**Conditional Use Permit Request:** Vote on a request by Talitha Sanders and Ellen Martin for a conditional use permit on Parcel #75481, located at 235 Easy Street, Baldwin Township, on 4.564 acres for a daycare center for 15 or fewer children

Commissioner Kost stated that in the abstract, it talked about one of the conditions not being met; however, in the end, the recommendation was to approve it. She asked for clarification.

Jason Sullivan, Planning Director, explained that when the Staff notes were drafted that were sent to the Planning Board, Staff did have concerns about some of the items that were included as part of their application materials. At the Planning Board meeting; however, the Planning Board was able to discuss an additional condition to recommend for approval that took care of the concern about the finding. Staff is agreeable with that condition as well as addressing the finding. He stated that the additional condition was to limit the number of children to five children. The applicant had applied for up to fifteen children and the condition limits it to five children. The applicant agreed to the condition at the Planning Board meeting.

As per the Planning Staff and Planning Board recommendation (by a vote 8-1), Commissioner Petty moved, seconded by Commissioner Cross, to the request for approval with an additional Site Specific Condition as noted and adopt **Resolution #2012-31 Approving a Conditional Use Permit Request by Talitha Sanders and Ellen Martin**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

**Countywide Lighting Ordinance Text Amendments:** Vote on a request by the Chatham County Board of Commissioners for text amendments to sections 17 and 22 of the Countywide Lighting Ordinance to allow internally-illuminated signs and delete the amortization requirement for vehicular canopy lighting

Commissioner Kost explained that this is on the Agenda as we are also making the same change for the zoned area of the County tonight in the Zoning Ordinance revisions; however, when this came before the Board earlier, her view is that she would support changing the amortization schedule for gas station canopies, but she doesn't support eliminating it because of the safety concern which is the reason it was put originally in the ordinance and approved because of issues in a rural area which is very dark and then coming across an area that is very well lit. There is a safety issue with glare and there are studies to prove it. She stated that she asked for this to be pulled because she cannot support it but needed to make the comments.

Commissioner Stewart asked if know how many in the County would be in violation.

Mr. Sullivan stated that there would be approximately 25 between the zoned and unzoned parts of the County.

Chairman Bock asked if there is any evidence of accidents or safety issues specifically related to lighting around those 25 areas. Mr. Sullivan replied that they did not find any.

Commissioner Kost replied that the research states that it is very difficult to determine how many accidents are directly related to the glare; however, the Dark Sky Society suggests that when you do implement an ordinance, their recommendation is to go with a ten-year cycle. This Board approved a five-year cycle.

As per the Planning Staff and Planning Board recommendation (by unanimous vote), Commissioner Petty moved, seconded by Commissioner Stewart, to adopted **An Ordinance Amending the Countywide Lighting Ordinance**, attached hereto and by reference made a part hereof. The motion carried four (4) to one (1) with Commissioner Kost opposing.

### **PLANNING ITEMS**

**Briar Chapel Conditional Use Permit Revision Request:** Vote on a request by NNP Briar Chapel, LLC for a revision to the existing conditional use permit for the Briar Chapel compact community to clarify certain language, acknowledge certain completed commitments, and revise the master site plan to provide additional flexibility with the remaining undeveloped lands

Ben Howell, Chatham County Planner, explained the specifics of the request as follows:

Briar Chapel was approved in 2005 as a Conditional Use – Compact Community Zoning District (CU-CC) with an associated Conditional Use Permit (CUP). Under the CUP, Briar Chapel is permitted for 2,389 dwelling units on 1,589 acres, equivalent to a gross density of approximately 1.5 dwelling units per acre. The development will include a mix of housing types as well as commercial and office uses. To date, 627 residential lots have been approved; a clubhouse for the residents of the community, as well as Margaret Pollard Middle School and Woods Charter School have all been constructed. The County and the developer are currently working on a proposed 66 acre County Park as well.

According to the application, this Conditional Use Permit amendment is requested for the following reasons: acknowledge requirements of the CUP that have already been completely fulfilled, clarify certain ambiguities that exist in the language in accordance with the practice and procedure of working under the terms of the conditional use permit over the course of the last seven years, modify the terms of the library site contribution and amend the site plan to afford the applicant more flexibility. Prior to the public hearing, staff requested comments from other County departments and outside agencies, and submitted those comments at the public hearing as part of the Planning Department evidence. Based on the evidence and comments from other departments and agencies, staff has worked with the applicant to revise the proposed conditions to address some of the concerns. The applicant submitted a revised Master Plan at the public hearing to address staff concerns about the level of detail and amount of commercial space. With the revised Master Plan (Attachment 1) and Conditions 5 and 18, the staff concerns have been addressed. The 2005 Conditional Use Permit required the applicant to dedicate sites or buildings for several public facilities, including a water tank site for the County water system, two school sites, a park site, a library facility and a building site for a Fire/EMS station. The applicant has completed the school and water tank dedications, and is working with the County to complete the park site dedication. Planning Staff has worked with the North Chatham Fire Department, the applicant and other County Staff to revise the Fire/EMS building site dedication. In the 2005 application, the applicant stated that the development would also include space for a Sheriff's Office substation, and that has been added to Condition 14. The one outstanding concern with the public facilities condition (Condition 14) is the library dedication. The 2005 CUP stated "the library facility, including parking and site work, shall be constructed by the

developer, with input from the County, subject to satisfactory leaseback arrangements with the County or its assignee.” The applicant has proposed a payment of \$80,000 in lieu of this requirement in this amendment. The County Manager’s office submitted comments to staff regarding other options for the library condition to staff for inclusion in the Planning Department Evidence at the public hearing.

At the quasi-judicial public hearing held on March 19, 2012, seven members of the development team and 13 members of the public entered testimony about the development. At the public hearing, two residents spoke of concerns about the effect of the development on the Half Dollar Road area and the Dollar property in particular, and one resident from Taylor Road asked about the impact of the development on properties in that area and asked the developer(s) to meet with residents from Taylor Road to discuss their concerns. The other members of the public spoke in favor of the development.

A conditional use permit must meet the required five findings as required by the Chatham County Zoning Ordinance. Those findings are addressed as follows:

**FINDING #1 – The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.**

Briar Chapel was approved as a Conditional Use-Compact Community Zoning District with a corresponding Conditional Use Permit in 2005. The applicant is not requesting a change in the proposed uses or density allowed in the district. With the revised Master Plan and Conditions 5 and 18, there will be more certainty in the types and amount of square footage of non-residential uses that will be allowed in the district. It is Planning Staff opinion this finding may be met.

**FINDING #2 – The requested conditional use permit is either essential or desirable for the public convenience or welfare.**

Briar Chapel has been developing consistently over the past 7 years, and now has approximately 300 residents and over 600 lots. At full-build-out, the development will have 2,389 dwelling units and up to 510,000 square feet of non-residential uses. NCDOT is requiring Briar Chapel to make various off-site road and intersection improvements to accommodate the increased traffic from the development. Per Condition 14 of the Conditional Use Permit, Briar Chapel is also required to donate a site for a fire station, space for a satellite Sheriff’s Office, land for a County park, a County water tank site, two schools and funding for a County library in the area. Condition 20 of the CUP also requires Briar Chapel to contribute 60 lots in the development for the County to develop as moderate-income housing and make a financial donation of \$1,100,000 to the County for the purpose of ameliorating the housing needs of County citizens. As required in Condition 25 of the CUP, Briar Chapel is paying an additional \$2,000 fee per lot or dwelling unit to the County as well. It is Planning Staff’s opinion this finding may be met with the Conditions in the Conditional Use Permit.

**FINDING #3 – The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety, or welfare of the community.**

The Compact Community Ordinance requires both a 100-foot perimeter buffer and a 100-foot viewshed buffer for Briar Chapel to minimize the impact of the development on adjoining properties and roadways. Briar Chapel is also required to make on-site and off-site roadway improvements by NCDOT to accommodate increased traffic from the development. Condition 15 required the applicant to construct a fence along an adjoining property line and a bridge across Pokeberry Creek to connect Briar Chapel to an adjacent development. Per Condition 14, Briar Chapel has completed or is in the process of providing funding or land for public facilities to minimize the impact of the development on the surrounding community. It is Planning Staff’s opinion that this finding may be met with the Conditions in the Conditional Use Permit.



**FINDING #4 – The requested permit will be consistent with the objectives of the Land Use Plan.**

One of the policies of the Chatham County Land Conservation and Development Plan is to “encourage compact communities with a mix of activities as development occurs.” The Plan also includes a designation for Compact Community Corridors. This designation states “land designed to accommodate a well-planned and integrated mix of homes, shops, offices, institutions and civic spaces -- but not strip development – along US 15-501 north of Pittsboro, US 421 north of Siler City and a section of Farrington Road.” With the 2005 Conditional Use Permit and this proposed amendment, Briar Chapel will continue to be consistent with the objectives of the Chatham County Land Conservation and Development Plan. It is Planning Staff’s opinion that this finding may be met.

**FINDING #5 – Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County’s plans, policies, and regulations.**

Briar Chapel has constructed a wastewater treatment plant to serve the community, and has connected to the County water system. The applicant has donated a site for a County water tank which has been constructed, has donated a site for a public middle school and a charter school, is in the process of transferring a County Park site, and has agreed to provide funding for the County library system as well as a building site for future development of a Fire and EMS station. The Compact Community Ordinance requires Briar Chapel to protect a minimum of 30% of the project area as open space, and the applicant has complied with this provision. NCDOT is requiring Briar Chapel to make off-site road improvements to accommodate the increase in traffic from the development, and Briar Chapel has a stormwater management plan approved by the NC Department of Environment and Natural Resources. These concerns are also addressed by several conditions in the Conditional Use Permit. It is Planning Staff’s opinion this finding may be met with the Conditions in the Conditional Use Permit.

The Planning Board reviewed the application at their meeting on May 1<sup>st</sup>. At this meeting, the applicant submitted several revisions to the conditions recommended by staff.

Most of the revisions proposed by the applicant are acceptable to staff with the exception of the following proposed revisions to Condition 7, Condition 14(d) and Condition 28:

- Condition 7: The Public Works Director has stated that the Water Department needs to review any utility easements for the development. The applicant is working with the department on language that will be acceptable to both parties.
- Condition 14(d): The North Chatham Volunteer Fire Department (NCVFD) is agreeable to the changes proposed by the applicant, with the exception of the time the applicant will be required to reserve sewer capacity. The applicant has proposed 5 years, and NCVFD requests 10 years.
- Condition 28: Planning Staff is not comfortable with this proposed condition, and is not recommending approval of this condition.

The revised conditions proposed by the applicant are attached as attachment 2, with the changes that are not deemed acceptable by staff shown as underline/~~strike through~~.

The conditions listed below are those recommended by staff and the Planning Board, with the exception of those changes proposed by the applicant in attachment 2.

It is the recommendation of the Planning Staff and Planning Board (with a vote of 8-1) to approve this request with the conditions listed below; and that Planning Staff, County Attorney and the applicant work on language acceptable to all parties for Condition 7, Condition 14(d) and Condition 28.

**Conditions:**

**Stipulations Specific to the Development**

1. Construction Deadlines. This permit shall automatically expire on December 31, 2025 unless the construction of all required improvements has been completed or extended by the County upon request prior to the expiration of the term.
2. Land Use Intensity. This conditional use permit approves:
  - Gross Land Area 1589 acres
  - Max Impervious surface area 24%
  - Maximum Number of Dwelling Units 2389
3. Watershed Management. A detailed watershed protection plan for the entire project area, including impervious surface calculations, has been approved by the County. Prior to approval of a final plat for each phase of the project, the Applicant shall submit evidence satisfactory to the County Watershed Administrator of compliance with the approved plan. County acknowledges that the Briar Chapel development is exempt from the Jordan Water Supply Nutrient Strategy: Protection Of Existing Riparian Buffers (also known as the “Jordan Lake Water Supply Watershed Buffer Rules”) (15A NCAC 02B.0267) as an “existing use.” Applicant shall provide updated impervious surface calculations on a phase-by-phase basis at the time of each preliminary plat submittal.
4. Storm Water Management. A storm water management plan shall be approved by the County Stormwater Administrator prior to approval of a preliminary plat for each phase of the project. Such plan shall include final construction drawings for storm water management control measures and an impervious surface calculation sheet for that phase. The Applicant shall construct storm water management control measures sufficient to serve each phase of the project area prior to issuance of a Certificate of Occupancy.
5. Commercial Uses. The commercial component of the development shall be limited to 510,000 square feet and the uses allowed within the development shall be all those uses now allowed or later added as allowed in the December 2008 Zoning Ordinance under Section 10.13 Table 1: Zoning Table of Permitted Uses under the Zoning Districts denominated as “O/I,” “B-1,” “NB,” “CB,” and “RB.” Irrespective of whether such uses are shown as permitted or as requiring a conditional use permit, all such uses shall be deemed allowed as of right within the Briar Chapel development. Applicant has agreed to this specification of allowed uses in order to bring clarity to the scope of allowed commercial uses with the express agreement of the County that the district-specific restrictions regarding maximum size of buildings and setbacks shall not apply. Signage for the commercial uses shall comply with the Design Guidelines from the original 2005 approval and the signage provisions set forth in the Chatham County Zoning Ordinance in effect on February 15, 2005 (original approval date). Commercial components of the Briar Chapel Development shall be accessible via public sidewalks, greenways, paths or trails. Pedestrian Access to SD North is substantially complete. Such pedestrian access shall be made to SD West.
6. Lighting Plan Approval. All area lighting shall meet County standards and not adversely affect adjoining residential areas.
7. Utility and Access Easements. Easement documents as required by the County for any public utilities used or furnished to the project area have been recorded. During the preliminary plat review process, the Chatham County Water Department shall review and approve any future water utility easement locations shown on a proposed preliminary plat.
8. Unity of Development. Guidelines for the future development of the project as a unified whole have been submitted to the Chatham County Planning Department.

### **Stipulations Regarding State and Federal Government Approvals**

9. Permits. Any required State or Federal permits or encroachment agreements, including a commercial driveway permit(s) from NC DOT shall be obtained and copies submitted to the County prior to approval of a preliminary plat for each phase.
10. Improvements. Off-site improvements required by N.C. DOT or any other agency shall be constructed at no cost to the County including the traffic improvements as stated in the most recent TIA and others as ultimately deemed warranted by the NCDOT following its analysis.

### **Stipulations Regarding Required Improvements**

11. Parking and off-street loading areas. Parking and off-street loading areas shall be installed in accordance with the ordinances and policies of the County. Future submittals for preliminary subdivision plat approval will designate park-and-ride parking spaces (such as additional spaces in proposed parking lots above the minimum number required for retail or office uses) and transit stops, pedestrian and bicycle facilities, and traffic calming devices, as reasonable and necessary to accommodate then-existing multi-modal transit needs at those locations.
12. Streets. Roads will be stubbed-out and/or areas will remain underdeveloped as reasonably necessary to allow for future connections with currently undeveloped parcels, so long as such access takes into account physical features and other access points and are no more than necessary, and with the understanding that future connecting roads will be designed and constructed to approximately the same standards as the connecting roads in Briar Chapel. Where roads are constructed they will be built to required standards up to the perimeter buffer. The exact location of said roads may be determined during preliminary plat review. Signs shall be posted on the property advising of the future extension of said roads.
13. Utilities.
  - (a) The Applicant shall demonstrate availability of adequate water and wastewater supplies to serve the property. Plans for provision of water supply shall be approved by the County prior to issuance of a preliminary plat for each phase. Such plans shall be in conformity with any County water policies then in effect and the Applicant shall pay all water fees and charges associated with the applicable phase, including then current water fees, review and inspection charges, prior to submittal of the preliminary subdivision plat for each phase. The entire cost of extending public utility services, if desired or required under County regulations, shall be borne by the Applicant.
  - (b) In order to adequately provide fire flow pressures for the project and surrounding area, Applicant has provided and the County has accepted an above ground storage facility.
  - (c) Adequate wastewater treatment service for the entire project area shall be designed and approved by the appropriate regulatory agency prior to issuance of a preliminary plat for each phase and constructed at no cost to the County. Adequate facilities for the spray irrigation of treated effluent from each phase of the project shall be designed, approved by the appropriate regulatory agency, and constructed at no cost to the County prior to issuance of a Certificate of Occupancy for any building within that phase of the project.

Equipment such as pumps and blowers will be appropriately insulated or buffered to ensure that no motor noise from them will be noticeable on a typical day at the boundary of

- (i) Equipment such as pumps and blowers will be appropriately insulated or buffered to ensure that no motor noise from them will be noticeable on a typical day at the boundary of the wastewater plant lot.
- (ii) An aeration system has been installed in the 110-day holding ponds.

14. Public Facilities.

- (a) Water Storage Tank Site: Applicant has constructed and donated to the County a 1 million gallon capacity water storage tank which is in use and fully operational at this time. The water storage tank and site have been conveyed to the County. This obligation has been fully satisfied.
- (b) Public School Site: Applicant has deeded the public school site to the County and the school is open and operational. This obligation has been fully satisfied.
- (c) Charter School Site: Applicant has deeded the charter school site to the Woods Charter School entity and the school is constructed and operational. This obligation has been fully satisfied.
- (d) Fire Station/EMS Site: Applicant has agreed to and shall tender to the County a special warranty deed for a minimum three (3) acre building site located at the northeastern corner of Mann's Chapel Road and Great Ridge Parkway. The deed shall include, among other things; (1) a covenant not to exceed 24% maximum impervious surface area on the site; (2) a provision allowing a septic system but also an easement sufficient to allow for installation, maintenance and repair of an appropriate sewer collection line for connection to the Briar Chapel Utilities waste water collection system and treatment plant as well as allocated sewer capacity in the amount of no more than 400 gallons per day; (3) a covenant subjecting any structure to be constructed or placed on the site to applicable Briar Chapel Design Guidelines and Design Review Committee approval; and (4) a covenant restricting use of the parcel to Fire Station/EMS uses. North Chatham Fire Department shall have ten (10) years from the date of approval of this amendment to notify Briar Chapel of its intent to use the reserved sewer capacity. If the County fails to record the deed to said building site within one year of the date the deed for said building site is tendered to the County, the Conditional Use Permit obligation to donate said site shall be deemed immediately canceled and the unrecorded deed shall be returned to Applicant.
- (e) Park Site: Park site has been constructed and is in process of being deeded to County.
- (f) Library: The County and the Applicant have agreed that, in lieu of contributing and preparing a library site within the development, the Applicant shall be required to make an \$80,000 in lieu payment to the County and the County will determine as to how to use that resource. Said payment shall be made within forty-five (45) days of final, unappealable approval of this amendment. Upon delivery of said payment to the County, condition 14(f) shall be deemed fully satisfied.
- (g) Applicant shall subject one of the commercial lots within SD North, SD East or SD West to a reservation of 5,000 square feet of shell space for the Chatham County Sheriff's Office for a satellite office (the "Reservation"). Because timing, size and potential commercial developers or tenants are unknown at the time of approval of this amendment to the Conditional Use Permit, the selection of which

commercial lot that will be subjected to the Reservation shall be entirely in the discretion of Applicant. Applicant, however, shall make good faith efforts to reserve said space within the agreement to convey the first lot located within the portion of SD West located north of Taylor Road. Upon execution of an agreement by which Applicant intends to convey land subject to the Reservation to a developer, Applicant will forward said agreement to the County. It will then be up to the County and the developer of the lot(s) to be conveyed (not the Applicant) to determine whether they can reach an agreement regarding leasing/sale, upfit and all other commercially reasonable terms for the Reservation space. Applicant's obligation will be deemed fully satisfied upon closing of the conveyance called for in the agreement that contains the Reservation irrespective of whether the County declines the space or fails to reach an agreement with the developer of the space. The County acknowledges that, within any agreement with a developer of the space, the County will be responsible for the cost of the up-fit to the shell space for the offices and amenities required (i.e. restrooms, showers, storage, etc.).

Upon completion of the items listed in paragraphs 14 (d) through (g), Applicant shall be deemed to have fully discharged all of its responsibilities with respect to the Public Facilities required by Condition 14 for the Briar Chapel development.

#### **Stipulations Related to Landscape Elements**

15. Landscaping/Screening. All required screening and buffers shall be in place prior to issuance of a certificate of occupancy or next optimal planting season after issuance of a certificate of occupancy. Existing vegetation may be used to fully or partially fulfill the landscaping and buffer requirements of the County. The extent to which the same can be used shall be determined by the Planning Department prior to issuance of the certificate of zoning compliance.
  - (a) A six-foot opaque fence has been erected along the east side of AKPAR parcel number 77798 (formerly referred to as the "Tripp property"), consistent with NCDOT regulations. Further, the fence has been landscaped on the side facing AKPAR parcel number 77798 to the extent allowed by the owner and landscaped with 6-8 foot tall trees on the east side of the fence. Applicant has satisfied all obligations with respect to AKPAR parcel number 77798.
  - (b) Applicant has satisfied the obligation to construct a pedestrian bridge and trail over Pokeberry Creek to connect Briar Chapel to Polks Landing Subdivision.

#### **Miscellaneous Stipulations**

16. Archaeological Survey. All archeological survey requirements set forth in the original Conditional Use Permit have been satisfied.
17. Solid Waste Management. Solid residential waste is managed and shall continue to be managed by residential curbside recycling and solid waste pick-up. With regard to construction debris and non-residential solid waste removal, Applicant shall continue to contract with builders and contractors to dispose of the same appropriately.
18. Detailed Site Plan. The revised Master Plan attached hereto as Exhibit A (Exhibit D to the Application) and incorporated herein by reference is hereby approved as the applicable sketch plan and revised master plan for Briar Chapel (the "Revised Master Plan") in substitution for and replacement of the original master plan approved with the Conditional Use Permit. Briar Chapel is unique within Chatham County because it is the only compact community approved under the Chatham County Compact

Communities Ordinance. The Revised Master Plan has less detail as to specific roadway locations and lot depictions than the original Master Plan. Due to topography, physical conditions, environmental concerns and market changes, over the course of development of Briar Chapel since February 2005 (original approval date), each phase that has been approved has been designed differently (to varying degrees) than it appeared in the original Master Plan. As a condition of approval of the proposed Revised Master Plan, Applicant agrees to meet with the Planning Department and the County Technical Review Committee (TRC) prior to applying for or receiving any permits for submission of preliminary plat. The purpose of this meeting will be to apprise the Planning Department and TRC members as to layout and configuration of roadways and lots to be shown on the proposed preliminary plat. The Applicant shall submit information to the Planning Department for this review at least twenty-one (21) calendar days prior to a TRC meeting. This process is unique to Briar Chapel as a compact community. With regard to each phase, as it is submitted for preliminary plat approval, a detailed site plan, grading plan, utility/lighting plans, storm water management plan with hydraulic calculations, moderately priced dwelling plan and landscape plan for said phase shall be reviewed by Planning Staff for conformity with the Revised Master Plan and the terms of this Amended Conditional Use Permit. Applicant must submit to the Planning Staff an updated Revised Master Plan every two years from and after the approval date of this Amendment to reflect completed portions of the Revised Master Plan and projected future portions of the Master Plan. Non-residential subdivision of the project area shall also require the Applicant to comply with the site plan requirements of the County's subdivision regulations, including approval thereof by the Board of Commissioners. Such subdivision review may allow modification of the Revised Master Plan approved hereunder so long as not substantially inconsistent with this Amended permit.

19. Stages. If desired, the applicant may construct the project in stages or phases. Each such stage shall be subject to approval by the County pursuant to its subdivision regulations. No final plat of a stage or phase of the development shall be approved if there is any uncorrected violation of any provision of this permit. Upon subdivision review of each phase, the applicable Recreation and Open Space, Community Facilities, Community Design, including housing, standards of the Compact Community Ordinance provisions shall be satisfied. Such subdivision review may allow mutually agreeable modification of the standards referred to therein so long as not substantially inconsistent therewith.
20. Moderate Income Housing. With the consent of the Applicant, and as an approximately equivalent alternative to and in lieu of the housing standards for Moderate Income persons set forth in Option A of the Compact Community Ordinance, the developer shall contribute 2.5% of the approved lots in the overall development, or each phase if developed in stages, for ultimate sale as directed by the County to persons or families whose income is 80% or less of the Area Median Family Income standard by family size and shall contribute \$1,100,000.00 to the County for the purpose of ameliorating the housing needs of Chatham County citizens. Said contribution shall be payable to Chatham County on a prorated basis upon final subdivision plat approval of each phase of the development. Such contribution represents the approximate value of 2.5% of the approved lots in said overall development or phase thereof as applicable.
21. Environment. The lots on Bennett Mountain shall be relocated to lessen the impact of the development on the primary and secondary environmental areas as described in the Natural Areas Inventory. The Bennett Mountain areas will be one of the last areas for line installation and spray irrigation. If future regulatory changes, and/or approved system flow reductions, will ultimately result in this area not being needed for irrigation, lines will not be installed in this area unless otherwise required by the State. Before any lines are installed in the Bennett Mountain area, Newland will seek further flow reduction approval or other necessary state permission under the then existing applicable regulations so as not to be required to install irrigation lines in this area in

- order to comply with permit requirements and the then existing applicable regulations.
22. Erosion Control. If applicable, an erosion and sedimentation control plan shall be approved by the County, North Carolina Department of Environmental Health and Natural Resources or other authorized governmental entity and submitted to the Planning Department prior to the issuance of a Zoning Determination Permit.
  23. Silt Control. The applicant shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
  24. Fees. Applicant shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, building inspection, recreation and impact fees established from time to time.

In addition to any fees or charges otherwise required by the County, the applicant shall pay or cause to be paid to the County as a voluntary contribution the sum of \$2,000.00 per dwelling unit upon the sale of each lot or unit.

25. Continued Validity. The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.
26. Non-Severability. If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
27. Non-Waiver. Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.
28. Applicable Zoning Ordinance. Unless otherwise specifically stated within this Amended Conditional Use Permit, the Chatham County Zoning Ordinance applicable to Briar Chapel is the Chatham County Zoning Ordinance in effect on February 15, 2005 (original approval date).
29. Applicable Zoning Ordinance. Unless otherwise specifically stated within this Amended Conditional Use Permit, the Chatham County Zoning Ordinance applicable to Briar Chapel is the Chatham County Zoning Ordinance in effect on February 15, 2005 (original approval date).

**Library:**

Chairman Bock asked if the Staff and applicant agree.

Mr. Howell replied, yes. He stated that in the original 2005 Conditional Use Permit, they were required to construct a library facility. There was some disagreement between the applicant and the County as to what the condition in 2005 actually meant. The applicant has submitted evidence into the public hearing showing they were providing \$80,000 worth of improvements. In lieu of doing those improvements, the applicant would like to pay that as a fee in lieu to the County.

Commissioner Kost stated that she knows how the \$80,000 was calculated which, was not the issue; however, she stated that she would like to make sure that the \$80,000 is reserved for library use. Going back, she stated that she would like to see something done as far as a delivery service to help people get reading materials. She stated that this is a discussion for a later date, but she would hope that the \$80,000 would be reserved for library purposes.

Chairman Bock stated that he thought that was the general understanding between the Commissioners.

Commissioner Cross added that he would like it reserved for a future northeast library. He stated that there has to be a library built in the northeast. This money was appropriated for a library, and he would like to see it kept that way and not used for other purposes.

The County Manager stated that their general discussion with Briar Chapel, Planning, and the Board of Commissioners have been geared toward if you approve that in lieu of proposal, that the money be set aside for a library entity in that particular area.

Chairman Bock stated there had been talks with the school regarding a joint project.

Commissioner Petty asked Commissioner Cross for clarification if it could include leasing property for the library as long as it is designated for that purpose.

Commissioner Cross stated that he feels with a new high school in the Board's CIP, it might be the opportunity to build a joint library on those grounds.

Chairman Bock stated that Briar Chapel does not care what the Board does with the money. They want to know if the \$80,000 will meet their obligation for a library.

By consensus, the Board agreed.

**Satellite Sheriff's Facility:**

Chairman Bock stated he felt that the satellite Sheriff's facility was going to be a negotiation with the developer as to how it is sited.

Commissioner Kost asked which language it would be.

Mr. Howell stated that the language in the agenda abstract is the language that staff has negotiated with the developer and recommends. The language in attachment #2 is that which the County Attorney proposed.

Chairman Bock stated that he appreciated what is being done with the County Attorney's language, but he didn't know that they needed to do that at this point.

Commissioner Kost asked what the County Attorney was concerned with.

The County Attorney stated that it needed to be tightened up a little stating that there was a lot of negotiation left and it was unclear who was going to pay for shell space. He stated that he is unsure how big an issue it is as the Sheriff's Office comments came to him through the Planning Department.

Mr. Howell stated that their biggest concern is that they want the space reservation. He stated that the applicant has made it clear that they are not going to be developing the commercial property. They are going to be selling it to a commercial developer. They are willing to require some space be reserved, but they do not want a lot of requirements on the space reservation because of their negotiations. The Sheriff also understands that they will have to negotiate; they just want to be able to have a space on the 15-501 corridor.

Commissioner Petty stated it was difficult to bind a developer and not allow him to be in on the negotiations and allowing the flexibility was a good thing.

Mr. Howell stated that the reason for the staff recommendation in the abstract which is the language that they worked on with the applicant is because with the quasi-judicial conditional use permit process, if the applicant does not agree to the condition, the County



cannot impose that condition. Mr. Howell stated that they feel comfortable and the Sheriff feels comfortable with it.

The County Attorney stated that he thought the Sheriff wanted to be in the front because of visibility.

Commissioner Kost stated that she would support the additional clause regarding the "to be constructed and provided to the County at no cost or charge to the County". She stated that she feels it does need to be there so that it is clear.

Nick Robinson, 128 Hillsboro Street, Pittsboro, NC, stated that the backdrop for this condition comes from the original approval from 2005. The 5,000 square feet is something that was not originally required. They have worked closely with the Sheriff's Office to make it function. The idea that shell space would be constructed at no cost to the Sheriff's Office is understood. It is alright for it to be in the condition, but he thinks that part of the negotiation is going to be that the Sheriff's Office has to pay the developers for upfit of the space and make suitable lease arrangements for the space. With regard to the frontage issue, he stated that the developer could not agree with a condition that required the space to "have frontage" because it was unclear what that means and, further, because the location of the shell space needs to be something that is worked out between the Sheriff's Office and the eventual commercial developer (not Newland).

Commissioner Kost asked for clarification on the EMS station.

Mr. Howell asked for clarification for Condition 14 (g), if the Board of Commissioners is leaning toward the condition in the abstract or if the applicant is willing to add in the phrase from the County Attorney "to be constructed and provided to the County."

By consensus, the Board agreed.

Mr. Robinson stated they would agree as long as they could make it subject to the appropriate lease-back conditions.

Mr. Howell explained that originally from the 2005 approval, and the applicant continues to desire to want to meet that condition, with this amendment request, they have found an area and provided a rough sketch of where the proposed fire station will be. Staff has worked closely with the fire department and the applicant through multiple meetings. The fire department will not be building the fire station for a while. They know that they want it and will probably need it in that area. They are not in a position to be able to build it soon. It will be at least two or three years before it is built. They have done a preliminary perk test and there appears to be fields where they can get septic, if need be; however, they do want the ability to be able to determine whether they will be on septic or whether to be able to tie in to the Briar Chapel sewer system. Ten years give them the maximum flexibility if it takes a few years to build. They prefer the maximum amount of time and flexibility as possible.

Mr. Robinson stated that the reason why they questioned ten years, is not knowing whether or not the developer will still be there at the project in ten years and thinking that within some reasonable amount of time, the fire departments will determine how it wants to address the sewer situation. If the Board was comfortable with seven years, he feel certain the applicant would agree to that.

Mr. Robinson expressed appreciation to the Planning Staff for the work that has gone into how they got from the very beginning of the process to now. He stated that it had been a good and healthy process in which they have been on top of the situation which they appreciate.

Mr. Robinson stated that Newland asked him to make clear that when he said they might not be around in ten years, that he make clear that the development may be complete, so Newland may no longer be around as the developer.

Commissioner Kost stated that she was confused about the Dollar Property and asked for an explanation of what the issue is and if it is or is not part of the overall project.

Mr. Howell stated that it had been a confusing issue. Prior to the 2005 Conditional Use Permit when Briar Chapel came in, they did not own all the land. They got contracts and worked out agreements with landowners who signed on to the original Conditional Use Permit agreeing to be a part of it. When it came time for the amendment, they went back through the parcels they did not own, went to those owners, and again asked them to sign on to the amendment. The Dollar property owners did not want to join the amendment. After discussions between Staff, applicant's attorney, and the County Attorney, they talked about what this means and the way the applicant has shown the Dollar property which is squared off. The County Attorney agreed with the Staff and the applicant's attorney that the Dollar property is not part of this amendment; however, it is still under the 2005 Conditional Use Permit. The amendment only revises parts of the permit. It does not get rid of the 2005 permit. For the Dollar property only, the 2005 permit will continue to govern until 2024 whereas the amendment goes out to 2025. The original Master Plan still applies to the Dollar property and the original lot layout. What will happen is that if the current property owners of future owners of the Dollar property ever decide to agree with Briar Chapel to see their property to Newland, then in order to develop it in accordance with what is shown, they would have to come back in for another amendment to revise that property.

Commissioner Kost asked if the Dollar Family signed on originally.

Mr. Howell stated that they signed on originally to the 2005 CUP, but not to this amendment. The Conditional Use Permits run with the land. The 2005 continues to run with the Dollar Land; however, the revision will not apply to the land. He stated that Staff has spoken with the County Attorney and feel comfortable in saying that this is an issue outside of the Conditional Use Permit proceedings.

Mr. Howell stated that it sounded as though the Board was leaning toward approving the Conditional Use Permit revision request as shown: 1) In 14 (b), changing what is currently ten years to seven years for the sewer capacity reservation for the fire department; and 2) On the Sheriff's Office space, adding the language of the County Attorney "to be constructed and provided to the County at no cost or charge to the County.

Chairman Bock clarified that the applicant is concerned that if we say "at no charge to the County", it implies there would be no rent associated with it. He feels that it should be clarified to say that the shell space will be there and any construction or development costs that go along with it, will not cost the County.

The County Attorney stated that he didn't think it would hurt to insert the language as someone might be gone.

Commissioner Kost stated that there were no changes to affordable housing. She asked if this was what was in there before. Mr. Howell replied, yes.

Mr. Howell reiterated that the sewer reservation capacity would be changed to seven years and add the County Attorney's phrase for the first sentence that the shell space will be constructed and provided at no cost to the County.

Commissioner Petty moved, seconded by Commissioner Stewart, to approve the revision to the Conditional Use Permit by NNP-Briar Chapel, LLC, with the conditions recommended by Staff with the revisions to conditions 14(b) and 14(g) as stated above, including the revised Master Plan. The motion carried five (5) to zero (0).

Commissioner Kost stated that she felt that this was absolutely the right thing to do as they were always wondering if it needed to go to the Board or not and giving them the flexibility is really good.

***Ordinance Amendments Requested by BOC:***

**Legislative:**

**Zoning Ordinance Text Amendments:** Vote on a request by the Chatham County Board of Commissioners for text amendments to the Zoning Ordinance to modify the following sections as described below:

- Section 3**, Revise the bona fide farm exemption
- Section 4**, Districts Established – Delete references to districts that will change to conditional zoning districts
- Section 5**, Conditional Use Districts – Change section to refer to new requirements for conditional zoning districts
- Section 7**, Definitions – Modify definitions
- Section 10**, Schedule of District Regulations –Revise to refer to new conditional zoning districts
- Section 11.3**, Environmental Impact Assessment - specify that environmental impact assessment is only required for non-residential projects and mixed use districts.
- Section 13**, Lighting – allow internally-illuminated signs, delete amortization requirement for vehicular canopy lighting
- Section 15**, Regulations Governing Signs – Specify that signs in the right-of-way are regulated by NCDO
- Section 17**, Conditional Use Permits – Revise procedures
- Section 18**, Board of Adjustment – delete Table 2
- Section 19**, Amendment to Zoning Ordinance – Revise provisions for parties that can apply for a rezoning, specify different procedures for citizen-initiated amendments and County-initiated amendments
- Section 20**, Enforcement – delete stop work order, clarify issuance of Notice of Violation
- Section 21**, Penalty for Violations – delete stop work order
- Section 23**, Effects Upon Outstanding Conditional Use Permits – add procedure for termination of conditional use permits
- Section 29**, Index – delete entire section

Ben Howell, Chatham County Planner explained the specifics of the request as follows:

In September 2011, the Board of Commissioners requested staff to present options to streamline the Zoning Ordinance and specifically the Conditional Use rezoning process. Staff has proposed amendments changing the multi-step Conditional Use rezoning process that is currently used to a one-step Conditional Zoning process. The Conditional Zoning process consists of one legislative public hearing (instead of two public hearings - legislative *and* quasi-judicial), and results in a specialized district for the use requested that includes conditions on the use and site; or, in other words, combining the Conditional Use Zoning with the Conditional Use Permit. Staff also recommends increasing the number of public hearings from 6 per year to 10 per year (no public hearings held in July or December) for all citizen-initiated items (rezoning, text amendments and Conditional Use Permits), while removing the limit on public hearings for County-initiated amendments (these will only require a 30-day notice). The proposed amendments include a detailed process for applicants to follow for rezoning, Conditional Use Permits and text amendments and detailed application requirements for Conditional Zoning District and Conditional Use Permit requests. The proposed changes to the process for Conditional Zoning Districts and Conditional Use Permits include requirements for a Community Meeting with adjoining property owners and meeting with the County Appearance Commission prior to submittal to the Planning Department. Staff is recommending extending the submittal deadline from 30 days prior to the public hearing to 45 days prior in order to allow staff more time to review the application to ensure it is sufficient and have the application reviewed by the Technical Review Committee. The amendments include the creation of a new Mixed Use Conditional

Zoning District, with standards governing the minimum size and types of uses allowed in the District.

Other amendments proposed by Staff include a new expanded definition of bona fide farm from the General Statutes, as well as clarifying that signs in highway rights-of-way are the responsibility of NCDOT. Based on direction by the Board of Commissioners, the amendments include changes in the lighting section of the Zoning Ordinance to remove the amortization clause for vehicular canopies and permit internally-illuminated signs meeting the standards of the Ordinance, further clarification of when an Environmental Impact Assessment will be required, and removal of the language allowing any person residing in the zoned area of the County to submit a map amendment on property they do not own. Staff also included other minor amendments to ensure the Zoning Ordinance complies with State Law.

A public hearing was held on the Zoning Ordinance amendments on March 19<sup>th</sup>. Two members of the public spoke at the hearing. One of the speakers spoke in opposition of the amendments, stating that the sweeping changes will profit the large developers the most. Among the speaker's concerns: changing to conditional zoning districts will allow poorly designed developments to be approved without proper conditions, the new mixed use conditional zoning district will allow large projects to be approved easier without conditions to mitigate the impacts, no expiration of Conditional Zoning Districts, and the ability of property owners to cancel Conditional Use Permits. The second speaker spoke in opposition of removing the language allowing any citizen residing in the zoned area of the County to submit a map amendment request on property they do not own.

Commissioner Kost stated that there should be more standards for internally-illuminated signs and that applicants should be required to notify all property owners within a certain distance.

Staff is also recommending an additional change based on review of the proposed amendments by the Transportation Planner. Staff recommends changing Section 5.3(B)(3)(f) to read "A traffic impact analysis of the proposed development prepared by a qualified professional. The traffic impact analysis shall follow the NCDOT TIA Analysis Guidelines, and shall also include consideration for non-motorized and public transportation."

The Planning Board discussed the amendments at their May 1<sup>st</sup> meeting, and recommended changing the title of Section 11.3 to "Environmental Impact Assessment" and adding a third item under Section 23.1(B) [Cancellation by Surrender of a Conditional Use Permit] stating that Conditional Use Permits will not be accepted for cancellation unless the underlying zoning district is a general-use district. In their motion to recommend the changes, the Planning Board also stated that staff should continue to work on modernizing the Zoning Ordinance and making the other changes that have been discussed. Staff agrees with these changes. Staff is also recommending the effective date of these amendments be July 1, 2012.

Planning Staff and Planning Board (by vote of 8 – 1) recommend approval of the proposed amendments to the Chatham County Zoning Ordinance including the following revisions recommended after the public hearing:

- Revised language for Section 5.3(B)(3)(f) recommended by the Transportation Planner.
- Change title of Section 11.3 to "Environmental Impact Assessment".
- Add language in Section 23.1(B)(3) to restrict cancellation of Conditional Use Permits by surrender to those that have an underlying general use zoning district.

Staff is recommending an effective date of July 1, 2012 for these amendments, in order to provide time for staff to revise calendars and the Board of approve a new fee schedule submitted with the Budget.

Commissioner Kost asked that the Board, when ready to make a motion, separate the lighting out so that she can vote for the rest of it. She stated that she was going to vote for the rest of this as she thinks conditional zoning is the way to go and an issue that they have been talking about for a very long time. She also stated that she was still concerned about NCDOT maintaining the signs in the cleanup. She stated that the Board might have to readdress the issue if it is not working.

Mr. Howell stated that an effective date of July 1<sup>st</sup> was recommended for the ordinance amendments which will allow for the June deadline in order to hold a public hearing in July. The budget will also be passed by then which includes a revision to their fee schedule because of the conditional zoning.

Commissioner Petty moved, seconded by Commissioner Stewart, to adopt **An Ordinance Amending the Zoning Ordinance Removing Section 13: Lighting**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Petty moved, seconded by Commissioner Stewart, to adopt **An Ordinance Amending Section 13 of the Zoning Ordinance**, attached hereto and by reference made a part hereof. The motion carried three (3) to two (2) with Commissioners Cross and Kost opposing.

### **PUBLIC HEARINGS**

**Budget FY2012-2013:** Public hearing to receive public comments on the proposed Budget for FY 2012-2013

Renee Paschal, Assistant County Manager, gave a brief overview of the FY 2012-2013 Recommended Budget and presented a PowerPoint.

The Chairman opened the floor for public comments.

**Joyce Kuhn**, Pre-Trial Services Director, presented her comments to the Board and provided them in their entirety for the record as follows:

“My name is Joyce Kuhn, I am Director of Pretrial Services. After serving Chatham County for 24 years providing Pretrial Services, I am glad to meet you.

We are a non-profit and we are selling a product: community safety. The program investigates, supervises and revokes for non-compliance those released from the county jail when they otherwise could appear for all court dates though they cannot afford their bail bond. The program has saved three to four times its cost since it began in 1994. The program was recommended for \$19,000 in the non-profit grant process. The agency needs \$30,000 more dollars to continue into the year in Chatham County. This fits with the “Positioning for the Future” theme the county adopted for this fiscal year.

Not only do the people qualify by being investigated to be released by judges’ order for our supervision, which the measured cost saving represents, but what we are beginning to measure is the releases of growing volume over the years of the courts deciding without our recommendation, to add our supervision, to make a great many more releases possible. I refer you to Judge Scarlett’s letter, an excellent description of our service that supports citizens through the court process making them more stable and the community safer.

We have statewide access to criminal records and get warrants issued and active within an hour when those released do not comply with the conditions of release. The lead prosecutor for Chatham County speaking to you today, Kayley Taber, respects our integrity and relies on the service for our energy and professionalism.

Commissioners, please consider the growing need for our services which has increased 100% during the recession. The service needs a total of \$49,000 for the two professionals, with 36 years combined experience in this county. We are a fluid team with

the judges, court and jail. \$30,000 additional dollars are needed beyond the recommendation for this core county service.

Thank you very much!"

**Mani Dexter**, attorney, stated that she has many clients who have been through Pre-Trial Services and the other part of what pre-trial does which is sentencing reports. She stated that this program has a huge impact, not only on her clients but also on the County. The clients that Ms. Kuhn and others have been helping are not sitting in jail when they are released through Pre-Trial Services. Many of them are able to get jobs because they are supervised so closely by pretrial and because they know that if they do anything wrong, they will end up back in the jail which is a huge incentive for them to act correctly. Pre-Trial also has a lot of connections to services that many of her clients have never had before, i.e. substance abuse counseling, substance abuse rehabilitation, mental health treatment, programs which by themselves, they would not be able to get hooked up with because they have no idea where to go. Pre-Trial Services turns people on the edge who could be in jail for a long time. Pre-Trial Services is a lot cheaper and ends up, for the most part, with productive citizens who can hold down jobs and can contribute to the tax base, who can become the kind of people you would want to have in your county, as opposed to people sitting in the jail. She stated that she has not seen a program that can do as much as Pre-Trial can with the connections they have with the amount of time they spend finding programs for people and really being able to change somebody's life. She urged the Board to consider funding this program stating that the alternative is cheap compared to the alternative.

Commissioner Kost asked the difference between Pre-Trial and Sentencing Services.

Ms. Paschal explained that Pre-Trial Release is the program where inmates are screened in the County jail and they are recommended for release. They are then monitored to make sure they return for their appearances. Sentencing Services is a service provided when a defendant comes before a judge and is ready to be sentenced. The agency writes sentencing plans and makes recommendations as to what they feel will be best. i.e. X service, placed on probation, etc.

**Kayley Taber**, Managing Assistant District Attorney, presented her comments to the Board and provided them for the record in their entirety as follows:

"I am here in support of the release service program in Chatham.

This program has proved an invaluable resource for the Chatham County District Attorney's Office. They screen detainees at the jail to determine if they can be safely monitored in the community. If they are deemed appropriate, then the program ensures compliance with pre-trial release conditions. This has been very helpful when an offender violates conditions at night or weekends when our office is not open. They have the ability to get Orders for arrest signed and issued to pick up offenders immediately. This ability is key to public safety.

I have been most impressed with their ability to keep both the community and victims safe, while continuing to keep pre-trial confinement costs down. Without the program, we will usually err on the side of keeping offenders in confinement longer, at a greater cost to the county. We will also not have the extra safety net to protect the community and the victims that release service monitoring provides.

Please feel free to call me if you have any questions."

Additional Comments from Ms. Taber:

"I consider monitoring Chatham County pre-trial detainees a core criminal justice function and would like to see pre-trial release services integrated into existing programs provided by the County. One possible way to reduce the cost of the program would be to provide in kind funding such as providing space in the new criminal justice center and/or

providing office supplies. The office space alone would be an in kind value of close to \$9,000.

In the future I would very much like to see Chatham County fund electronic monitoring of pre-trial detainees as an additional safety measure. Currently this is only available through grant funding (through the Chatham Sheriff's Department) and is only for domestic violence offenders. Pre-trial release would be in the perfect position to monitor such a program should they be funded and made part of our core criminal justice services."

**Kathy Hodges**, presented her comments to the Board and provided them for the record in their entirety as follows:

"Good evening. My name is Kathy Hodges and I live at 101 Stonestrow, Chapel Hill in North Chatham. I am the Co-Executive Director of Family Violence and Rape Crisis Services.

I have come here tonight to speak in support of additional funding for Family Violence and Rape Crisis Services. We are very grateful for the recommendation for funding of our crisis services. Support of victims who come to us for services is very important and will help us with sustaining those services.

At the same time we are very disappointed that funding of our resource development program has been cut in half—and is being recommended for funding at only 42% of the step down reduction amount we were eligible for. We were eligible for \$24,000, but have been recommended to receive only \$10,000. Further, our resource development allocation has shrunk to less than a third of the \$31,000 we received only three years ago.

While the development coordinator funding is not for direct services, our ability to provide these crisis services is directly related to raising the more than \$1M each year required for services for more than 900 victims of domestic violence and sexual assault, such as shelter, counseling, and support groups, and for prevention projects to reduce violence in our community. Chatham County money also matches state funds, leveraging more than \$150,000 each year to support our services.

Because of our development program, we have been able to write collaborative grants to fund two positions in the Sheriff's Office over each of the past several years, as well as officers in the two police departments, and provided assistance in seeking funding for Family Visitation Services. We have helped generate resources to develop our county's strong response to domestic and sexual violence and Chatham County funding has helped us do that.

Most of our other funders will not provide funding for our development and PR coordinator. Chatham County's funding has been essential for stability in this position—and our agency. This is a big part of why we have been recognized across the state and nation as an outstanding domestic violence program winning the following awards:

- 2005 Mary Byron Award (National award)
- 2006 NC Coalition Against Domestic Violence Excellence Award (given to 1 program in the state every 2 years)
- 2009 GSK Impact Award (Triangle regional award)

Currently we are participating as one of six programs in the nation as part of the Office on Violence Against Women's Demonstration Initiative—exploring ways to help joint domestic violence and sexual assault programs enhance their sexual assault services. This is due to our history and stability.

In closing, it was the county who originally suggested that we use our request for funding from you in this way, more than 15 years ago. They saw it as an investment then. We still see it as an investment, one that leverages additional community resources, both for

our agency and county agencies. You have been getting an excellent return on your investment with us.

I urge you to consider increasing the funding for our resource development at a higher level so that we can continue the fundraising efforts to help FVRC and service providers throughout the county.

Thank you for your time and continued support.”

**Beth Budd**, 1113 North Duke Street, Durham, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“My name is Beth Budd. I’m the executive director of CORA Food Pantry, and I am here to speak on behalf of CORA’s SNACK program.

It is well known that hunger in children is a great handicap when it comes to learning and performance in school. 4000 Chatham County school children come from families whose income is at or near poverty level, and therefore receive meals at school through the federal school lunch program with little or no replacement for this food in the summer. In order to ensure that these children have the best chance for optimal growth, development and learning capacity, they need proper nutrition year-round. This is what SNACK does; it supports the school system by specifically targeting this summer food deficit for Chatham’s children by providing food for 10 meals per week throughout the summer. SNACK is the only such program of significant size, and at no cost to the children’s families.

As of today, CORA has enrolled 1050 students in the SNACK program, with 50 on a waiting list and more calls coming in every day from parents and caregivers. Our goal has been to supplement the nutrition needs of as many eligible children as our fundraising allows. We have expanded our fundraising efforts well beyond the boundaries of Chatham County and the Triangle in hopes of being able to serve more children each year. But fundraising for nonprofits has become particularly difficult in the last two years. We have applied for a total of \$330,000 in grants for this summer’s SNACK program, but to date we have only been awarded \$50,000. We are finding that granting organizations outside the triangle that may have funded this program even three years ago, are keeping their funds closer to home. It is apparent that, at least for the time being, funding for SNACK will come mainly from in and around Chatham County.

For these reasons CORA Food Pantry respectfully and passionately requests that the county fund our children’s nutrition programs at least at the same level as last year: that is a total of \$30,000 for SNACK and Backpack combined. SNACK provides a critical basic need for our children, but please know and understand that with this funding you are not just feeding hungry children for one summer; you are investing in a better future for Chatham County, and you are doing that by having the wisdom and foresight to help provide the nutrition our children need to become well-educated, productive and healthy adults ten to twenty years from now. Please - Increase funding for SNACK! – Thank you for your time.

She stated that it is well-known that hunger in children is a great handicap when it comes to learning and performance in school. Four thousand Chatham County school children come from families whose income is at or near the poverty level. Therefore, they receive meals at school through the Federal School Lunch Program, but have little or no replacement for this food during the summer. In order to ensure that these children have the best chance for optimal growth, development, and learning capacity, they need proper nutrition year round. This is what SNACK does. It supports the schools by specifically targeting the summer food deficit for Chatham’s children and provides food for ten meals per week throughout the summer for each eligible enrolled child. Although there are one or two other summer nutrition programs in the County, SNACK is the only program of significant size and at no cost to these children’s families. As of today, CORA has enrolled 1,050 students in the SNACK program for the summer with 50 on a first-time waiting list. More calls are coming in every day from parents and caregivers. Our goal has been to supplement the nutrition needs of as many eligible children as our fundraising allows. We have



expanded our fundraising efforts well beyond Chatham County and the Triangle in hopes of serving more children each year. So far, we have been able to do that. Fundraising for non-profits has been particularly difficult in the last two years. Already this year, we have applied for a total of \$330,000 in grant funds for this summer's program. To date, we have only been awarded \$50,000 of that money. We are finding that granting organizations that may have funded this program, even three years ago, are keeping their funds closer to home. For these reasons, CORA respectfully and passionately requests that the County fund our children's nutrition programs at the same level as last year which is a total of \$30,000 for SNACK and Backpack combined. SNACK provides a critical basic need for these children, but no one understands that this funding is not just feeding hungry children for one summer. You are investing in a better future for Chatham County and you are doing that by providing the nutrition that these children need to become well-educated, productive, healthy, adults for the future. Please consider increasing SNACK funding."

**Lesley Landis**, 21 Randolph Court, Pittsboro, NC, stated that she is speaking on behalf of the Chatham County Arts Council. She thanked the County grants allocation panel as well as the County Manager's Office for their recommendation that Chatham Arts be funded for most of what they asked for. She stated that they do a whole lot with a little. She stated that she is attending to advocate on behalf of the arts to ensure that the funding continues. Chatham Arts takes very seriously their task to enrich the community through their arts and education residencies which are impactful arts experiences in Chatham County Schools that help keep kids engaged in academic pursuits and keep them in school. Studies show that arts funding in the schools helps increase civic engagement and volunteerism and graduation rates and they have been proud to bring internationally known artists to the schools such as the Glenn Miller Orchestra, Poet Jackie Shelton-Green, and many others. The work of Chatham Arts also enhances economic development by supporting and promoting local artists also known as small business people. They encourage arts initiatives by granting to other local agencies and organizations for their own arts programming. They encourage tourism and partner with the schools to make sure students have a variety of arts programming. She stated that they look forward to continuing to support the arts in Chatham County and provide exemplary arts programming for Chatham County citizens.

**Todd Harrington**, 3665 Old Highway One, Pittsboro, NC, stated that Moncure Fire Department is asking for an increase in their budget which is due to maintenance and personnel issues. He stated that they lowered their rating from a 9 to a 6.

**Miriam Pollard**, 58 Johnson Street, Pittsboro, NC, stated that she is on the board at JOCCA; that forever, Chatham County Board of Commissioners has fondly looked at this small community action agency and have funded it; that the JOCCA Board was disappointed that they were not funded this year; and that she realizes that these are very difficult times economically.

## **PLANNING and ZONING**

### **Legislative Public Hearings:**

**Strata Solar Zoning Ordinance Text Amendment Public Hearing:** Public hearing to receive public comments on the proposed request by Strata Solar for a text amendment to the Chatham County Zoning Ordinance, Section 7.2 Definitions, Section 10.13 Table of Permitted Uses, and Section 14.1 Off-street Parking Requirements to allow various provisions for solar energy

Angela Birchett, Land Use Administrator II, explained the specifics of the request.

Chairman Bock opened the floor for public comments.

**Beth Trahos**, Attorney for the applicant, presented comments to the Board and provided them in their entirety for the record as follows:

“I am here today on behalf of Strata Solar to request a change in your zoning ordinances in regard to solar land uses. Today solar farms are permitted as **“public utility facilities serving regional areas”** and are allowed only in industrial districts. Solar farms are limited to same zoning districts as uses like **nuclear power plants and waste treatment facilities**. These uses generate **noise, dust, odors, truck traffic** and other impacts that solar farms do not.

Solar farms are good neighbors.

- Solar farms are comprised of solar cell set on posts in the ground. Strata’s prototype is only 7’ high.
- Solar farms are virtually silent.
- Little maintenance is required. **They do call solar passive energy!** Employees visit the site on a weekly basis or less. After initial construction, a solar farm generates far fewer daily vehicle trips than one (1) single-family home.

Solar farms should be **treated differently** than **power plants and waste treatment facilities**. We ask that they be **allowed in residential, office and industrial zoning districts provided certain** conditions are met, including a **minimum size of 10** acres, a **setback of at least 100’ and landscape screening separating the solar farm from public streets and residential uses**.

Encouraging solar energy offers several benefits to the County:

- Solar energy is a clean, cheap unlimited resource** with little environmental impact. It represents a far better way to keep up with ever increasing energy demand than conventional energy generation methods like coal, gas (fracking), nuclear and hydro energy.
- Solar farms provide **an opportunity for land owners to maintain the large tracts of land that contribute to rural character while still generating income and increasing the County tax base-** all without resulting in another residential subdivision.
- Solar farms require few County services-** they do not create children to educate, they do not demand water or sewage disposal, they do not create emissions of any kind, or have refuse or recycling needs.

We **thank your planning staff** for the time they have already spent with us. We **look forward to working with you, your Planning Board and your Planning Staff** on this matter. I am happy to answer questions.”

Commissioner Petty thanked the Planning Staff for a job well-done.

The Chairman closed the public hearing.

**Compact Communities Ordinance Public Hearing:** Public hearing to receive public comments on the request by the Chatham County Board of Commissioners to consider amendments to Section 12.3 Housing – Moderately Priced Dwellings of the Compact Communities Ordinance to provide a payment-in-lieu of providing lots for affordable housing option and use the funds to address the needs of low and moderate income residents

Jason Sullivan, Planning Director, explained the specifics of the request.

Chairman Bock opened the floor for public comments.

Marcia Perritt, Affordable Housing Advisory Committee Representative, presented her comments to the Board and provided them in their entirety for the record as follows:

“Hi, my name is Marcia Perritt. I am representing the Chatham County Affordable Housing Advisory Committee, a county appointed citizen advisory group. Thank you to the Chatham County Commissioners for allowing us to address the Board this evening.

I am here today, as a representative of this Committee, to comment on the proposed amendment to the Compact Communities Ordinance (CCO), and to urge you, as County Commissioners, to maintain a commitment to providing affordable housing within Briar Chapel by not adopting the proposed amendment as it is currently written.

Tonight, I would like to address some of the concerns that you as Commissioners may have regarding this Ordinance, and to relay to you why workforce housing is an investment in both our economic future and the well-being of Chatham families.

First, to begin this discussion, it’s important that we as a community recognize what market the affordable housing in question would ultimately serve. The affordable housing in Briar Chapel would serve residents who earn less than \$55,000 annually, which is 80% of our area median income. In Chatham County, this means our local school teachers, police officers, daycare providers, in-home health aides, mechanics, nurses, firefighters, and many of our small business owners. As a general rule, they will need to buy houses that are priced well below \$200,000 and which are well constructed, in good repair, and offer the hope of appreciation in value.

Access to homeownership remains, and will continue to be, a pressing need in our community. And nowhere is this need more urgent than in the northeastern part of the County, where the median price for a new home has remained the highest in the county. Now, there are some opportunities for affordable homeownership in Chatham County, but these opportunities are largely concentrated in the southern and western parts of the county. And unfortunately, this presents a spatial mismatch between where affordable housing is available and where jobs are available. There is a core belief in this country is that if you work hard and you play by the rules, you should be able to afford a decent home for your family. But, as we discussed in our last presentation before the Board, this isn’t true for many Chatham County residents who work full-time and still don’t earn enough to afford a mortgage on a market rate home, particularly in the northeastern part of the county, and particularly in a community like Briar Chapel, which offers onsite schools, parks, opportunities for recreation and exercise, and a neighborhood design that promotes a strong sense of community and social connectedness.

By providing affordable workforce housing in Briar Chapel, we can anticipate that the benefits of this housing will multiply. When people are able to live near their place of work:

- They spend less time commuting, thereby decreasing costs associated with transportation and childcare.
- They can experience a greater sense of community, spending more time volunteering in their children’s schools and becoming more involved in their neighborhood and other causes.

But perhaps the most important reason to provide workforce housing is the positive impact that it has on children. We can all agree that children deserve a safe, stable home and community. Children who live in stable housing experience fewer health problems, perform better in schools, and are more likely to succeed socially. In addition, research shows that when families live in safe, decent homes, adults are more successful in the job market and are far more likely to keep their jobs and maintain family income.

It’s also important to note that in affordable housing programs for workforce families, like the one that currently exists in Briar Chapel, potential buyers go through a rigorous qualification process, which includes homebuyer’s education and financial management classes. Furthermore, the house itself cannot be flipped, and will remain affordable into perpetuity. Thus, workforce families who will be living in Briar Chapel will be stable and dedicated members of their community, perhaps even more so than many other buyers.

In addition to the tremendous benefit that workforce housing provides for families who are already living in Chatham, access to affordable housing is a tool for economic development. Businesses and other industries will be more confident in locating their operations in Chatham County because they will know that workforce housing will be available to their employees, with the added benefit that these affordable homes will be located in a community that offers such a high quality of life like that of Briar Chapel. In that way, workforce housing is a catalyst for economic development.

Of course, it is important to acknowledge that the lack of workforce housing in the northeastern part of the county is not the only housing-related need in Chatham. There are other issues, such as homelessness, affordable rental housing, more housing for seniors and for persons with disabilities, increasing energy efficiency of homes, and the need for repairs and maintenance of the existing housing stock. We as a committee appreciate the passion and interest that you as Commissioners have shown toward these issues in recent months. These are issues that demand and deserve our attention, and right now there are concerted efforts underway to address these needs. For example, the Regional Committee to End Homelessness, a group of non-profit agencies, is spearheading an effort to apply for Continuum of Care funding, which, if awarded, would provide financial assistance to the county in addressing problems related to homelessness. In addition, as a result of the hard work and leadership of Sybil Tate, the county recently received funding to repair the homes of low-income residents in Chatham. Local non-profits such as Habitat for Humanity and Rebuilding Together continue to rehabilitate homes and build new ones for low-income individuals. Also, Powell Springs Apartments, which just opened in Pittsboro, will provide much needed affordable rental housing for seniors and persons with disabilities. Chatham County is very fortunate to have a group of dedicated citizens and non-profit agencies working together to address the housing issues throughout county. Nonetheless, workforce housing remains a pressing issue in Chatham, particularly in the northeastern part of the county, and this an issue in which funding opportunities are far and few between.

The Compact Communities Ordinance lays the groundwork for the opportunity to provide home ownership in a part of the county where many residents work, but cannot afford to own a home. Workforce home ownership is part of a comprehensive, long-term housing strategy and without the Ordinance; this need will not be addressed. It is important that we as a community not pit different housing-related issues against one another, but be strategic in allocating our resources toward those needs that are not currently being met through other efforts.

We identify with the Board's concerns that the Ordinance is moving at a slower than expected pace. It is important to note, however, that some of the language in the proposed amendment does not accurately represent the history of the ordinance thus far. In reading the amendment, one might presume that all eighteen lots that have been platted and set aside for affordable housing have remained vacant for the past seven years, when this is simply not the case. Three lots were platted and conveyed to a non-profit developer less than two years ago, two of these lots were given back to the county this past fall, and have not yet been conveyed to any non-profit builders at this point.

It is important to note that the housing market as a whole has been abnormally slow over the past four years, and that this slowdown has affected both developers of affordable and market rate housing alike. The market, however, is starting to pick up, and we can anticipate that need for affordable housing in the northeastern part of the county will reach or even exceed 2005 levels in the future.

In late 2011, the BOC asked AHAC to explore the future of the CCO. The report that AHAC delivered in January 2012 has several recommendations that have not been implemented, such as a short-term lot release and replace strategy, and which do address your concerns. We ask you to revisit the recommendations in that report.

We as a Committee strongly believe that no major modifications to the ordinance should be approved until more time is set aside to produce a comprehensive housing plan with public participation. As the proposed amendment is written, the payment in lieu is in no

way guaranteed to be allocated to the myriad of housing issues that exist in the county. We believe that it is important that any proposed amendments to the Compact Communities Ordinance clearly identify how any future funding might be applied.

As it is currently written, the language of the proposed amendment leaves many questions unanswered – for example, how will the funding from the payment in lieu be prioritized? Who will decide? According to what process? Who will oversee the expenditure of any such funding?

The AHAC believes that these questions are in need of answers before any amendments to the CCO are adopted. In addition, the proposed amendment calls for valuing a lot through open-ended negotiations between the developer and the BOC. Our Committee believes that the exclusive use of a professional appraiser, certified in NC, makes better economic sense from the public's perspective and gives the public assurance that the process is fair.

Clearly, more time is needed to carefully consider the substantive changes in the proposed amendment to the Ordinance. AHAC believes that workforce housing in Briar Chapel can work. We would like time to draw on the expertise of the developer, builders, realtors, and non-profits to make it work in reality. We do not believe that all options have been thoroughly explored and we respectfully ask for more discussion and planning before any modifications to the ordinance are adopted.

In maintaining a commitment to affordable housing within Briar Chapel, we could affirm Chatham County's position as a leader in best practices in providing housing for our workforce and would also ensure that those residents who perform services that are vital to our community – police officers, nurses, small business owners, day care providers, and teachers – are able to work AND live in Chatham County.

The Affordable Housing Advisory Committee is very appreciative for this opportunity to address the Board and express our concerns regarding the proposed amendment, and we look forward to continued dialogue with you on this very important issue. Thank you.”

**Betty Wilson**, 268 Log Barn Road, Pittsboro, NC, stated that she has been a long-time advocate for affordable housing; that as a guidance counselor, she saw many children that lived in despicable conditions; that there are many issues that many cannot handle by themselves; that when she was a commissioner, she co-chaired one of the most comprehensive health surveys for the County; that the most critical health need in Chatham County was affordable housing. She asked the Board of Commissioners to put all the money from Briar Chapel on housing where she feels it does the most good.

**Julie Cummins**, 271 Moon Meadow Lane, Pittsboro, NC, stated that she is an agent with Chatham Homes Realty; that Briar Chapel has done a lot for the community; and that many of the teachers live outside of Chatham. She asked to please make sure the money is allotted for affordable housing.

**Nick Robinson** presented comments to the Board and provided them in their entirety for the record as follows:

“Good evening Honorable Commissioners, County Manager, Staff and County Attorney. My name is Nick Robinson and I practice law in Pittsboro at Bradshaw & Robinson, LLP, 128 Hillsboro Street, Pittsboro, NC. I am here on behalf of NNP-Briar Chapel, LLC.

As has been summarized, the proposed amendments offered by the County introduce a “payment-in-lieu” option as a third way to meet the Moderately Priced Dwellings provisions of Section 12 of the Compact Communities Ordinance.

As the sole developer of the only compact community in Chatham County, Briar Chapel is uniquely qualified to offer input on this proposal. As part of its Conditional Use Permit, Briar Chapel agreed to meet the Moderately Priced Dwellings requirements in two ways: (1) by contributing \$1,100,000 over the life of the development to Chatham County for use in ameliorating housing needs in Chatham County and (2) by donating to the County 60 lots within Briar Chapel as affordable housing lots.

Briar Chapel has fulfilled all of its obligations in this regard to date. With regard to the lots to be donated, Briar Chapel has already platted 19 such lots. The County has only requested to take title to three of those lots so far, but Briar Chapel stands ready and willing to convey the remaining 16 lots to the County upon its direction. In addition, Briar Chapel stands ready, willing and able to fulfill the balance of the requirements as it continues to develop the project.

However, recognizing the various challenges of the program to date, Briar Chapel is willing to help where it can to be a part of the overall program solution. If a fee in lieu option is created and approved by the County, of course Briar Chapel would be willing to consider that option, if it makes sense under all of the circumstances and assuming no additional financial obligations would be imposed.”

**Dawkins Hodges**, 378 E. Cornwallis, Pittsboro, NC, stated that he is the director of Chatham Habitat for Humanity; that the ordinance as it was written has done significant good already; that they have received \$292,000 from Briar Chapel since 2007; that they completed 40 homes with 165 people living in the homes; that all have an income of 60% of median income; that the ordinance has done a lot of good and will continue to make and impact; and that they support the committee’s work.

**Ramona Matthews**, 97 Grovewood Lane, Pittsboro, NC, stated that she will be a homeowner in less than ninety days thanks to Empowerment, Inc. on the land deeded by the County and Newland Properties designed to provide affordable housing; that she is a nurse, volunteer, and single parent of a handicapped child; that she needs the community’s help to raise her daughter in a safe way; and that she appreciates what everyone has done for them.

The Chairman closed the public hearing.

### **BREAK**

The Chairman called for a short break

### **Quasi-Judicial:**

**The Preserve Conditional Use Permit Revision Public Hearing:** Public hearing to receive public comments on the request by Doug Piner on behalf of the Property Owner’s Association for The Preserve for a revision to the existing conditional use permit to add an additional amenity area for the purpose of boat and recreational vehicle storage on Parcel #80601, on approximately 1-2 acres of the 63 +/- acre common, open space lands within the subdivision, located at the end of Broad Leaf Court adjacent to the WWTP

The Chairman administered the oath to those present who wished to make public comments.

Angela Birchett, Land Use Administrator II, explained the specifics of the request.

Doug Piner, applicant, stated that there was a comment which he sees as a problem and that is access to the water treatment plant. There is a gate, and if there is a fire, there would be no access. He was unaware of that issue. He stated that they would need to move the gate.

The Chairman closed the public hearing.

**Governor's Club Conditional Use Permit Revision Public Hearing:** Public hearing request by GV Commercial, LLC for a revision to the existing conditional use permit under the Governor's Club PUD to change the use of Parcel #76561 (GV Parcel B-3), approximately 1.213 acres from commercial use to residential use, to change the maximum number of residential units from 1,975 to 1,981, to allow three (3) residential units approved for condominium or apartment units over retail and office uses to be used for residential condos on Parcel B-3, and to allow up to 15 residential condos on GV Parcel B-3

The Chairman administered the oath to those present who wished to make public comments.

Ms. Birchett explained the specifics of the request.

Patrick Bradshaw, representing the applicant, provided comments to the Board and presented them in their entirety for the record as follows:

“Chris Ehrenfeld, the owner and general manager of GV Commercial, L.L.C., signed the application for the conditional use permit modification we are seeking, and Mark Ashness of CE Group, Inc., the engineers for the project, prepared the plans and evaluations that are included in the application. Mr. Ehrenfeld and Mr. Ashness are both present and have been sworn, and we request that the written application submitted to the County on April 20, 2012, be included in the record of this hearing.

GV Commercial is applying for modification of the existing conditional use permit for the Governors Club planned residential development to change the allowed use of Governors Village Parcel B-3 from commercial to residential, to change the maximum number of residential units in the Governors Club planned residential development from 1,975 to 1,981, to allow three (3) residential units approved for condominiums or apartment units over retail and office uses in Governors Village to be used for residential condominiums on Parcel B-3 and to allow up to 15 residential condominiums to be constructed on Parcel B-3.

The Governors Club conditional use permit currently sets the number of residential units in the PUD at 1,975 and authorizes 20 of those units to be constructed as condominiums or apartments over retail and office uses in Governors Village. The net land area computation provision in Section 17.5C4 of the Zoning Ordinance would allow 1,982 residential units in Governors Club, and we are asking you to authorize 1,981, just six more than the current number. Six of the 1,975 units already approved have been conveyed to Governors Club Property Owners Association, Inc. as common property and cannot be used as residential units. The applicant in this request, GV Commercial, L.L.C., is the owner and developer of Governors Village Parcels C and D, the last remaining commercial parcels to be developed, and believes that three (3) of the already approved condo or apartment units over retail or office uses would be better used as part of the proposed condominium development on Parcel B-3.

A previous owner of Parcel B-3 obtained approval of a site plan from the County in about 2000 for a 10,200 square foot medical office building on this property. All of the parking area and utilities for that planned use were constructed and are still in existence. The footprint of the condominium building proposed in this application will be very similar to that of the site plan already approved, with the addition of some garages similar to those in the apartment development immediately to the north. An analysis of traffic impacts shows that the proposed condominiums would generate only seven (7) morning peak hour trips, as compared to 23 for the medical office building, and eight (8) evening peak hour trips, as compared to 35 for the office building.

The Governors Club conditional use permit allows up to 358,000 square feet of commercial development in Governors Village. The existing and projected area of commercial development in Governors Village is expected to total only about 172,500 square feet. Parcel B-3 has not been developed for commercial purposes despite being approved for that use since 1995. The requested change in use will have no negative impact on the

development of commercial uses in Governors Village, the residents of the proposed condominiums will provide additional customer support for existing and future businesses in Governors Village and the condominiums will fill a demand in the market for smaller, one-level residential options. We have letters from Governors Club Development Corporation, the original developer of Governors Club and the holder of the conditional use permit, and from the developers or owners of the grocery store parcel, the commercial parcel adjacent to the grocery store, the Bold office building and the Governors Village apartments saying they support this request and asking the County to approve it. I would like to include copies of those letters in the record.

As zoning changes go, the request we are making is minor. There is already an approved site plan for the property, with parking and utilities already constructed and in existence, that would generate more traffic than what we propose. The site could already be used for residential units with retail or office uses on the ground floor. We are only asking to be allowed to construct condominiums without the ground floor commercial and to increase the overall number of residences in the PUD by six.

On behalf of GV Commercial, L.L.C., I respectfully submit that the evidence provided in the application and at this hearing is sufficient to support the five necessary findings under the Chatham County Zoning Ordinance. The proposed use will enhance the health, safety and welfare of the citizens of Chatham County by providing a desirable housing alternative, enhancing the County's tax base and contributing to the orderly and sensible completion of the development of Governors Village. We respectfully request that the proposed modification of the conditional use permit amendment be granted.

In the event there are witnesses in this hearing that are opposed to the request, I would like to object for the record to any testimony by witnesses who lack standing and to any opinions that are offered without adequate foundation. Mr. Ehrenfeld is present and would like to address you on the need and desirability of this project, and after that he, Mark Ashness, and I would be glad to respond to any questions that you might have."

Mr. Bradshaw requested that the Board approve the application as submitted. He stated that he didn't think that there was an issue regarding the parking and that between now and the Planning Board meeting, they will have a chance to confer with the Fire Marshal and Staff about the other recommended changes. If it is concluded that the throat between the garages needs to be widened, there is a 40 foot buffer there so there may be the potential to move further into that and it might be a solution to explore.

**Chris Ehrenfeld**, 50201 Governors Drive, Chapel Hill, NC, stated that residential use for this project is more desirable both for Chatham County as well as for the residents of the Governors Club Planned Unit Development. He stated that members of the development team are all long-term developers in Chatham; that there is a lack of need for commercial space within Governors Village; that there is a great need for one-level residential housing; that the buyers in this market are forced to move outside the County if they are looking for one-level living; that the tax consequences are positive, as nothing has been done with the property since 1995 when it was first approved; that the tax valuation would increase by at least twenty times the current tax valuation which would be a substantial tax benefit for Chatham County; and that they have received positive community feedback with regard to the project. He stated that they have a strong vested interest in the community and they believe that developing this land as residential condominiums is the best fit, both for the immediate and future needs of the Governors Community as well as Chatham County.

Commissioner Cross asked how many parking spaces are allotted to each condominium.

**Mark Ashness** stated that the requirement is 1 ½ spaces for each unit. They have 27 open spaces in the parcel plus the 15 proposed garage units.

The Chairman closed the public hearing.



## **BOARD PRIORITIES**

### **Pittsboro Water Line Assistance from the County Discussion:**

Michael Fiocco provided background information on the Hillsboro Street Transmission Line Project to request financial assistance from Chatham County for funding the full scope of work for the project as follows:

The Hillsboro Street Transmission Line Project was originally part of the larger Downtown Water System Improvement Project; however, the Town's efforts to secure a USDA loan to fund the larger project have not yet been successful. We were successful in obtaining a \$750,000 CDBG grant; therefore, we separated the Hillsboro Street Transmission Line portion of the work into a discrete project to better track expenses with respect to the CDBG funding. The work includes about 6,340 linear feet of water lines from the Town's Million Gallon Tank to the Courthouse traffic circle. The project replaces a variety of pipe sizes and types, some of which may be as much as 90 years old. Replacement of this line is expected to have immediate benefits of increased water flow to the lateral services and fire hydrants connected directly to the new line. It will also provide adequate pressure to meet the fire flow needs and sprinkler system needs of the renovated historic Chatham County Courthouse. Furthermore, this line will become the backbone from which future projects can be added to address issues of inadequate flow and pressure throughout the Pittsboro downtown area.

On a parallel track, we continue to pursue a USDA loan that will fund the remainder of the Downtown Water System Improvement Project. This project is designed to address low pressure issues throughout the central downtown area that will not be improved by the Hillsboro Street Transmission Line Project.

The project will be partially funded by a \$750,000 CDBG grant supplemented with \$37,500 in matching funds from the Enterprise Fund balance, a \$240,000 Rural Economic Development Loan & Grant (REDLG) loan and \$141,365 for engineering design and construction administration from the Enterprise Fund balance. The \$240,000 REDLG loan was originally earmarked for the 3M Reuse Water Project; however, when those funds were not needed for their original purpose, we were able to work with the grant authority to repurpose the loan for use on the Hillsboro Street Transmission Line Project.

We had hoped for a more favorable bid; one that would have made it reasonable to recommend funding the shortfall from the Enterprise Fund balance; however, we do not recommend using over \$650,000 of the Enterprise Fund balance to augment this project budget. The Enterprise Fund balance at the end of FY 2010-2011 was about \$1,863,000; however, we used \$402,245 to balance the FY 2011-2012 budget and we will need about \$142,500 to balance the FY 2012-2013 budget, assuming that the Board approves a water/sewer rate increase. The remaining available fund balance is only about \$1,318,255. Funding this project budget shortfall from the Enterprise Fund balance would drop the fund balance to a historical low of about \$668,000.

We have had some staff level discussions regarding various ways for Chatham County to help the Town keep this project on schedule, prevent the forfeiture of the \$750,000 CDBG grant and the \$240,000 REDLG grant loan, and complete a project that is critical to the success of the historic Chatham County Courthouse renovation. Those discussions have included the Chatham County payment of the access fees and capital recovery fees for the New Jail Project totaling \$203,005 and a direct appropriation of \$223,432 from the Chatham County fund balance toward the completion of the project. These measures would be taken in conjunction with the Town executing a five-year installment loan for about \$249,000 bringing the total cash contribution from the Town for this work to a total of \$427,865.

Chairman Bock asked if the Pittsboro Town Board had discussed the water fees for the schools.

Mr. Fiocco stated that was correct. The fees had not been discussed. He stated that they were waiting on information trying to discern the actual cost of providing water and sewer.

Chairman Bock stated that he thought there was a discussion regarding needing the water line in order to get the proper pressure for the historic courthouse sprinkler system.

David Hughes, Public Works Director, stated that the demand for the sprinkler system at the courthouse is less than 200 gallons per minute. He stated that it has come to his attention that the attic now needs to be sprinkled. If we tap into the existing line, the water flow should be more than adequate for the existing courthouse.

Chairman Bock asked if funds for assistance could be taken from contingency. The County Manager confirmed that was the plan.

Chairman Bock stated that there had also been a discussion of using insurance monies to pay for this and have determined that it is not possible.

Mr. Hughes stated that insurance money would not be available to be used for the project.

Commissioner Kost asked about the contingency issue. Chairman Bock stated that with any money provided he would hope that it would be the last money used and whatever money is used would then be returned to the County.

Mr. Fiocco stated that they have structured the overage to be split with the County due to the importance to both the County and the Town. Their intent would be to split the contingency if there were savings.

Commissioner Petty stated that he didn't remember that being part of the discussion. He asked if the \$223,000 needed was after the amount to be paid up-front for the allotment for the jail.

Chairman Bock stated that the total was about \$450,000. Mr. Fiocco stated that he believed it was approximately \$426,000.

Mr. Hughes stated that he wouldn't get too hung up on the figure as he does not anticipate too much contingency coming back given the nature of construction and unknowns.

Commissioner Cross stated that he would be concerned about needing more money.

Mr. Fiocco stated that he shares Mr. Hughes' sentiment.

Chairman Bock asked if they would come back to the County. Mr. Fiocco replied, no.

Commissioner Petty stated that if we do anything, he would like to see the County be the support for the contingency portion of it; fund it if it's needed and only if necessary; be the safety net for the \$145,000 contingency if we do anything; and not fund the extra \$78,000 if the Board agreed to do it at all.

Commissioner Kost stated that the County doesn't need the water pressure but the Town of Pittsboro needs the waterline. If we are talking about economic development, we're talking about trying to help our towns attract businesses. She stated that, it seems to her, this is something they can do to help Pittsboro be more attractive. She stated that she thinks the water quality will also improve.

Mr. Fiocco stated that this project is one of several and is the backbone of their system.

Commissioner Petty stated that there was no question regarding the need; however, the Board has already listened to multiple budget requests.

The County Manager stated that to tie in, with regard to reserves, from the Staff perspective, they would recommend holding the funds the Board might want to put up until there is a time certain that they see that Pittsboro may or may not need it. He stated that the Board has talked about annexation and water rates and they may want to tie contingency to what they do with that particular issue.

Commissioner Kost stated that she would. Commissioner Petty stated that was where he was going to structure with it tied in.

Mr. Fiocco stated that they need it now.

Chairman Bock asked if Mr. Fiocco needed assurance that the funds were there. Mr. Fiocco replied that they needed to know that they could rely on it.

Chairman Bock asked what if they were able to help with the \$145,000 and then tie the \$78,000 to the annexation issue.

Commissioner Kost stated that she would offer the \$78,000 and tie the \$145,000 to the annexation issue.

Commissioner Petty moved, seconded by Commissioner Kost, to appropriate \$78,000 to the Town of Pittsboro and to offer another \$145,000 to cover contingencies based on the approval of the water rates for the high school for a total of \$223,000 maximum. The motion carried five (5) to zero (0).

**Juvenile Crime Prevention Council (JCPC) Membership:** Vote on a request to approve membership list, determine commissioner liaison and make recommendations for vacant seats

Sybil Tate explained that JCPC is a statewide program that delivers funds from the State to local non-profits that focus on services for juveniles who are at-risk or who have committed a crime. For FY2013, Chatham County will receive \$143,544. Programs include mentoring and community service programming, Teen Court, runaway shelters, etc

Attached is a list of proposed members for FY2013 and vacancies. In addition to determining the Commissioner liaison, staff needs help identifying individuals to represent the following vacant seats:

- Chief of Police
- Substance Abuse Professional
- County Commissioner
- Two Persons under the age of 18
- Juvenile Defense Attorney
- United Way/non-profit representative
- County Commissioner appointee
- County Commissioner appointee
- County Commissioner appointee
- County Commissioner appointee
- County Commissioner appointee

Commissioner Cross stated when he previously served on this board, the Orange County and Chatham County Commissioners served as co-chairs. He asked if this was the way they still operated.

Ms. Tate stated that now Chatham County has its own JCPC. They meet six times per year, every-other-month.

Commissioner Kost volunteered to serve as the Commissioner appointee for the JCPC.

By consensus, the Board asked that the committee be advertised and to ask the court for suggestions in identifying persons with the background suitable for this board.

Commissioner Kost moved, seconded by Commissioner Cross, to approve the membership list, determine the Commissioner liaison (Commissioner Kost), and make recommendations for vacant seats. The motion carried five (5) to zero (0).

### **MANAGER' S REPORTS**

The County Manager reported on the following:

#### **Bookmobile:**

The County Manager explained the specifics of the request.

NCGS 160A-274 authorizes the governmental unit to determine terms and conditions at their discretion in conveying property to other governmental units. Governmental units are defined as cities, counties, the state, school units, and other state and local agencies.

Bids and ads are not required by the statute to convey property to a governmental unit.

The Chatham County Library's bookmobile was declared surplus at the May 7, 2012 Board of Commissioner's meeting. The Chatham County Board of Education has expressed an interest in the bookmobile to use for a school reading program. The Chatham County Schools will be responsible for any expense associated with this program.

Commissioner Kost moved, seconded by Commissioner Cross, to convey one 2003 Freightliner to the Chatham County Board of Education and adopt **Resolution #2012-32 Conveying Property to the Chatham County Board of Education**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

#### **Awards for Mental Health:**

The County Manager explained that the process through this transition is typically done as a group, but DSS has alternate options they wish to try. They may change it, but the Clerk had some questions as to whether the Clerk needed to release the awards as part of this process. They are now working through the legal process.

Commissioner Kost asked if this had to be in place and completed by July 1<sup>st</sup>.

The County Manger stated that he was not date specific with regard to the transfers. The group process for Orange County was done a couple of weeks prior. Person County is to be done on Tuesday. He stated that DSS had some alternate ideas with regard to placements rather than to be done as a group.

### **COMMISSIONERS' REPORTS**

Commissioner Kost updated the Board on the meeting with Chairman Bock to discuss the fracking resolution. She stated that they both agreed to draft a letter, instead of a resolution, to the key members of the General Assembly dealing with this and highlight point. She stated that she would work on it this week and get something to the Board next week.

By consensus, the Board agreed to the letter.

**Upper Cape Fear River Basin on Cape Fear River Assembly:**

Commissioner Cross explained that he had been asked to join the Cape Fear River Assembly Board (CFRAB) by the Triangle J Council of Governments as a local elected official in the Upper Basin.

TJCOG and Piedmont Triad Regional Council (PTRC) jointly serve as the staff for the Upper Cape Fear River Basin Association. The Assembly has a large board comprised of representatives from the Upper, Middle, and Lower Cape Fear River Basins. There are board seats designated for representatives from industry, local government elected officials, agriculture, universities and public utilities.

There is an opening for a local elected official from the Upper Basin. Nearly all of Chatham County is in the Upper Cape Fear River Basin (the Haw and Deep River watersheds. Most of the meetings are in Fayetteville or Wilmington. His travel allowance does not cover it, and he stated that he wanted to make sure that if he was going to be the representative on this board, that he will be traveling on the County.

The County Manager stated that the County has not been paying the membership fee for the last couple of years.

Mr. Hughes stated that they represent all the people who have discharges to the Cape Fear River Basin. The Cape Fear River Basin Association has developed a model that models all the inputs to the river including drought predictions and regulations that have to do with water.

Commissioner Kost stated that she feels if Commissioner Cross is required to go as far as Wilmington, then he should be reimbursed. If Commissioner Cross attends one of the meetings and feels like it does not have a lot of value to Chatham County, then he might want to revisit the issue.

By consensus, the Board agreed.

**CLOSED SESSION**

Commissioner Kost moved, seconded by Commissioner Stewart, to go out of the Regular Session and convene in Closed Session to prevent the disclosure of confidential information under State law. The motion carried five (5) to zero (0).

**REGULAR SESSION**

Commissioner Cross moved, seconded by Commissioner Kost, to adjourn the Closed Session and reconvene in the Regular Session. The motion carried five (5) to zero (0).

**ADJOURNMENT**

Commissioner Cross moved, seconded by Commissioner Kost, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting adjourned at 8:57 PM.

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Brian Bock, Chairman

ATTEST:

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