

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
JUNE 18, 2012

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 at 3:00 PM on June 18, 2012.

Present: Brian Bock, Chairman; Walter Petty, Vice Chair; 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

Work Session

1. **Public Input Session**
2. **Employee of the Year**
3. **Fire Access Roads:** Discuss decision of the NC Fire Code appeal for the fire access road widths and receive direction from the Board on regulatory amendments
4. **Chatham-Cary Joint Land Use Plan:** Adoption of the Chatham County-Town of Cary Joint Land Use Plan consisting of a Future Land Use Map and Plan Document, and the Interlocal Agreement Regarding the Chatham-Cary Joint Land Use Plan between Chatham County and the Town of Cary
5. **Discussion of the narrowing parameters of the Affordable Housing Advisory Committee**
6. **Closed Session to discuss property acquisition**

CALL TO ORDER

The Chairman welcomed everyone in attendance and called the meeting to order at 3:02 PM.

PUBLIC INPUT SESSION

Kathleen Hundley, 136 Rocky Falls, Sanford, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“My name is Kathleen Hundley. I live at 136 Rocky Falls Road. I am the President of the Friends of the Rocky River, and my comments address the 12,055 acres involved in the Chatham-Cary Land Use Plan.

My message is simple. All streams within the entire 12,055 acres should be protected by stream buffers that at least meet Chatham County standards. In addition, the land west of the Rural Buffer Boundary encompassing 2/3's of the entire area should be zoned five acre average lot size with three acre minimums. We recommend the five acre average and three acre minimum lot size because this is the type of county zoning that best protects the Rocky River.

We make this recommendation for three reasons. **First**, excessive nutrients and large algae blooms have led state agencies to declare much of Jordan Lake as being “impaired”. New development will worsen the problem by adding additional tons of sediment and nutrient pollution. Strict stream buffers that may exceed state regulations in the entire 12,055 acres, as well as five acre average lot sizes west of the Rural Buffer Boundary will minimize, but not prevent, this problem.

Second, because soils in this area do not perk well, five acre average lots is about all that is possible when using individual septic systems. As such we encourage the County Board of Commissioners to live with these constraints and discourage urban development patterns that involve community based wastewater systems with high nutrient-rich run-off in high rains.

Finally the International Energy Agency this past month reported that global carbon dioxide emissions in 2011 increased by 3.2 percent rather than 2 percent as has been the case over recent decades. If this continues, the IEA says by 2050 we can expect global average temperatures to be 10 – 12 degrees Fahrenheit warmer than now. The last time the planet was this warm was 65 million years ago. This means in Chatham County we should expect increasingly hot, highly variable weather patterns involving extreme droughts followed by heavy rains. In terms of Jordan Lake this increasingly will lead to extremely low water levels followed by heavy rains that inundate the lake with sediments, nutrients and multiple types of urban pollutants. In short, we should plan for a lake and local rivers that will become much more impaired even if all development stops in eastern Chatham County today.

For these reasons we urge the Commissioners to adopt a Jordan Lake Land Use Plan that prepares for a different weather future ... as daunting as that may be. Thank you.”

Joe Glasson, 11408 Governors Club Drive, Chapel Hill, NC, Chair of the Board of Directors of Chatham County Economic Development Corporation, stated that one of the most important things the Board does is basically looking from a strategic standpoint at land use planning stating that there can't be anything more to our future than that. He stated that as the Board looks at this in perpetuity, it is extremely important that we look at the balance of our tax base relative to commercial versus residential. It is very obvious in Chatham County that we are 90% residential and 10% commercial. We need a combination of the tax base of residential and commercial to be critical in the future of our planning relative to Chatham County and the Joint Land Use Plan. The interesting thing about this is if you go back and look at the original draft several years ago, it called for three commercial nodes within that process. We are now down to one and hope that one is maintained and would like to see more. It is critical that people be able to reside and work in their near areas. Residing, recreation, and working is extremely important to the future of Chatham County. There has been a cultural change of young people in what they look for in the way of how they want to live and work in the future. The more we can place them collectively together with less commute time, the greater it is for the future of the County. He stated that he hoped the Board will maintain the multi-use land use process and from an economic development standpoint, they advocate for even more.

Elaine Chiosso, Haw Riverkeeper, presented her comments to the Board and provided them in their entirety for the record as follows:

Celebrating Our 30th Year!



P.O. Box 187 Bynum NC 27228 (919) 542-5790 info@hawriver.org

June 18, 2012

Comments on Joint Chatham-Cary Plan

I took this aerial photo in April of 2007 – it shows the muddy waters flowing from Northeast Creek under the 751 bridge into Jordan Lake. These muddy conditions were a constant sight to passing motorists for years, as Amberly and other western Cary subdivisions were being built.



The Chatham Cary Joint Land Use Plan does NOT Protect Jordan Lake. This co-planning document with Cary has been years in the making--As Amberly and other western Cary developments encroached on Chatham east of Jordan Lake, this "plan" was meant to protect Jordan Lake - the water supply for both jurisdictions. It fails to do so.

Instead, at the end of the day it only codifies the kind of development that Cary and many developers wanted in the first place. Chatham officials went from an earlier position of 5 acre minimum lot sizes (proposed by previous BOC) to 1 dwelling unit per acre (already the county minimum.) Closer to Cary (but still in Chatham) will be increasingly denser with access to water and sewer from Cary - and probably annexation as it gets developed. So what did we gain, and why was all this time and effort spent?

There also is a "mixed use development node " allowed --- despite objections of a majority of the landowners there, and despite the many headwaters of streams there that will become conduits of sediment and stormwater pollution for such a development This type of dense mixed commercial-residential development requires heavy land disturbance for buildings and parking lots. There is a very high probability that construction and post construction stormwater pollution will further damage Jordan Lake. There will also be secondary and cumulative impacts from locating a center for denser housing and commercial interests this close to Jordan Lake, and away from more urban areas where more services, including public transportation, are available

Chatham County has surface water (streams, wetlands, seeps and springs) buffer requirements that exceed the Town of Cary's regulations. Protection of small headwater streams in this planning area would be a major step towards prevention of downstream pollution into Jordan Lake resulting from new development. We think it is essential that these more protective buffers be adopted for the entire planning area regardless of which jurisdiction has ultimate authority to enact them.

Jordan Lake is already officially “impaired” according to state and federal agencies and new rules have mandated LESS pollution to meet regulations for water quality and drinking water. New development will worsen the problem --adding tons more of sediment and nutrient pollution to the Lake. Current Jordan Lake problems are already expensive. Cary tax-payer funded expenses include \$1.75 million to install an aerator in Jordan Lake to improve water quality for Cary's drinking water. We urge both Cary and Chatham County residents to speak out and continue to urge low density development in this very fragile area near Jordan Lake –and no new commercial hubs or mixed use dense development. We have plenty of shopping centers already – many with vacant storefronts, but only one drinking water reservoir.

It would appear that both Chatham County and Cary officials have missed an important opportunity to protect Jordan Lake from future development that will result in more pollution to an already struggling drinking water and recreation resource.

Sincerely



Elaine Chiosso
Haw Riverkeeper

Robert Sears, 338 Lewter Shop Road, Apex, NC, stated that he was surprised there was no special time allotted to speak on the Joint Use Plan. The Board is basically rezoning ten-fifteen percent of the County. Where he lives, it is a big deal. He hates the plan and is concerned about areas that say two houses per acre. A developer is going to be crying that he cannot make any money for it. Cary agreed to this plan and Chatham County is agreeing to it. If it states two houses per acre, it is two houses per acre plus or minus ten percent if it conforms. If it doesn't conform, the Board needs to say that it is not conforming. If it says two houses per acre, it is two houses per acre. He doesn't think a developer can make money on that and is going to be wanting three or four houses per acre. The Board will have to hold them fast. It appears that Cary has to agree to this whether it is Cary or Chatham County. He urged the Board to stick to it if it is true.

As far as the landfill is concerned, the Board spent \$60-80,000 to study it but it was never completed. It stated that it takes five years to get a landfill, why not complete the process? It will take five years to get the permit. It will be a money-making prospect. He urged the Board to consider a landfill in Chatham County.

EMPLOYEE OF THE YEAR

Carolyn Miller, Human Resources Director, explained that this is the fourth year that the Employee of the Year has been awarded. She stated that the Personnel Committee, made up of different departments, is responsible for selecting an Employee(s) of the Month and from those who are selected as Employee of the Month, the Employee of the Year is selected. The committee met in May to select the employee of the year. The Fiscal Year 2011-2012 Employee of the Year is Renita Foxx of Chatham 360°. Renita has been with Chatham County for nearly 5.5 years. An excerpt from her nomination form follows:

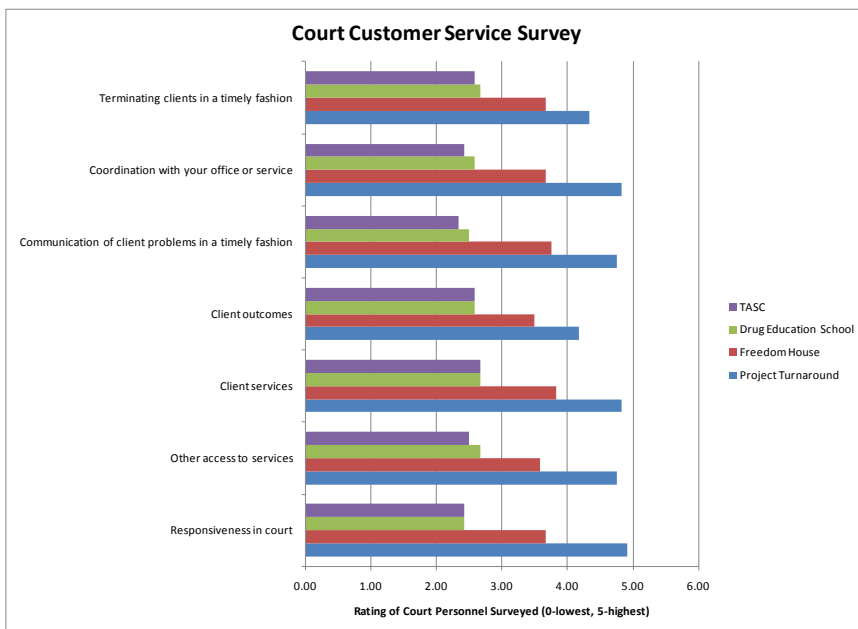
As the Substance Abuse Manager, Renita works tirelessly to provide substance abuse services to first-time drug offenders. As a result, the outcomes of Chatham County 360 in Chatham are significantly better than those in Orange County/Chapel Hill. With the changes in the mental health system, it is essential that Chatham County offenders have access to high quality substance abuse treatment programs. Renita has worked to improve her skills by obtaining additional certifications and licenses that expand her ability to serve her clients and other offenders. At the request of the County Manager's Office, Renita has conducted all of the research needed to prepare the county to take on the Criminal Justice Partnership Program, which was formerly run by Freedom House in Orange County and did not

adequately serve Chatham County. Because Renita has the necessary certifications, Chatham County will be able to bid on providing the service and, if successful, ensure Chatham offenders have the services they need. The managing Assistant District Attorney often relies on Renita's advice in court in determining what services offenders should receive, a duty that is outside her current job description but that she is able to provide because of her credentials. In short, Renita is a tremendous asset to the court system and the county in ensuring substance abuse treatment for offenders.

An evaluation of Chatham County 360 in FY 2010 found that:

- Renita single-handedly served almost as many clients as Orange County, which has 2 employees performing the same function.
- At 81.5%, Renita's successful completion rate is very high for drug-treatment programs and much higher than Orange County's rate of 66.9%.
- The per-client cost of Chatham County 360 in Chatham costs almost one-half of what Orange County's program costs.

Statistic	Chatham – FY10	Orange –FY10
Number of clients served	114	127
Average length of time served	8-9 months	10-12 months
Successful Completion rate	81.5%	66.9%
Recidivism rate	Requested access to AOC database	Unavailable
Client fees	\$275- misdemeanor; \$475 - felony	\$275- misdemeanor; \$475 - felony
Total program cost	\$63,244	\$121,000
Funding from county	\$43,763 (from Chatham)	\$96,000 (from Orange)
Cost per client (Chatham costs)	\$384	\$756



Court personnel surveyed consistently ranked Chatham County 360 ahead of other substance abuse treatment programs in the county in terms of terminating clients in a timely fashion, coordinating well with court system personnel, communicating client problems in a timely manner, client outcomes, client services, other access to services, and responsiveness in court.

Since her employment with Chatham County, Renita has obtained the following degrees, licenses, and certifications:

- Masters of Science in Community Agency Counseling, NC A&T University
- National Counselor Certification
- Licensed Clinical Addictions Specialist
- Certified Substance Abuse Counselor

- Licensed Professional Counselor (provisional)

The Board congratulated Ms. Foxx!

FIRE ACCESS ROADS

Jason Sullivan, Planning Director, explained the specifics of the request as follows:

On March 7, 2011, staff discussed with the board an interpretation from OSFM regarding the applicability of the NC Fire Code to roads serving one and two-family dwellings. At the conclusion of the discussion the board voted unanimously to appeal the determination to the NC Building Code Council, which was filed in April 2011. Attorneys representing the county and NC Attorney General's Office worked with county and OSFM staff to negotiate an interpretation, which is included as an attachment, as an alternative to proceeding with the appeal.

The interpretation provided by OSFM allows the local fire code official to accept road widths that are less than 20 feet wide as long as the same level of functionality and technical equivalency are provided. Road widths are addressed in the Subdivision Regulations and staff has discussed the current road standards and thinks some revisions are necessary to meet the intent of the interpretation. Staff is comfortable that any road meeting the NCDOT design criteria meets the interpretation; however private road standards will need to be reviewed. It is recommended that a working group composed of Planning Department staff members, Fire Marshal, Public Works Director, Environmental Quality Director, and County Manager review the relevant sections of the Subdivision Regulations and draft amendments for consideration by the Board of Commissioners. The proposed amendments would be discussed with the Board during a future work session and then proceed to public hearing.

By consensus, the Board agreed to allow Staff to draft proposed amendments to the Subdivision Regulations to meet the intent of the NC OSFM interpretation for discussion by the Board of Commissioners.

CHATHAM-CARY JOINT LAND USE PLAN

Adoption of the Chatham County-Town of Cary Joint Land Use Plan consisting of a Future Land Use Map and Plan Document, and the Interlocal Agreement Regarding the Chatham-Cary Joint Land Use Plan between Chatham County and the Town of Cary (Chatham-Cary Joint Land Use Plan Future Land Use Map, Chatham-Cary Joint Land Use Plan Document, Interlocal Agreement Regarding the Chatham-Cary Joint Land Use Plan)

Commissioner Petty noticed the entry of Mr. Cecil Wilson into the meeting and asked Chairman Bock if he would allow Mr. Wilson to speak if he so desired.

Cecil Wilson, 489 Holland Chapel Road, Apex, NC, thanked the Board for all of the hard work that has gone into the Chatham County-Town of Cary Joint Land Use Plan and for the considerations that have been afforded everyone affected by the plan. He stated that his community is appreciative for the opportunity to have input. He stated that unless there are changes from the previous committee meetings, they are pleased with what has been done thus far considering what they have to deal with.

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

Chatham County and the Town of Cary have been working on a Joint Land Use Plan since 2005 to plan for future growth and land use in eastern Chatham County. The Joint Land Use Plan covers approximately 18,000 acres east of Jordan Lake and north of White Oak Creek in Chatham County. Since May of 2009, a Joint Issues Committee consisting of members of the Chatham County Board of Commissioners and Cary Town Council have been working on the Plan with staff.

On May 8, 2012 the Committee officially endorsed the Chatham-Cary Joint Land Use Plan map and document. Staff recommended the Board of Commissioners and Town Council also to adopt an Interlocal Agreement to govern the Joint Land Use Plan, including interpretations and amendments of the Plan. On June 6, 2012 the Committee reviewed the Interlocal Agreement Regarding the Chatham-Cary Joint Land Use Plan and recommended the Board and Council adopt the Agreement.

The Joint Land Use Plan is a policy document and map that includes maximum residential densities for the Joint Plan area, a Mixed Use Node located at the intersection of NC 751 and Lewter Shop Road, and guidance on future land uses in the area. The Plan also includes guidance on public utilities and environmental concerns in the Plan area as well as implementation steps for the Town and County to take to implement the policies in the Plan.

The Interlocal Agreement provides the Town and County guidance on the purpose of the plan and how it will be used by the jurisdictions. The Agreement includes guidance and processes for Plan interpretations, Plan amendments, and use of the Plan in development review. The Agreement also includes a schedule and process for updating the Joint Land Use Plan, as well as the term, renewal, and process for termination or modification of the Interlocal Agreement.

Mr. Howell stated that Staff recommends that the Board of Commissioners adopt the Chatham County-Town of Cary Joint Land Use Plan, consisting of a Future Land Use Map and Plan Document, with an effective date of July 1, 2012. Staff also recommends that the Board of Commissioners adopt the Interlocal Agreement Regarding the Chatham-Cary Joint Land Use Plan between the County and the Town of Cary, with an effective date of July 1, 2012.

Commissioner Kost stated that she had questions, but was disappointed that this was done in such a short amount of time given the grave concerns about the plan and what it does. She asked if there were any studies that talk about the impact on private wells when they are butted up against development. She stated that there is no public water in this area; that there will be high-density development with impervious surfaces, and there won't be the recharge rate for private wells.

Mr. Howell explained that he was fairly certain there are some studies; however, he is not personally aware of any. He stated that since he has been working on the plan since 2009, they have not done any studies and he has not been asked to find any studies. He also stated that that concern was not addressed by the committee; however, in this area, the only case where there would be a lot of impervious surface would be in areas where Cary does annex. As long as it stays under Chatham County rules, there would be limited impervious surface. He stated that he would assume there would be some impact dealing with more impervious surface and possibly reducing the runoff for the recharge rate, but he is not sure what the impact might be and how bad it would be.

Commissioner Kost asked if there were any other options considered when the decision was made to go from one house per five acres to one house per one acre.

Mr. Howell stated that they discussed it at length in the committee meetings. They talked about possibly removing the entire western area, west of the rural buffer boundary out of the plan. He stated that they decided against that to keep the entire area in the plan. Other than that, with the realistic difficulties that are already in that area regarding soils and service and the fact that it is already zoned and that area has been zoned for years, for one dwelling per area, that was what the committee seemed to be happiest with.

Commissioner Kost stated that she was thinking how conditional zoning can do this. The reality is that you cannot site a well, a house, and a septic with the recovery area on one acre, not since the septic rules changed in the early 1990's where you have to have the repair fields. She stated that she doesn't think there has been anything developed since the time of those rules on an acre or less. She questioned why we would want to keep the current zoning when we know it doesn't fit the land as it is a total mismatch. She stated that she understands

the concerns, but the reality is we could have made it one house per two acres and had the land use actually match what the land would take.

Mr. Howell stated that was discussed with the committee stating that if the committee was not happy with the one dwelling per five acres, dropping it to one dwelling per three acres or one dwelling per two acres. At one time, they did have a one dwelling per three acres in the plan; however, the committee was concerned about having to do any rezoning in the area and the view of some landowners of taking away property rights, even though most of the committee members realized it would be very difficult to get one acre lots in there, but there may be some area pockets of good soils where that could happen. Also, there is an R-2 zoning district and the concern from the committee was that there would not have to be any rezoning in the plan area.

Commissioner Kost stated that she has always been concerned that the Chatham County has used the one house per acre “paint brush” and that is not really planning. You take into consideration the topography, type of soils, and she does not think this does that.

Commissioner Petty stated that he thought the intent there was, if the land will allow it, then it will police itself. If the land allows it, it works. If the land won’t allow it, that is Mother Nature taking care of it. It is not a decision they make on their behalf.

Commissioner Kost stated that typically when you are planning, you take into consideration those accounts and try to make the land use match what the land would take.

Commissioner Kost stated that dealing with the mixed use node and her reluctance to it, and she agreed to it only if Chatham County took the lead in developing design principles or guidelines, which was not done in this plan. She stated that she feels the neighbors need to have some protections and reassurance that this will develop in a way that is compatible with the area and keeps the charm of the area. She feels that it was a huge mistake for the subcommittee not to go forward with it after they had agreement with Cary.

She stated that she had always supported it knowing that there was going to be a major interchange of 540 at Carpenter and Morrisville Parkway. The 540 interchange was deleted when this became a toll road which Cary has been pushing to get. She asked the status of it.

Mr. Howell stated that he had not heard anymore on that. The last they had talked about it a couple of years ago while Commissioner Kost was still on the committee, at that point the turnpike authority was not going to build it and would entertain a request from Cary with funding from Cary to construct it but they were not going to construct it as part of the initial construction there.

Commissioner Kost stated that without the interchange, she is unsure how much sense that location makes. It would make a lot more sense to push it down to the 64/751 intersection because of the transportation patterns. She stated that she thinks the mixed use node doesn’t make any sense unless the interchange is there.

Commissioner Petty stated that there is a five-year review clause in there that will allow them the opportunity to review it. If it makes sense to move it, they can do it at that time.

Commissioner Kost stated that she felt it would make sense to get it right the first time rather than to say they would change it in five years.

Commissioner Petty stated they didn’t always have all of the “ingredients” on the front end.

Commissioner Kost stated that it seems to be a little backwards the way it was done.

Commissioner Kost asked why the committee abandoned the two mixed nodes as the idea was to go with two smaller nodes. The other node actually made more sense as it was closer to the Wake County Line and the way it would be a lot less expensive to bring water and sewer out to it.

Mr. Howell explained that a community meeting was held at North Chatham Elementary School last fall where a lot of input was received with regard to mixed use nodes. There were a good number of people who spoke who did not like the mixed use nodes. At the meeting, the committee decided to remove both mixed use nodes. The reason the Lewter Shop Road and Highway NC 751 mixed use node came back because there are some fairly large landholders in that area who specifically asked for that node to be placed back on the map. He stated that they discussed with the committee at length about the second mixed use node. There were some concerns about transportation network around the mixed use node even though it may be closer into Cary and closer into 540, the committee felt that NC 751 and the future roadways that Cary has planned in their comprehensive transportation plan for connecting into that area may be better able to handle the mixed use node at the NC 751/Lewter Shop Road intersection versus further east closer to the border.

Commissioner Kost asked if they looked at the traffic counts on NC 751. Mr. Howell stated that he was not aware if it was ever presented to them.

Jason Sullivan, Planning Director, explained that there were issues with the topography stating that they looked at the specific node and the existing topography.

Mr. Howell stated that they have looked at topography over time and neither of the node locations have great topography. They looked at what were possible building envelopes. It did seem that the NC 751/Lewter Shop Road mixed use node had better building envelopes and a capability for more building for larger building envelopes versus the other one.

Commissioner Kost stated that there were concerns about that when the conservation plan was presented due to the impact on White Oak Creek. She asked Mr. Sears how much land his family owned in the node.

Mr. Sears replied seventy-five acres.

Chairman Bock replied that Mr. Sears' land was not in the mixed use node which was a conscious decision. He stated that Mr. Sears had asked for it to be removed. Unless he sells it and a future landowner decides to put it back over him, there is no way that it gets put back.

Commissioner Kost stated that the narrative, unless she is reading it wrong, says that the mixed use node can move. It may not be shown on top of his property but it is there.

Commissioner Petty stated that the intent was to make that general area available. It is pictured as a bubble instead of a well-defined line so that it can be moved, but would exclude Mr. Sears as he requested.

Commissioner Kost asked if when they put the water and sewer lines in, if they will not go through Mr. Sears' property. She stated that with the Hodge Horill property, thirty-eight of the neighbors signed a petition that they didn't agree with it as they were a donut hole in the middle of five acre lots. She asked if that was to develop under Cary annexation, where would the sewer lines run, straight from the pump station, and if they do, they would cross private property. What are the rights of those people? Can they deny the sewer line crossing their property?

Mr. Howell stated that he did not know. It would be a Cary issue/concern. With Cary's policy, that land would not be annexed unless the property owners ask for an annex and they would be responsible for running that line. With that being the case, he believes they would not allow a private developer to use their condemnation rights for water and

sewer for a private development. The developer would be responsible for finding a way to get the sewer line out to their property without having to use condemnation.

Commissioner Kost stated that she needs reassurance of that as the people with the satellite annexation between the Wake County Line and the Chatham County Line need to have some protections. One of the guiding principles says that this will balance the amount of future development with the capacity of the transportation system and she does not see how it is a guiding principle if the transportation plan hasn't been updated to meet this plan.

Mr. Howell stated that the Chatham County Comprehensive Transportation Plan is in the process of being updated at this time. We do still have a thoroughfare plan from 1983, but Cary also has a newer comprehensive transportation plan that they have recently updated within the past two years and they show some roadway coming into Chatham County. A lot of the guiding principles have been around for years and they did not go through and completely update them with all the different work of the committee and how often the plan has changed. He stated that he does still think it is generally a guiding principle to try and keep the higher density development closer to the roadways that can handle it which are toward the Cary area.

Commissioner Kost asked if there were any non-conforming lots with this plan.

Mr. Howell stated that there were no longer non-conforming lots. He stated that they can look into it as there may still be a few cases that they have not checked. There may be some areas that do not completely conform to the plan so it is probably good to have that sentence in there as a coverage.

Commissioner Kost stated that under "Medium Density and Low Density" it says multi-housing is not envisioned. She asked why it didn't just say it wasn't allowed.

Mr. Howell explained that with this being a planned policy document, the language is purposely a little vague. It was meant to be that way. A lot of the language in the plan says "envisioned" and is purposeful to be that way. It may be in a few years, there may be a specific multi-family developer coming in with a proposal that would actually work in the two dwellings per acre area and they would not have to go through a plan amendment to fix it. It is purposely vague which is what the committee pushed for.

Commissioner Kost stated that she felt it should have been more specific in saying "not allowed". She asked the Board to consider making that change as she understands the need for vagueness in some areas, but when you are talking about an area where many people live, they would like to see it more specific.

Mr. Sullivan stated with regard to the transportation questions, one of the post implementation steps is to go back and revisit the transportation planning with the adoption of the plan. They will be working with Cary in the future on this as well as working with the MPO.

Commissioner Kost stated that she felt some of the earlier comments made by citizens were valid with regard to the water buffers and stream buffers and that there should have been language in the plan that said the more stringent environmental standards, whether Cary or Chatham, should apply in this area. She stated that she is very disappointed that it doesn't do that.

Commissioner Stewart stated that Commissioner Kost had mentioned that the design guidelines had failed to be put in place. She stated that in the original plan, she believed there was a proposal for three mixed use nodes.

Mr. Howell clarified that there had only been two mixed use nodes.

Commissioner Stewart asked that at the time it was discussed and it was put into the plan, were there no plans then to put it together.

Commissioner Kost stated that Cary had agreed to allow Chatham County to take the lead in developing design guidelines that would take community input and we were well on our way of establishing it when it was dropped.

Commissioner Stewart asked what was done on that.

Commissioner Kost stated that they were looking at various focus groups and getting citizen input as it was going to be very much a community effort.

Commissioner Stewart asked if there was already a plan in place, was work being done, or was it just in discussion.

Commissioner Kost stated that it was agreed to by Cary and Chatham to do it.

Commissioner Stewart asked what we had physically done.

Commissioner Kost stated that we had done nothing as it was going to be done.

A discussion ensued regarding the timeline in developing the design guidelines. It was determined that the original resolution starting the joint planning effort was passed by both boards around December, 2005. A couple of maps came out in 2006, a couple more in 2007, a study was commissioned by Cary which took about one and one half years, and they started back up with the committee structure in May, 2009. Since May 2009, the boards have been meeting about every month as a committee. The committee structure has changed over that time. Four or five community meetings have been held and have tried to do different things to elicit community input.

Commissioner Stewart asked if the intent had changed since 2005 or if it had basically stayed the same.

Mr. Howell stated that the overall intent of the plan has remained the same. He stated that if you look at all the maps from 2006 to present, they haven't changed a lot. There has been some changes, mixed use nodes have come or gone, and there have been definition changes with regard to the land use category, but overall, the plan itself has always had similar form with the exception of a couple of maps.

Commissioner Petty stated that the general theme has stayed the same but a lot of the changes that were made, have been made over a period of time which is part of the problem in taking so long to put something together. It is a moving target. He stated that is the reason the language is a little vague, so that they could get it done and then put check points along the way to be adjusted every five years as needed to fit the changes that have taken place.

Mr. Howell stated that having two completely different jurisdictions with different styles of development and different regulations and trying to get everyone on the same page with regard to a land use plan has been very difficult.

Commissioner Kost stated that if there were going to be no design principles, we should have used Cary's southwest area plan swap overlay design standards as they would be more in line with the type of development that many people would like to see in Chatham County as opposed to the northwest area plan which is going north toward Amberly, up O'Kelly Chapel and up that area. She stated that she hoped Cary would adopt, at least in the interim, the southwest area plan design guidelines and use the overlay for this area.

Commissioner Petty stated that part of the discussion in some of the meetings was that in some of Cary's design plans every house rooftop was same color, every mailbox alike, every gate was the same and they did not want that.

Commissioner Kost stated that the southwest area plan goes far beyond that. The design guidelines aren't talking about the color of the houses. They are talking about curb and gutter, landscaping, etc.

Commissioner Stewart stated that that Cary said they would be more than happy to implement their standards.

Chairman Bock stated that the joint committee is not going away as they realize there are going to be further meetings and joint issues that they will discuss. They will continue to meet as a subcommittee. He stated that it is important to note that the changes to the eighteen maps were as a direct result of citizen input. If you look at the map while doing a large area land use, everyone will not be happy. It is a planned policy document for future planning. He stated that he was proud that every landowner, to the best of his knowledge, got what they asked for and stayed within the guidelines of the plan. There are several donut holes because it is what the landowners wanted which he feels is a good thing. He stated that in the year and a half in which he has been involved, he never felt that it was a Cary plan stating that Cary made clear from the beginning that it was a Chatham plan and he can't remember an instance where they tried to overpower what they were trying to do. He stated that he feels it is a good plan.

Mr. Howell pointed out that in Chapter 6, there are some implementation steps. One of those is to look and study the design guidelines and design principles issued more in-depth. That was primarily because it got down to putting the plan down on paper and adopted versus taking more time to try and get some of the things that can come after the plan. A lot of the area will not develop as the plan envisions for a while due to the market, etc. Real estate is still down in this area. He stated that hopefully we will have a plan on paper and can begin working on some of the implementation steps with Cary to try and cover some of the holes in the plan such as working on design guidelines and design principles to better address the transitions, working on some of the transportation planning issues that they know are present already and that will become more prevalent if the area develops as envisioned. The plan itself is a long-term land use plan and with the implementation steps, he feels if we can continue moving forward on the steps as they are laid out, we will go far in protecting this area and giving the citizens who live in this area a better of what the future will be for the area.

Commissioner Kost stated that she hopes if it moves forward with a continuation of the subcommittee, that the board majority will consider putting either Commissioner Cross or her on the subcommittee since both of them serve these districts. She stated that she had worked on this issue for nine years. If the time was the real concern that this was taking too long, then she would have left someone who had some of the institutional knowledge and some of the background on the subcommittee which might have moved things on a little faster.

Commissioner Petty moved, seconded by Commissioner Stewart, to adopt the Chatham County-Town of Cary Joint Land Use Plan, consisting of a Future Land Use Map and Plan Document, with an effective date of July 1, 2012 and to adopt the Interlocal Agreement Regarding the Chatham-Cary Joint Land Use Plan between the County and the Town of Cary, with an effective date of July 1, 2012.

Commissioner Kost asked about the Interlocal Agreement stating that all along, the intent was to get special legislation because an interlocal agreement is like baby teeth as opposed to permanent teeth. Had we gotten legislation, it would have given the plan far more teeth so why was it decided to do the interlocal agreement versus getting special legislation.

Mr. Howell explained that they spoke to the committee several times throughout the process. More recently, they have talked with them about different options regarding things they could do to provide some backbone to the plan and some type of agreement or legislation. The concern with the local legislation was the amount of time in getting it drafted and into the legislature and then getting it approved. There were some concerns by Cary and the County Attorney that the legislation was not needed. It would almost be as though we were asking for legislation to do something that we could already do as far as have a joint land use plan and that the legislation itself wouldn't give us that many more teeth than the proposed agreement.

Commissioner Kost asked if one party could not decide to invalidate the agreement.

Mr. Howell stated that the agreement has a renewal clause for five years which makes the initial agreement good for five years automatically renewing for two consecutive five-year thereafter with the idea being every five years the agreement and the plan are given a stronger look through. If either party wants to terminate the agreement, if it is coming up on the five-year mark, a two-month notice is required; however, if it is not coming up on one of the five-year marks, there is a six-month notice requirement to terminate the agreement. Regardless of the agreement with the adoption of the land use plan, this will be a comprehensive plan for this area for Chatham County. Cary will add it into their comprehensive plan for this area. Even if the interlocal agreement goes away, the plan is still in place until one of the parties does an action to either change the land use plan or get rid of it. The interlocal agreement provides one more area of protection.

Commissioner Kost stated that if we don't have the special legislation, we have to have the interlocal agreement. She stated that she does not like the plan; however, she complimented Mr. Howell, Mr. Sullivan, and Scott Ramage on the quality of work. She stated that the document itself, although she does not agree with it, is well-done as it has been a difficult thing to do. She stated that she was supportive of preparing a land use plan, but she thinks that staff did an outstanding job.

Commissioner Stewart stated that she didn't like the fact that they have to enter into a plan of this type with anyone; however, it might be a lesson learned. In a sense, she feels that Chatham may be failing its citizens as it cannot provide water and sewer to residents in that area. She stated that it was the most perfect plan, but at this point, we need to do something in order to be able to move on and stop talking about the same things over and over and start making headway on the parts of the plan that need improvement.

Chairman Bock called the question. The motion carried three (3) to two (2) with Commissioners Kost and Cross opposing.

AFFORDABLE HOUSING ADVISORY COMMITTEE DISCUSSION

Chairman Bock explained that the purpose of this discussion is to define the parameters and vision of the Affordable Housing Advisory Committee and the Board's role and goal. He stated that the Board of Commissioners needs to set the policy and let the advisory board advise them on how to get to where they want to be.

Commissioner Cross stated that the Board of Commissioners got into the affordable housing business almost by accident. There has previously been no money dedicated. The money from Briar Chapel came available for Habitat and EmPOWERment. They looked at starting a housing office, but it would have wasted the money with set-up costs. They were unsure where the next money was coming from so they chose to appoint Habitat and EmPOWERment as their affordable housing agents. Since then, the Land Trust Model has come in. They are dealing with the money from Briar Chapel, a grant that the Oak Foundation gave for Habitat for \$750,000 and a matching County grant of \$750,000; \$150,000 came from the Senate through Senator Bob Atwater. The grant and matching money has been spent. The only money they have is the money coming from Briar Chapel as they build out. Unless taxes are raised or something done to generate money, this discussion does not need to be held.

Chairman Bock stated that Commissioner Cross was correct as that is the only money they have. He asked the best way to use the money.

Commissioner Cross stated on housing as that is why they got it. He stated that he would like to see the money used on housing in Briar Chapel; however, it is not working well now. He stated that the money was directed by ordinance for housing in the County.

Commissioner Stewart asked if the role of the committee was to identify the needs and issues in the County so that we have a holistic view of the situation.

Chairman Bock stated that according to their website, that is one of their roles.

Commissioner Cross stated that he was not on that board when they became a committee. Apparently the guidance wasn't good and if there is no money, it doesn't make sense to set up programs.

Chairman Bock stated that they were a task force and became a committee to deal with Briar Chapel. He asked if the Board needs a committee or a task force.

Commissioner Cross stated that the Board needs to decide if they are going to build housing in Briar Chapel. If not, they do not need anything except for Briar Chapel to keep sending their checks to the County as they build out. The money will then be used wherever it is needed, for Habitat or EmPOWERment.

Chairman Bock stated that they could also change the ordinance in order to give them more flexibility with the money to address causes.

Commissioner Cross stated that it could be changed, but if it was grandfathered to use this money for something else, there would be a problem. He asked who would run and pay for the programs.

Chairman Bock stated that that might be where an advisory committee could help.

Commissioner Cross stated that he had seen a lot of success with Habitat as they have now built 214 houses out of the joint monies.

Chairman Bock stated that the Board has a unique opportunity. They probably will never have again 1.1 million dollars that can be devoted to affordable housing which is assuming that Briar Chapel will give money instead of the lots. He stated that it would then be up to the Board of Commissioners to decide how best to use the money.

Commissioner Cross stated that it was charged to them by ordinance what they will do with the money.

Chairman Bock stated that the money would be for affordable housing and/or its causes. He stated that our problem with homelessness and affordable housing is in the western side of the County, for the most part, in rental property. He wondered aloud if there was something that could be done with that money to help stating that there might be, rather than to put it all into Briar Chapel. He stated that he sees an opportunity to look at the report given to them that talks about 675 homeless children, that talks about all the people on the waiting list for Section 8 housing, that talks about the market having a lot of housing at the affordable price point in this area but not in the west. Five years from now, they will get the same report but the numbers will be larger as they have done nothing but sit and talk. He stated that they now have an opportunity, which does not solve their problems, but it might help alleviate the problems to the folks that really need it, and he hates to let the opportunity go away. The statistics from the report are alarming.

Commissioner Kost asked what had changed that makes it not a good idea to build in Briar Chapel.

Chairman Bock stated that in the original reports, there were not many homes priced at the affordable housing number which he thinks is \$170,000. If you look now, there are 8,500 houses priced below that number; 132 houses, as of January, were for sale; and there are 13,600 units that currently meet the definition of the higher end of affordability. The fact that the real estate market crashed, has made a big difference in that segment. There are plans, in this week's newspaper, for plans for an affordable housing community in Pittsboro which are driven by the market, not subsidized. He stated that the market has taken that which was not the case seven years ago. When all of this was put into place, housing prices were going up faster than could be kept up with. The assumption was that it would continue. It didn't. Now he feels that they should adapt to the market.

Commissioner Stewart asked, if in the future, what happens if the price point being affordable if the interest rate climbs to eight percent or higher. She asked if it would put the houses out-of-range of affordability.

Commissioner Cross stated that it would not with Habitat and EmPOWERment houses as their money is locked in with the State and USDA.

Commissioner Stewart asked if they had to already be built. Commissioner Cross stated that Habitat does some rehabbing.

Chairman Bock stated that even if you look at all the houses that are available and those below \$130-150,000, they are not being sold. They are not being sold because there are no programs in place or people do not have the income.

Commissioner Cross stated that they do not have the income in order to borrow the money. Chairman Bock concurred stating that they do not have the credit in which to borrow the money. No matter what the Board does, he stated, they are not going to be able to solve that issue. According to the Affordable Housing Advisory Committee, the inventory is not the problem. He stated that they say the problem is family violence which is the number one cause of homelessness. They say high unemployment, low income, poverty contribute. The need is being met for families of higher end of affordability and the free market is not adequate at the lower end. He stated that he feels they should focus on the lower end.

Joe Glasson stated that having served on the Chatham County Habitat for Humanity Board for six years and working with Commissioner Cross, he had a good friend who ran the Oak Foundation. He stated that he thought it was going to be hard to find the \$750,000 match, but the Commissioners came through and they got a two-for-one deal. He stated that at that time, Habitat for Humanity was in a capital campaign because they needed to buy lots in order to be able to disperse throughout the entire community the need for affordable housing. They did not want to concentrate in just one area. They had to put the houses in certain pockets areas of the most need. Their goal was 1.5 million in terms of raising enough money for Habitat for Humanity and they actually raised 2.1 million. He stated that he had a meeting last week with the new executive director of Habitat for Humanity and President of the Board. They talked about how they are losing the battle. It is obvious that the need is greater than what they are able to fulfill. He asked them to change their business model because the typical single family residence is built two to three per year; however, that will not do anything to solve the problem. When he was on the Habitat for Humanity Board, they built fifteen homes, averaged twelve a couple of years, and now they are back to four and five per year. The relationship between Habitat for Humanity and the public sector was extremely strong. The Board of Commissioners had basically said that they will allow them the opportunity to lead the process and they would help with resources if they could. He stated that he feels that needs to be restated very strongly. He stated that he feels that is something that the public sector can say to the private sector that they need them to step up like they have done in the past. We cannot concentrate in just one area of the County. At the same time, the 70% of the affordable housing is the easy one to fix. It's the 30-40% that is the tougher one. He stated that he never saw the family violence to which they have referred. He saw people living in squalor and terrible means. He asked them to relook at their business model strictly from a Veteran's standpoint from a ten-year raging war. They are going to need housing and are not on the high-end of the salary scale. He stated that he hoped they could work out a model with Habitat for Humanity and the public sector and be able to allow them the opportunity to work with the Affordable Housing Task Force. He stated that the Advisory Committee may be a good first step but he would provide the level of leadership from Habitat for Humanity to help solve the problem.

Commissioner Cross stated that he also had a similar conversation with the new director. One of their problems now is finding land that is near town for water and sewer. He suggested that they check with the Goldston Town Board and see if the Mayor could help guide them. There is property at the end of Cornwallis Street on which they had not been able to deal due to the price. This money would be well-used in the purchase of land for future affordable housing.

Mr. Glasson stated that the multi-family is the best way to go.

Commissioner Cross stated that there were approximately eleven houses that had been completed on Cornwallis Street. The property directly behind Horton School was to have a mixed-use and have DCHS, Habitat for Humanity, and EmPOWERment involved; however, the owner wants too much money for the land.

Commissioner Petty asked Mr. Glasson if he understood correctly in letting Habitat for Humanity take the lead and then the Advisory Committee be the support group for Habitat for Humanity.

Mr. Glasson replied, yes. Habitat for Humanity becomes almost like the general contractor solving the needs of affordable housing.

Commissioner Petty asked how the economic issues were addressed that are the causes for homelessness and if it is something that Habitat for Humanity can do.

Mr. Glasson replied, no. It is a reaction. From his standpoint and having the opportunity to review approximately sixty-five applications during the time that he was on the board, 90% of the people were living in squalor. It was not due to violence or abuse. He stated that there are so many systemic causes. There is homelessness and there are people who want to have a house but cannot afford it. Habitat for Humanity will not solve the homeless problem, but it can work to solve the affordable housing problem.

Chairman Bock asked if most people that move into a Habitat house stay there indefinitely or move on.

Mr. Glasson stated that it was amazing in that they are tied down for about ten years so no one can flip it.

Commissioner Cross stated that they also require the buyers to go through a school to learn homeowner responsibility.

Mr. Glasson stated that is done with Habitat for Humanity now.

Chairman Bock stated that he personally would like to see more flexibility with the Briar Chapel money.

Commissioner Cross asked if he would give it to Social Services as they are the ones to whom he would be looking.

Chairman Bock stated that he did not have an answer to whom he would give it stating that the flexibility would be nice.

Commissioner Cross stated that if they want to build for multi-families in the future, they need to buy some land while they have some money.

Chairman Bock stated that they are now unable to do so unless they change the ordinance.

Commissioner Cross stated that they could change it to get the money out, but it doesn't mean that land cannot be bought with it. He asked if the Oak Foundation was specified for property purchase.

Commissioner Petty stated that the committee may not have clear direction on what the Board of Commissioners would like for them to be doing, as Chairman Bock stated. He asked if more clear guidelines should be established as to what they would like done and then task them with the job.

Chairman Bock stated that they probably do. They also need to reiterate to all of their advisory committees that they are advisory committees and not policy boards. He stated that the way you hold someone responsible and accountable is for the Board of Commissioners to make the final decisions. He stated that they need to let the advisory committees know, that just because they do not take all of their advice, it doesn't mean that they are not helping the Board of Commissioners and are not useful to them.

Commissioner Petty stated that that the larger the committee gets, the more diverse those opinions get.

Commissioner Cross suggested that they invite the new Habitat for Humanity Director to a work session stating that he had a terrific background in all kinds of affordable housing and give him some lead that they would like to hear suggestions from him as to what the Board of Commissioners could do with the money. He stated that they have great people on the board; however, when it comes down to putting things together, making things work is different than brainstorming.

Chairman Bock stated that would help him think through things.

Commissioner Kost stated that she had asked Staff to look at the grants for rehabilitations. She stated that we are contracting that out with the Hobbs group to do that and it is quite a bit of money. If we are going to continue to receive the grants, we may want to be in the housing business because we could save money by doing it.

Commissioner Cross stated that by the time we got a staff and formed a crew, it would cost twice what is being spent with Hobbs.

Commissioner Kost asked if the Board would consider looking at it to see.

CLOSED SESSION

Commissioner Petty moved, seconded by Commissioner Cross, to go out of the Work Session and convene in Closed Session for the purpose of discussing property acquisition and economic development issues. The motion carried five (5) to zero (0).

WORK SESSION

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

Commissioner Kost moved, seconded by Commissioner Petty, to enter into a lease agreement with Therapeutic Alternatives for 815 Sanford Road, Pittsboro, NC, instruct the County Attorney to review it, and the County Manager to sign it. The motion carried five (5) to zero (0).

ADJOURNMENT

Commissioner Cross moved, seconded by Commissioner Petty, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting adjourned at 4:57 PM.

Brian Bock, Chairman

ATTEST:

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