

**MINUTES  
CHATHAM COUNTY BOARD OF COMMISSIONERS  
WORK SESSION  
MAY 20, 2013**

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The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Historic Courthouse Courtroom, 1 Hillsboro Street, Pittsboro, North Carolina, 4:00 PM on May 20, 2013.

Present: Chairman Walter Petty; Vice Chair Brian Bock;  
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. **Request by North Carolina Department of Transportation (NCDOT) to adopt a Resolution Supporting the Proposed Internal Improvements for Public Schools and Secondary Roads in Chatham County for Fiscal Years 2012-2013 and to retain the remaining funds from the NC Highway Fund and NC Highway Trust Fund for other projects covered by the Secondary Roads Improvement Program**
3. **Affordable Housing Task Force Report**
4. **Discuss and vote on two Central Carolina Community College (CCCC) Board of Trustee Appointments**
5. **Vote on request to approve the Agreement between Chatham County and the Sprott Youth Center, Inc.**
6. **Closed Session to discuss personnel matters**

**CALL TO ORDER**

Chairman Petty welcomed those in attendance and called the meeting to order at 4:02 PM.

**PUBLIC INPUT SESSION**

There was no one present who wished to make public comments.

**BOARD PRIORITIES**

**NC DOT Secondary Roads Program:**

Jeff Laughlin, NCDOT District Engineer, explained that the North Carolina Department of Transportation received in September 2012 an allocation of \$388,468.25 from

the **North Carolina Highway Trust Fund**, of which \$300,286.08 was used to cover overruns from the previous Secondary Road Improvement Program, a total of \$88,182.17 is proposed for Internal Improvements at Public Schools and Secondary Road Improvements in Chatham County for fiscal years 2012 -2013.

It is proposed to utilize approximately \$50,000.00 for Internal Improvements at Public Schools.

It is proposed to retain \$38,182.17 of the total allocation for road additions, property owner participation paving, volunteer fire department and public service driveways, school transportation improvements, subdivision improvement program, spot stabilization, other paved road improvements, safety projects, overruns, county-wide surveys, and Right-of-Way acquisition.

The North Carolina Department of Transportation received in September 2012 an allocation of \$515,379.56 from the **North Carolina Highway Trust Fund**, of which \$462,375.77 was used to cover overruns from the previous Secondary Road Improvement Program.

It is proposed to retain \$53,003.79 of the total Trust Fund allocation for road additions, property owner participation paving, volunteer fire department and public service driveways, school transportation improvements, subdivision improvement program, spot stabilization, other paved road improvements, safety projects, overruns, county-wide surveys, and Right of Way acquisition.

He explained that they have a resurfacing program which will be let in July. They anticipate that in August or September, they will resurface Highway 15-501 which will include Hillsboro Street.

All of the above will be carried out by the Department of Transportation.

Commissioner Kost stated that there was a project in the Capital Improvements Plan to address North Chatham school traffic improvement. She asked staff if there was any overlap or if the two projects are working in conjunction.

Renee Paschal, Assistant County Manager explained that this reduces the County appropriation for the North Chatham improvements by \$50,000.00. The project is budgeted over two years. There is plenty of money in there for this year and the bulk of the money will be in 2014.

Commissioner Bock moved, seconded by Commissioner Kost, to adopt **Resolution #2013-21 Supporting the Proposed Internal Improvements for Public Schools and Secondary Roads in Chatham County for Fiscal Years 2012-2013 and to Retain the Remaining Funds From the NC Highway Fund and NC Highway Trust Fund for Other Projects Covered by the Secondary Roads Improvement Program**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

#### **Central Carolina Community College Board of Trustee Appointments:**

Chairman Petty explained that three people have expressed interest in serving on the Central Carolina Community College Board of Trustees. They are as follows: Brian Bock, George Lucier, and Patrick Barnes

Commissioner Kost asked for support for George Lucier stating that he is currently serving on the board of trustees. She stated she finds it interesting that when he was not appointed to the Environmental Review Committee, one of the arguments was that he was very persuasive. If you have someone representing you on the board of trustees and you want him to represent and work for Chatham County, you want someone who is very persuasive. He was appointed unanimously the president of the Central Carolina Community College Foundation that was thirty-three members. He has served us well as a member of the

board of trustees. She asked that the Board of Commissioners do away with any political feelings and give serious consideration to making the reappointment. She stated that the board of trustees is stacked against having representation from Chatham County so it is really important to have someone who would be a strong voice for us.

Chairman Petty called for a vote for George Lucier to serve on the Central Carolina Community College Board of Trustees.

Commissioner Kost moved to appoint Commissioner Bock and George Lucier as the two Chatham County representatives to the Central Carolina Community College Board of Trustees.

Commissioner Bock seconded the motion so further discussion can be held although he stated that he does not support the motion.

Commissioner Kost stated that she nominated Commissioner Bock because she feels it is important to have a Commissioner serving on the CCCC Board of Trustees. She stated that Mr. Barnes is already serving on two appointed boards: E&R Board and Solid Waste Committee. She stated that she felt it was the thoughts of this Board that they wanted to have more citizens involved. This would be the third appointment for this person by the Board which goes against everything the Board said about representation from citizens.

Chairman Petty stated that if we were to appoint Patrick Barnes, we would have representation from three rather than two, someone from the foundation and on the trustee board.

Commissioner Kost stated that Mr. Barnes was on the foundation board but it is her understanding that he resigned.

Chairman Petty stated that he has stated he would like to the on the board of trustees.

Commissioner Stewart asked if it would give us three instead of two representations.

Commissioner Kost stated that they are two different functions.

Chairman Petty asked if there was further discussion.

Commissioner Kost stated that she would like to hear why Mr. Barnes was more qualified than Mr. Lucier.

Chairman Petty stated that he didn't think anyone was saying the Mr. Barnes was more qualified; however, he thinks he has served on that board before, he has served on the foundation, he knows the group and people and how things are run, and he thinks he has a lot that he could bring to the table as a representative. Even though they are two separate boards, he feels the diversity of having the three people would give them a little more clout with the community college.

Commissioner Bock stated that if we are talking about people who can speak forcibly, Mr. Barnes or Mr. Lucier, both can do so.

Chairman Petty stated that he had heard good reports from both candidates when they have served on the trustee board.

Commissioner Kost stated that there was some negative feedback from a couple of years ago.

Commissioner Stewart asked if it would affect Mr. Barnes participation on any other committee.

Chairman Petty stated that he didn't think so as the community college was different.

Commissioner Kost stated that the Board had talked about having too many of the same people serving on multiple boards. This will be the third appointment of Mr. Barnes by this Board.

Chairman Petty stated that he thought that was intended primarily for boards that act in an advisory capacity to the Board of Commissioners.

Chairman Petty clarified the motion to appoint Commissioner Bock and George Lucier to the Central Carolina Community College Board of Trustees. He called the question. The motion failed one (1) to four (4) with Commissioner Kost voting for and Commissioners Petty, Bock, Cross, and Stewart opposing.

Commissioner Stewart moved, seconded by Commissioner Cross to appoint Commissioner Bock to serve on the Central Carolina Community College Board of Trustees. The motion carried five (5) to zero (0).

Commissioner Cross moved, seconded by Commissioner Bock to appoint Patrick Barnes to Central Carolina Community College Board of Trustees. The motion carried four (4) to one (1) with Commissioner Kost opposing.

#### **Affordable Housing Task Force Report:**

Nora Esthimer, Affordable Housing Task Force Chair, presented a report to the Board of Commissioners and provided it in its entirety for the record as follows:

#### **REPORT AND RECOMMENDATIONS TO THE CHATHAM COUNTY COMMISSIONERS AFFORDABLE HOUSING TASK FORCE**

The task force first met on January 22, 2013. Since then, it has met an additional ten times. We were charged with advising the Commissioners about the use of \$900,000 to directly address affordable housing needs in Chatham County.

We decided at an early stage in discussions to divide the money into two portions, one to provide what we call "immediate impact" results and the other to provide "long-term impact" results.

As we reported to the Commissioners in February 2013, we decided to focus on immediate impact funds first and that is the purpose of this report and recommendations. By the end of August 2013, we will make recommendations concerning the long-term impact funds.

Immediate impact funds are intended to provide stable housing for individuals or families who do not have a home, or are imminent danger of losing a home. No one in need of stable housing should be excluded, but we do recommend a focus on households that include children.

The Chatham County School System reports that there are over 700 children in the schools who are considered homeless. We believe that translates into at least 220 families. That does not capture households with children who are not in the schools or households without children. We believe a good working estimate of households in need of immediate impact assistance is 250-300.

There are a number of nonprofits and government agencies in Chatham County that already work with these households. The agencies often work one-to-one with the households in need of immediate help, know their circumstances and challenges, and are in the best position to develop appropriate programs.

The task force easily came to agreement that the county should rely on those agencies to design and propose immediate impact programs.

To find stable housing, a household often needs to be able to pay rental deposits of the first and last month's rent. The household will also need to pay deposits for utilities. We anticipate that programs the agencies design will address such needs, and we are sure that other good programs will go beyond our expectations.

We asked 18 agencies (13 nonprofits and 5 government agencies) for input as to how much money is needed to stabilize housing for a single individual, and then for a family of 4-6 members. Based on their answers, we believe that \$1,500 per one person household and \$2,500 per household of 4-6 people can have meaningful impact in stabilizing housing.

At this point, we need to refer back to the task force's second category for funds--long-term impact. One of the difficulties with finding stable housing in Chatham County is the lack of affordable rental housing. We anticipate that programs developed under this second phase will--in part--help to address that lack.

To state the obvious, long-term programs will have an ongoing impact on needs that fall under the immediate impact category. With that in mind, we made the following recommendations.

### **RECOMMENDATIONS FOR IMMEDIATE IMPACT PROGRAMS**

- **Designate \$250,000 for immediate impact programs.** This should be sufficient to help stabilize at least 100 households.

- Ask nonprofits that have been funded by Chatham County/United Way in either of the last two funding cycles to develop immediate impact programs. By relying on the thorough vetting done by the County and United Way, the application process can be streamlined.

- Define homelessness to include imminently homeless individuals and families, as well as those who literally have no roof over their heads.

- Encourage programs that do not duplicate existing services but which will close funding gaps. A given agency may have money available to address homelessness but with a restrictive definition. A specific household may need assistance but not qualify under those restrictions. We heard from agencies that are directly involved with housing that this is a common problem.

- Allow agencies to be creative, to collaborate, and to find ways to leverage funds.

- If the first round of applications does not result in approved programs that absorb \$250,000, retain the balance for a second round of applications, or for continued funding of programs that demonstrate strongly positive results.

### **HOW TO PROCEED?**

The task force anticipates that the commissioners and county staff will give consideration to our recommendations and the application we have developed, and establish the process for moving forward. We ask that you bring a sense of urgency to making those decisions. We suggest that you set the Commissioners' June 17, 2013 as a deadline for establishing a procedure. Once a call for proposals is made, agencies should be given a month in which to submit their applications.

Chatham County has demonstrated that it takes housing needs for homeless and imminently homeless households seriously by dedicating \$900,000 to meet those needs--both short term and long term. There is no doubt that the money can have a real impact in the County. To see that impact, good administration is necessary and important. Administration is not an abstract thing. It includes, but is not limited to, the following:

County staff will need to be active in some areas of administration, but we realize that staff is already stretched thin. We recommend that the county engage United Way to evaluate the applications, as it does for other county funds. A task force member has spoken to United Way about this and found them willing to do so. Because the applications will be fewer and more streamlined, and because United Way will already have some familiarity with the agencies that apply, the usual fee may be negotiable. It can be paid from the \$900,000--and a small portion of the money will be well-spent if it helps assure success.

Triangle Community Foundation could also be consulted, should the county want to talk to a second provider of evaluative services. Members of the task force who have worked hard to bring the process to this point want to continue to be involved. We want the responsibility of developing criteria which United Way (or other organization) will use to evaluate applications, and once evaluations have been made, we want to make final recommendations to the Commissioners.

We look forward to reconvening in June to begin work on the long-term impact phase, and we look forward to appearing before you again with further recommendations.

This report is presented by Nora Esthimer, chair of the task force.

The following people have participated in the task force's work: Commissioner Brian Bock, Delores Bailey, Robin Criffield, Andrew Cruickshank, Julie Cummins, Bett Foley, Marcia Ladd, Bill Leroy, Tracy Lynn, Brittney Pass, Deborah Warren, Lonnie West, and Len Zeller.

We also benefited from the time and expertise of Vicki McConnell and Lisa West.

Commissioner Stewart asked for an estimate for administrative fees.

Ms. Esthimer stated that she believed United Way's current fee is 8% of the pool of money that would be available for the programs.

Ms. Paschal confirmed that number.

Ms. Esthimer stated that the fee would be based on \$250,000, not \$900,000.

Ms. Paschal stated that United Way does not evaluate our applications. The applications are evaluated by a panel of nonprofits that is staffed by County staff, not United Way. We consciously, due to some feedback received four or five years ago, tried to separate the evaluative process of the nonprofits. She stated that the Board would want the certification to have been done within the last year or the agency recertified. The certification documents are the annual audit including their fund balance now and current policies. If you go back two years, their financial situation could have changed substantially. The Board would probably want those agencies that were not funded in the current year to be recertified. She stated that if the agencies were going to be recertified, the Board might want to open it up more broadly to agencies that are not currently being funded.

Ms. Esthimer stated that this was a discussion they held in some detail many times. The thought process was that they clearly wanted agencies that have been certified. Their application indicates that they need to submit some financial documentation along with the application. They ended up with two years because they became aware of some agencies that did not put in applications this year, but could come up with the kind of program they are looking for. They wanted to be able to include a few more agencies by going back two years.

Commissioner Bock stated that we may be further into the details for this discussion. He asked for the Board's opinion on the concept. He stated that he thinks that the Affordable Housing Task Force has done a good job conceptionally. He likes the idea of something that will have immediate and long-term impacts. He asked where the Board falls on that.

Commissioner Cross stated that he appreciated the work that the committee has done; however, it changed tracks with the program. He stated that they had a meeting last year where it was decided if we did this, the money would go to build affordable houses or buy property for affordable housing. When we discussed in-lieu contract on October 15<sup>th</sup>, he asked for confirmation that in that prior vote the funds would go toward building affordable housing or property to build affordable housing. He stated that Chairman Bock had confirmed that that was correct. On December 17<sup>th</sup> when they discussed having a task force, he stated that the Board had already declared that the money could only be used for construction of affordable housing or to purchase property for affordable housing. There was more discussion where he stated that he didn't have a problem having a task force; however, they had already specified what the money will be used for so they would not like to see a committee come in with a lot of new ideas. He stated that Chairman Petty in the conclusion of that discussion before a 5-0 vote, said that the Affordable Housing Task Force needs to understand that the guidelines have already been established as to how the money would be used. He asked when all this changed.

Commissioner Bock stated that it was his understanding that the money would be used for housing including, if need be, purchasing property.

Commissioner Cross stated that he spent considerable time reviewing the minutes. The vote was 5-0 in the last vote when they established the task force that it would be only for construction of affordable housing or buying property. He stated that this is how we got the money. It was required by the Compact Communities Ordinance to build houses or give the County the money to do the same. He stated that they gave away \$200,000 by taking cash in-lieu of. In that discussion, he stated that if they were going to start a new search, they need to identify new revenues for it. On at least those three occasions, they voted 5-0 and confirmed it three times that was the only thing the money could be used for.

Commissioner Bock stated that he misunderstood. He thought they were including that as one of the possible uses. He stated that when he first brought up the idea, his attention was directed to seven hundred homeless children. He stated that he was making a case that they have a real opportunity to address homelessness now in a way that they may never have again. If that requires purchasing land or building, they could do that. He stated that he thought they were limiting what the money could/had to be used for and it had to be used for housing. He stated that when they first talked about it, he would liked the money to be used for root causes of homelessness. He was voted down. He stated that if they know that the root cause of homelessness is family violence, then maybe they should be able to help fund those programs. He was in the minority on that. He stated that it was his understanding they would include the possibility of those other things, not limit it to.

Commissioner Kost asked if this wasn't addressing some of the root causes of homelessness because this is talking about helping people who have bad credit which she would see as a barrier. She said that some of the things that are being implemented here are actually getting to the root cause as to why people are homeless.

Commissioner Bock stated that he thinks it could; however, what he is thinking that there are folks whose income is sufficient to pay rent and not be homeless. What they can't do is get into a house because of the extraordinary amounts of money or having the financial responsibility that once they are there, stay there.

Chairman Petty added the first and last month's rent.

Commissioner Bock stated that how it was structured, he didn't know.

Chairman Petty stated that there was a good bit of discussion and he agrees with Commissioner Cross about it. He stated Commissioner Bock was pretty adamant that it was for those.

Commissioner Cross stated that the only reason they have the money is for that purpose.

Commissioner Bock stated that he thought it was to address homelessness. That is why he originally brought up the idea.

Commissioner Cross stated that it was all specified for property and houses. He stated that he appreciates what the committee has done; however, what they received today is far from what they said they were going to do with the Affordable Housing Task Force. He stated that Commissioner Kost was the one who suggested that this be done. They discussed that any reputable affordable housing builder could bring a request to the Board of Commissioners, we needed a committee, and it's in there. There was to be a process for them to apply to build it.

Commissioner Bock stated that they did; however, in the initial meetings that the committee had, that was one of the options asking, "Do we want to build affordable housing?" "Do we want to buy land?" It was made clear that that was one of the options.

Commissioner Cross stated that the Board of Commissioners did not put in that option.

Commissioner Stewart asked that "long-term" be defined.

Ms. Esthimer explained that "long-term" would be whether it is buy, build, refurbish existing properties to create a stable stock of rental units that can be maintained as affordable. Affordable means that a household unit is not spending more than one third of their monthly income on housing. Another way to look at it is they do not earn more than a certain percentage of the area median income. Most commonly, that will be an 80% cap. It can be lower than that as long as their credit is good and other things fall into place. As an individual or a household, people still have to have good credit, they have to demonstrate a sense of responsibility for themselves and their family. The housing stock stays stable so that if one family has good fortune and no longer finds itself classified as qualified for affordable housing because they have done well, then they move on. The housing stock is still there. It is putting together a stock of properties that will be there indefinitely to provide homes for people.

Commissioner Cross asked if we were going to buy these properties.

Ms. Esthimer stated that it is her understanding that the County does it. There are nonprofits who would help, but would presumably be coming to the County to ask for help in purchasing the houses.

Chairman Petty stated that this is obviously not on the track as was intended.

Commissioner Bock stated that he would take the blame for that.

Ms. Esthimer stated that they had had good, productive meetings and good discussions. If the outcome is that they are scraping the shorter term programs that they envisioned and they are moving on full-force to long-term impact, she doesn't think any tears will be shed.

Chairman Petty asked if there was any discussion along these lines.

Ms. Esthimer stated yes, and any number of times at meetings, there had to be a crisscross of interests.

Chairman Petty stated that he sees merit in both scenarios. He asked what the impact would be on housing.

Commissioner Bock asked to focus on longer term for now.

Chairman Petty stated that it was mentioned that there would be minimal impact on stabilizing housing. He asked what they mean by stabilizing. At the end of the funds, he



asked if we see the problem repeating itself or does it mean we fix something that is not going to reoccur.

Ms. Esthimer stated probably some of both.

Chairman Petty stated that when the funds are all gone, he would like to have the luxury of looking back and saying that they made a difference and be able to measure it.

Ms. Esthimer stated that one way to do it is to say at the end of twelve months, look at the circumstances of the people now and look at what happened over the course of a twelve month period. The agencies will be able to answer those questions.

Commissioner Kost asked if regard to the short-term \$250,000.00, was there any consideration to making it a loan program so that the County could put in the seed money and once the people are back on their feet, they may be in a position to pay it back. She stated that she was thinking more long-term for the short-term needs. She stated that she was thinking of some type of revolving type of fund.

Ms. Esthimer stated that they did not talk about that in regard to short-term funds. She stated that with long-term funds and acquiring housing stock, there are more models for revolving funds.

Chairman Petty stated that he felt they needed to address what they defined initially.

Commissioner Bock reiterated his intent for the money to look at the children numbering 700 and if we can take all or a portion of the money, it would be goal that he would want to pursue. He stated that any number of homeless children is too many. He stated that if they can agree long-term, something measurable that they could say that these people would be homeless if not for this money and it addresses a hundred families or more, he would not push to change the direction. He stated that he felt like they had the one-time opportunity to help a significant number of families become not homeless. If that can be done, he thought it would be a very good use. If that is not the direction in which the Board wants to go, he would be very happy to develop rental housing that addresses long-term use.

Commissioner Kost stated that nothing precludes them from spending the entire \$900,000 for long-term and finding money within the budget to set up the short-term funds.

Commissioner Cross stated that is what he suggested during the original meeting to find another revenue stream and keep this money going for the long-term and for building houses.

Commissioner Kost stated that the intent was for sixty lots. They had the \$900,000 for the long-term solution. After reading the proposal, she sees the short-term needs. She sees the barrier and she thinks Commissioner Bock makes compelling arguments; however, she is looking at the original intent of the \$900,000 and she agrees with Commissioner Cross. She stated that maybe another revenue source can be identified.

Commissioner Bock stated that he felt it might be, at least in the short-term within the next year or two, there would be no money in the budget to create more affordable housing.

Commissioner Cross stated that he felt more research needed to be done on that before they go either with nonprofits or others. He stated they discussed having a department when they were first dealing with Briar Chapel in 2005. He stated that the County was not set up to administer what the Compact Communities Ordinance said they would do. At that time, it was estimated that a half million dollars was set up to help to set up a real estate department which is what Wake, Orange, and others do. If you go to nonprofit way, you will be funneling money so he is unsure of that cost. If nonprofits are told to figure out a program, they are going to expect some money. He stated that he feels the Board needs to discuss other sources and how we want run the program. He stated that he very much appreciated what the Affordable Housing Task Force has done.

Commissioner Bock stated that this money is finite and that we will probably not fund more money. This is one-time money. We have a great opportunity and we want to use it. When it is gone, it is gone. There won't be any other money. He stated that if the Board wants to go back and say it can't be used for short-term, he would understand. He stated that we can then focus on what long-term means in the big scheme of rental housing because they all did agree that rental housing is their issue.

Chairman Petty asked if it was time sensitive.

Commissioner Bock stated that he felt it was as they have homeless people.

Chairman Petty stated that he was not inclined to create another account or funding source. He stated that he recognizes what Commissioner Cross has said; however, he is willing to discuss other options if it is open for discussion.

Commissioner Cross stated that he had heard numbers of available rental property in Chatham County are very low. He asked if the Board would be subsidizing some independent property owners' rental property. He stated that he felt like the Board had a lot to discuss and figure out before they go any further.

Ms. Esthimer stated that on grant applications from government sources from major foundations, the standard figure allowed to nonprofits for administration is 10%.

Commissioner Kost asked if the Department of Social Services was involved in discussions and if so, their opinion of "short-term".

Ms. Esthimer said that they did answer the question, "What would it take to stabilize housing for one person for a family of four to six?" They provided them with numbers based on their experience. She stated that they didn't ask for opinions.

Chairman Petty stated that it needs to be measurable. If the County has 700 homeless children and they are put in housing, how many would they have in two years from now? He stated that stabilizing for him means that the problem goes away. They are stable. We have done this and they are now on their own. At the end of the funds, they can look back and say they had so many people that they helped. In five years from now, they are still on their own.

Ms. Esthimer stated that the accountability on the part of any agency that is managing a program will be able to tell you. She stated that they all share the concern that they are not just throwing \$250,000 or more into the wind. She stated that they would ultimately run into some similar concerns on long-term impact, too, with stabilizing the housing stock.

Commissioner Bock stated that he felt the committee needed to be given some direction.

Commissioner Kost stated that she wants to think about this some more. She stated that it is complicated and she can see it both ways. She also stated that she needs to see what resources are already in the community that could be used for this.

Ms. Esthimer stated that she is unsure of the protocol. She advised that the people with Family Violence and Rape Crisis and the Department of Social Services be contacted stating that they can tell what is available and advise the restrictions.

Commissioner Cross stated that he believes the Board should discuss this in further detail and decide exactly where they are going. He stated that this was a big jump from what they have talked about in the past.

Commissioner Bock stated that only \$250,000 is a big jump. The other is the same with regard to long-term and rental housing.

Commissioner Cross stated that he was even more worried what it will create. He voiced concern that the Board would be accused of subsidizing rental property owners and providing free deposits.

Chairman Petty asked that this item be placed on the next meeting agenda for further discussion.

Chairman Petty stated if this was on track with what they had defined as their purpose and direction, it would not be hard to give direction; therefore, it prevents them from making a decision tonight.

Commissioner Stewart stated that she can see the pros and cons. This is a one-time lump sum. When it's gone, it's gone. Having the sixty lots was not going to help anyone not be homeless. She stated that she also sees the short-term and how it could be helpful; however, once the money is gone and the Board has set the precedence, are they going to be expected to put another \$900,000 each time it runs out.

Ms. Esthimer asked that the Board of Commissioners provide direction to their board by the next meeting. By consensus, the Board agreed.

**Sprott Center Agreement:**

The Board discussed the three amendments to the contract as follows:

- 1) Funding not to exceed \$500,000
- 2) The Sprott Center may apply for nonprofit funding
- 3) Remove "without limitation" in #3 (Would be subject to scheduling with the Sprott Youth Center.)

Commissioner Kost moved, seconded by Commissioner Stewart to approve the Sprott Center Agreement with the noted changes. The motion carried five (5) to zero (0). A copy of the contract is attached hereto and by reference made a part hereof.

**CLOSED SESSION**

Commissioner Kost moved, seconded by Commissioner Stewart, to go out of the Work Session and convene in Closed Session for the purpose of discussing personnel and matters within the attorney/client privilege. The motion carried five (5) to zero (0).

**WORK SESSION**

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

**ADJOURNMENT**

Commissioner Cross moved, seconded by Commissioner Bock, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting adjourned at 5:35 PM.

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Walter Petty, Chairman

ATTEST:

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

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**MAY 20, 2013**

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The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Historic Courthouse, 1 Hillsboro Street, Pittsboro, North Carolina, 6:00 PM on May 20, 2013.

Present: Chairman Walter Petty; Vice Chairman Brian Bock; 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 Petty welcomed those in attendance and called the meeting to order at 6:04 PM.

**APPROVAL OF AGENDA and CONSENT AGENDA**

Commissioner Kost moved, seconded by Commissioner Cross, to approve the Agenda and Consent Agenda as follows:

1. **Minutes:** Approval of Board Minutes for the May 06, 2013 Regular Meeting

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

2. **Surplus Property Resolution:** Consideration of a request to adopt **Resolution #2013-22 Declaring Property Surplus and Conveying Property to Chatham Trades**, attached hereto and by reference made a part hereof.

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

3. **Tax Releases and Refunds:** Consideration of 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).

4. **Records Retention and Disposition Schedule:** Consideration of a request to approve the Records Retention and Disposition Schedule

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

5. **Community Development Block Grant (CDBG) Scattered Site Housing (2010) and Community Development Block Grant (CDBG)**

**Economic Recovery (2010) Monthly Reports**, attached hereto and by reference made a part hereof.

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

6. **Proposed Communication Tower Search Rings:** Consideration of a request to approve proposed half-mile telecommunication tower search rings from Matthew Danielson with Chatham Towers, LLC and Styers, Kemeraite and Mitchell, Attorneys at Law for Law American Telephone & Telegraph (AT&T) Mobility for the 2013 tower build plan

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

7. **Subdivision Preliminary Plat Approval of “Great Ridge Parkway Extension”:** Consideration of a request by Kevin Graham, Vice President of Operations on behalf of NNP Briar Chapel, LLC for subdivision preliminary plat approval of “Great Ridge Parkway Extension”, consisting of 14.44 acres and located off SR #1526 in Baldwin Township

As per the Planning Department recommendation, approval was granted to extend the name “Great Ridge Parkway” to the southern section of the parkway and preliminary plat approval and approval of right-of-way dedication was granted as shown on plat title “Briar Chapel Great Ridge Parkway Extension” with the following conditions:

1. The approval does not include the area shown between Station 9+58.29 to Station 10+00.00.
2. The final plat shall be revised to remove the section of roadway from Station 9+58.29 to Station 10+00.00.

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

8. **Appointment to the Chatham County Housing Authority Board:** Consideration of a request to appoint R. B. McKinley to a five-year term to the Chatham County Housing Authority Board, term to expire on May 20, 2018

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

9. **Boys and Girls Club Naming:** Approval of a request to name a room in honor of Buddy Denise in the newly renovated Boy and Girls Club in Siler City, NC

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

10. **Addition of Road to the NC System of Secondary Roads – Henry’s Subdivision:** Consideration of a request to adopt **Resolution #2013-23 for the Addition of Streets or Roads to the North Carolina System of Secondary Roads – Henry’s Ridge Subdivision**

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

11. **Naming of Private Road Name:** Request from citizens for the naming of private road in Chatham County A and L Lane

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

**END OF CONSENT AGENDA**

## **PUBLIC INPUT SESSION**

**Tom Glendinning** 168 Eddie Perry Road, Pittsboro, NC, presented him comments to the Board and provided them in their entirety for the record as follows:

“I am here to request approval of a project to disinter and reinter the grave of Eliza Lutterloh.

Eliza Lutterloh is buried in a plot in Chapel Ridge development off NC Highway 87. She was the wife of Col. Henry Emanuel Lutterloh, Deputy Quartermaster General of George Washington’s Continental Army, 1777-1780, and Commissary of Forage, 1780-1782. It is the desire and request of the family of Ms. Lutterloh that she be reinterred at Saint Bartholomew’s Episcopal Church on West Salisbury Street, Pittsboro, NC. She was the first Communicant of the church, founded in 1832.

The history of her residency in Pittsboro and marriage to the Colonel are on record at the Chatham County Historical Society.

It is right and fitting that she be commemorated in this fashion and that the remains be honored in sacred ground and so protected.

Present location:

The location of her grave is opposite 201 Cabin Creek Road in the development. It is marked and fenced.

Proposed location:

Within the cemetery of Saint Bartholomew’s Church in the plots of Thomas Glendinning, so marked and recorded on cemetery maps a plot will be dedicated to Eliza Lutterloh.

Protocol:

All requirements of GS 65-106 will be followed in the re-internment of Eliza Lutterloh. This notification for the supervision and direction of the County Board of Commissioners is the first requirement, Paragraph (a) 4 and (g).”

He stated that these are fairly straight-forward requirements and that he would appreciate the Board’s assistance in approval of this. He stated that it would cost the County nothing.

Commissioner Bock asked Mr. Glendinning if he knew why one grave was moved and not the other.

Mr. Glendinning stated that he did not know.

**Rita Spina**, 12 Matchwood, Fearington Village, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the Board as follows:

“It is unfortunate that the Board of Commissioners is contemplating un-funding of the Chatham Arts Council which has supported the phenomenal growth of the arts in Chatham County. We are known all through the state and further for what we produce. December of last year we had fifty artists opening their studios throughout the County. We have some of the most noted of artists throughout the area. For twenty years now, we have become one of the best shows in town. What comes along with the work of the artists which are sold, are increases in restaurants, spending of dollars within our borders. Perhaps they do not realize that we help to fill the coffers with dollars. Artists pay our taxes to the County for all we sell. The Commissioners are short-sighted.”

**Victor D'Amato**, 160 Crows Creek Road, Pittsboro, NC, chairman of the Environmental Review Board (ERB), stated that the ERB was concerned with Senate Bill 515 which is the Jordan Lake Repeal Bill driven by Alamance and Guilford Counties located upstream. He stated that he hoped the Chatham County Board of Commissioners will formally oppose Senate Bill 515 and do whatever they can in working with Chatham County Legislators to ensure that it doesn't pass.

## **PLANNING AND ZONING**

### **Public Hearings:**

**Public Hearing for Revision to Conditional Use Permit to Add Office at Jordan Dam RV Park:** Public hearing to receive public comments on a request William Jeffrey House, Jordan Dam RV Park, located at 250 Moncure Pittsboro Road, Parcel #11257 and #88475 for a revision to the conditional use permit to add an office to receive and check-out guests, have a retail area for small grocery items, and RV supplies. He is also requesting to add a proposed laundry facility to be constructed in the future.

The Chairman administered the oath to those in attendance who wished to make public comments for both public hearings.

Angela Birchett, Zoning Administrator, explained the specifics of the request.

The Chairman opened the floor for public comments.

**Cindy Perry**, Attorney for the House Family, 259 Hillsboro Street, Pittsboro, NC, stated years ago, the Board's predecessors heard and approved an amendment for a conditional use permit for campgrounds and to narrow and reduce the amount of acreage that was necessary for such an RV park. One of the great things about that amendment was that it nurtured small and local business and allowed it to develop in a very special kind of way. Since that amendment passed, the House Family has used their family land to create an RV park that is genuinely a credit to the community. Their idea was to create this business to help support Jeff's handicapped brother, and Jeff, who works for Duke Energy Progress, knew the great need for an RV facilities for temporary workers at the Shearon Harris Plant and other Moncure industries. These workers, highly trained in their own industrial specialties, come to the plants during periods called "outages". They need a comfortable and convenient place to stay during those times. Although Jeff told her that the park is not full all the time, it is full or nearly full most of the time. It offers a quiet community for the skilled workers as they monitor the safety of the Moncure area plants. This application simply takes this excellent project and expands the allowed uses in the park, uses that will serve the convenience of the community as a whole and all which are appropriate uses of the park, first as we saw the office to be located on the right side of the driveway entrance and second, the office will also serve as a small grocery and hardware shop where the park residents can purchase RV supplies and groceries.

She stated that they spoke about the fact that the laundry may be located at a future time off to the left-hand side of the driveway. The application also includes verbiage that would allow for necessary or appropriate uses for the RV park and camps/grounds conditional use. She stated that they had been before the Appearance Commission and worked well with them to enhance the plan and to provide areas for the RV pull-outs on either side of the driveway. The office will have a bathroom that will utilize the same disposal system that is currently serving the rest of the park and will have a lift-pump to take the material to the approved septic area in the back of the project on the back left. The impervious surface is still well below the 36% maximum. There are no changes to the number of units in the park.

Through the years, it has been a real pleasure to have helped the House Family and to provide a service, not only to Chatham County's industries, but to their family as well.

She asked that the application and all of the attachment be moved into evidence in the public hearing and that the additional uses be approved by the Board of Commissioners and the planners to enhance the park as it benefits all people.

Commissioner Kost stated that there have been forty sites built, but forty-four have been approved. She asked if there were plans to build the other four sites.

Mr. House stated, not at this time, but possibly in the future.

Commissioner Kost asked if the septic system was capable to handle a laundry.

Ms. Perry stated that it would require a separate septic evaluation if it went forward. This is the approval of the possibility of a future use with additional testing to be required.

Commissioner Kost asked if the laundry was built, would it have to come back before the Board.

Ms. Birchett explained that the reason they wanted it placed on the map is to keep them from having to come back before the Board of Commissioners.

The Chairman closed the public hearing and referred this item to the Planning Board.

**Public Hearing to Revise Current Conditional Use Permit Application for Polk's Village:** Public hearing to receive public comments on a request by HBP Properties, Brantley Powell, to revise his current conditional use permit application request for Polk's Village, Parcel #2407, to add additional items as stated at the April 15, 2013 public hearing. The additional requests are to increase the overall square footage of commercial, retail, office and institutional space to assisted living (congregate care) facility to 47,000 square feet from 40,000 square feet; to increase the food store square footage to 30,000 from 12, 000 square feet; to convert change wording for the LEED certificate requirement to LEED of LEED level construction

Ms. Birchett explained the specifics of the request.

The Chairman opened the floor for public comments.

**Michael Birch**, 630 Davis Drive, Suite 200, Morrisville, NC, presented his comments to the Board and provided them for the record as follows:

Comments related to the Polks Village CUP Amendment public hearing item at the May 20, 2013 Board of Commissioners' meeting:

- The three additional requested changes are:
  - o An exception to the 40,000 SF limit only for an assisted living facility, which may be a maximum of 47,000 SF.
  - o An increase in the size of a food store from 12,000 SF to 30,000 SF.
  - o An increase in the overall non-residential floor area from 125,000 SF to 129,000 SF, which is necessary as a result of the increased size of the assisted living facility.
- The 40,000 SF limit imposed as part of the initial CUP was intended to prohibit big-box retail stores and maintain the neighborhood village character; it was not aimed at limiting the size of non-retail facilities such as an assisted living facility.
- The applicant has received interest from neighborhood food stores, necessitating the increase from 12,000 SF to 30,000 SF. This limit of 30,000 SF is still well below the big-box size, and will maintain the neighborhood character of Polks Village.
- With regard to change in trip generation associated with the requested CUP amendment, even assuming a 30,000 SF food store, the trips associated with this



CUP amendment represents a decrease from those trips permitted by the 2008 TIA associated with the original CUP and the 2011 CUP amendment.

- o As compared to the 2008 TIA, this CUP amendment results in a 24% reduction in AM Peak hour trips and a 17% reduction in PM Peak hour trips.
- o As compared to the 2011 CUP amendment, this CUP amendment results in a 16% reduction in AM Peak hour trips and a .2% reduction in PM Peak hour trips.

Commissioner Kost asked if the Department of Transportation is allowing them to decrease the size of the turn lane by fifty feet.

Mr. Birch stated that they had requested it and it had been approved prior to requesting an increase in size for the food store. To the extent that the food store is shown on the site plan of the developer, they are no longer requesting the decrease. They are going to build it as originally planned.

Commissioner Bock asked if had already been to the Planning Board and they had discussed these matters.

Mr. Birch stated that it was referred to the Planning Board. They had re-noticed a public hearing to make sure that the public was aware of the changes. He stated that it is his understanding that this matter is right for action.

The Chairman closed the public hearing.

## **BOARD PRIORITIES**

### **FY 2013-2014 Budget Presentation:**

The County Manager addressed the Chairman, Board, and citizens stating that tonight begins the first part of a public hearing process that will culminate on June 17<sup>th</sup> or shortly thereafter for a budget for fiscal year 2013-2014. He stated specifics as follows:

- Total Property Valuation: \$9.1 Billion
- One Penny Generates: \$ 908,102
- Tax Rate: \$2.19 (No change from current year)
- Total Property Tax Revenue: \$57,670,000
- General Fund Fund Balance Appropriated: \$ 4,467,373
- Total General Fund Budget: \$92,569,988
- Water Fund \$ 5,559,078
- Waste Management Fun \$ 3,150,429

Renee Paschal, Assistant County Manager, presented the FY 2013-2014 Budget Presentation PowerPoint as follows:



## **Budget Process**

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- ▶ Staff is presenting the Manager's Recommended Budget—*this is just the 1<sup>st</sup> step*
- ▶ Before the budget is finalized, commissioners will:
  - ▶ Hold 2 public hearings to hear from the public (May 20 and 21)
  - ▶ Hold work sessions: May 23 & 28 scheduled
  - ▶ Make changes based on public input, etc.
- ▶ Goal is to have the budget finalized on June 17 — state law requires adoption by June 30

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## **Achieving a prosperous and thriving community**

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- ▶ BOC Retreat goals:
  - ▶ Achieve a AAA bond rating
  - ▶ Ensure efficient and effective government
  - ▶ Build a safer community

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## **Additional Expenses in FY 14**

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- ▶ Staffing to open the new jail: 25 positions, \$621K (partial year)
- ▶ 3% pay adjustment, plus funding an update to the 2008 market pay study (\$620K in general fund)
- ▶ 4 telecommunicator positions starting January (\$93K)
- ▶ Continue pretrial release program in-house and add electronic monitoring component: \$35K in-house vs. \$49K for contract service without electronic monitoring
- ▶ Funds transfer to debt reserve for new agriculture center (approx. 1/10 cent)

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## **School Funding**

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- ▶ Chatham County has provided good support to the school system throughout the recession
- ▶ The recommended budget includes:
  - ▶ \$250K increase in appropriation for local supplement
  - ▶ \$500K appropriation for K-8 teacher laptop replacements (funded from one-time decrease in transfer to debt reserve)
  - ▶ CIP projects totaling \$1.5M



## **Summary**

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- ▶ The recommended budget is \$3.95 million more than the FY 2013 Amended Budget
- ▶ No tax increase is proposed for the county
- ▶ No tax increase is proposed for fire districts
- ▶ Staff is recommending a few fee increases/adjustments
- ▶ Capital and one-time expenses funded by a \$4.5 million fund balance appropriation



## **In Summary**

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- ▶ The recommended budget continues the past practice of good financial stewardship and moves the county forward to take on new responsibilities and invest in its people and schools



## **Highlights**

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- ▶ Overall, revenues are expected to increase in FY 14, including:
  - ▶ 13% increase in fees and permits
  - ▶ 3% increase in local sales tax; 2% increase in statewide sales tax
  - ▶ 4% increase in property tax revenues (more than one-half is motor vehicle windfall)
- ▶ The recommended fund balance appropriation is \$4.5M; \$5M appropriated in FY 13

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## **Intergovernmental Climate Uncertain**

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- ▶ Federal sequester having some impact: human services, education, PIL for Jordan Lake and subsidy for QSCBs
- ▶ State tax reform implications unknown:
  - ▶ Original version of SB 394 would take half of food sales tax and all of Medicaid hold harmless and beer and wine without a jurisdictional hold harmless (\$2.3M in FY 16)
- ▶ Other bills extend the present use exemption
- ▶ Only known impacts have been addressed; our plan to manage the unknown impacts is to hold the motor vehicle tax windfall until the impact of tax reform is known

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## **Major Funds**

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- ▶ General Fund: \$92.6M, 4% increase
- ▶ Water Fund: \$5.6M, 5% decrease
- ▶ Solid Waste & Recycling: \$3.2M, 10% decrease

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### **Capital Improvements Program (Appendix C)**

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- ▶ Funds feasibility studies for animal shelter and renovation of old jail
  - ▶ Continues funding of Annex renovations
  - ▶ Increases new high school cost to \$49M, as a result of 2-year delay
  - ▶ Rolls over funding for minor renovations to old library/temporary superior court
  - ▶ Funds DOT traffic recommendations at North Chatham
  - ▶ Funds roofs for Moncure and Sage from one-time motor vehicle tax windfall
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### **Non-profit Agencies (Pages 82-83)**

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- ▶ Nonprofits undergo an extensive application and review process
  - ▶ This year the process was changed to allocate 55% of funding to the basic needs of hunger, housing and health care
  - ▶ Written recommendations from panels will be provided
  - ▶ Manager recommends redirecting \$5,000 from Chatham Arts funding to commissioner pot
  - ▶ Commissioners have \$15,000 to allocate directly
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### **Budget Process**

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- ▶ Staff is presenting the Manager's Recommended Budget—*this is just the 1<sup>st</sup> step*
  - ▶ Before the budget is finalized, commissioners will:
    - ▶ Hold 2 public hearings to hear from the public (May 20 and 21)
    - ▶ Hold work sessions: May 23 & 28 scheduled
    - ▶ Make changes based on public input, etc.
  - ▶ Goal is to have the budget finalized on June 17 — state law requires adoption by June 30
-

## **Questions?**

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The Chairman opened the floor for public comments.

**Cheryl Chamblee**, PO Box 418, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“My name is Cheryl Chamblee, and I'm the new Executive Director at the Chatham County Arts Council, which is at Main Street Station in Pittsboro. Commissioners, I urge you to fund your county's arts council in this year's County budget. I want you to know that I understand the County's three goals of addressing hunger, housing, and healthcare; the three long-term goals of achieving a AAA bond, ensuring efficient and effective government, and building a safer community; and the one overarching goal of achieving a prosperous and thriving community.

I also want you to know that we, the Chatham arts community, can help you meet those goals. Let's start with **hunger, housing, and healthcare**: The Chatham County Arts Council awards a surprisingly high percentage of sub-grants to groups that use the arts to solve County issues like hunger, housing, and healthcare. It works because artists address problems cheaply and with high impact.

Now for the long-term goals: **The strong economy needed to get a AAA bond rating**: When folks go to an arts event, they spend an average of 24 additional dollars in the community—outside of their ticket price—every single time. ChathamArts reaches more than 1,600 arts patrons every day about arts happenings and amazing local businesses where they can spend their money. ChathamArts is helping Chatham County get to a great economy.

The second long-term goal: **Efficient, effective government**: Your budget draft states: “In most cases, nonprofits deliver services more efficiently than government.” Yes. ChathamArts is no exception there. Third long-term goal: **Safer communities**: ChathamArts has specifically created safer communities by engaging at-risk teens in film projects and by funding sexual abuse prevention programs that utilize artists.”

She stated that there is no arts funding in this budget draft. The Chatham County Arts Council asks for \$12,000 which is less than 5% of County funding for nonprofits. It is a tiny percentage of the \$92,000,000 of the General Fund budget. It is a small investment with a high return of investment. She asked that the Board help them to help the Board to ensure a prosperous and thriving community in Chatham County by funding the Chatham County Arts Council this year.

**Vicki Newell**, 119 Ilex, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“Hello everyone. My name is Vicki Newell, and I am the Executive Director for the Chatham County Literacy Council, a local nonprofit that provides tutoring services to help Chatham County adults acquire the literacy skills they need to achieve their life goals.

I am here before you today to request that additional funding be designated to the Chatham County Literacy Council. We submitted a request for \$10,000 to Chatham County and have been recommended to receive \$5,000.

Our program for adult literacy is a long term investment to develop an educated work force necessary to attract new industries to Chatham County and to employ locally when businesses such as Duke Energy and SAS are ready to develop in Chatham County.

This past year, tutoring services resulted in 15 adults receiving their GED, 17 becoming U.S. Citizens, 17 voting for the first time in the November elections, and 2 becoming employed at better jobs.

Please consider funding the Chatham County Literacy Council thereby investing in Chatham County residents and the economic development of our County.

Thank you.”

**Julia Kennedy**, 278 East Salisbury Street, Pittsboro, NC, stated that she is a local artist and President of the Chatham Artist Guild and are well into their twentieth year of their art guild, one of the largest and most respected in the country. She stated that she was present to speak in support of their sister arts organization, the Chatham Arts Council and the Siler City Arts Incubator. These organizations help make Chatham County a unique and diverse area which attracts not only new residents, but also businesses, and therefore, new revenues. According to the National Governors’ Association, a well-respected and non-partisan council, arts programs have been high impact components of economic development programs serving as a centerpiece in several ways. These include: creating vibrant public spaces, enhancing urban quality of life, and expanding tax bases. According to the American Group Planning Association, a nonprofit which provides leadership in the development of vital communities, arts and cultural activities draw crowds from within and around the community increasing the number of visitors as well as enhancing resident participation to help build economic and social capital. They also improve the community competitive edge and attracting new and visiting populations. Time and time again, we have heard from residents, visitors, and businesses that the Chatham Arts Community has made Chatham a desirable place to live, visit, and work. Whether visual, literary, or performance, the arts are part of prosperous and thriving communities. To withhold funding is to deny their economic and creative importance. She asked that the Board please continue to say yes to the rich cultural and artistic heritage of Chatham County and support the quality of life which Chatham County Arts Council and the Siler City Arts Incubator enhance in countless ways.

**Pierre Lauffer**, 350 Moon Meadow Lane, Pittsboro, NC, stated that he is a regional, environmental planner with over 23 years experience in environmental and infrastructure planning and is also on the Chatham Arts Council Board.

He stated that as a planner, one of the things he deals with is capacity issues. When we look at this year’s budget and he realizes what the nonprofits do for our County and what they do for all counties across the country, they typically fill in the capacity areas that the rest of the community cannot fill. They do it with a very little amount of money. When a county takes away some of the capacity for them to be able to do their job, i.e. financial support, it does a couple of things. 1) The capacity of the nonprofit has been destroyed. 2) Another issue comes up where there is no build-up throughout the community to make it a more vibrant and active community. He stated that one of the things that brought him to Chatham County to begin with (17 years ago from Johnson County) is that he sees the difference in what nonprofit activity can do to vibrant communities or non-vibrant communities. As they come in, they integrate the community and bring it together. They make people proud to be of that community. With Chatham Arts Council, he is proud to talk about what the arts do for Chatham County. He is proud to talk about the Literacy Council in our County. He is proud of all the services that are provided here that make it a vibrant community. This is the reason we have a food co-op here. It is the reason why we have so many certified organic farmers here. We are active and want to be part of the community. You take those away, those services are no longer

there and it no longer becomes as vibrant. When people see this, it is an attractor or a detractor. We are an active community and he would like to keep it that way. He stated that he advocates for total support of the budget for all the nonprofits.

**Michael Tiemann**, 2540 Seaforth Road, Pittsboro, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

“My name is Michael Tiemann, and I am here today to ask you to approve the \$5000 funding recommended by the County’s Grants Panel to support the Chatham County Arts Council.

My wife Amy Tiemann and I own Manifold Recording, a high-end carbon-neutral recording studio and media production facility in Pittsboro, North Carolina. It is quickly becoming famous as one of the best facilities on the East Coast. Earlier this year Bojangles wanted to shoot a TV commercial featuring Scotty McCreery and his band in a studio location. We proved that they didn’t need to head to Nashville or Atlanta to do the job right. As a result, dozens of local crew--gaffers, grip, electricians, lighting, wardrobe, makeup, props, set design, camera, audio, craft services, etc.--got the call to come to Chatham County for the two-day shoot. It was a proud day for the studio and a proud day for the County.

I am also a Trustee of UNC School of the Arts in Winston-Salem. When Governor Pat McCrory appointed Susan Kluttz to be the new Secretary of Cultural Resources, she also became one of the two ex-officio Trustees of UNCSA. By way of introducing herself to us, she explained her passion for the arts very simply: the arts are a catalyst for economic development and growth, and she proved it during the 14 years she served as Mayor of Salisbury North Carolina. As mayor, she developed Salisbury’s cultural arts plan, reorganized the Rowan Arts Council and created a master tourism plan. She was presented the Mayor’s Cup in 2012 for sustained contributions to the city of Salisbury. Additionally, Kluttz is on the North Carolina Community and Business Alliance, which aims to advance economic growth and development. She knows a lot about using cultural resources for economic advantage.

I, too, see the arts as vital to the economic interests of our Town and our County. Interests that go far beyond collecting taxes on the sale of a clay pot, an oil painting, a wooden bench, or a metal sculpture. Each of these pieces begins its life as an expression of the artist, but these expressions become conversations within the community. They encourage and inspire people to see things in new ways, to think about things in new ways, to do things in new ways. This is very much an opportunity for Chatham County, which needs to compete with art-rich Orange, Durham, and Wake Counties.

The decision before the Commissioners today will define how the world sees Chatham County, and how we see ourselves. If we zero out all support for art of any kind, we are declaring to the world a hostility to creativity and imagination. By choosing to continue to support the arts, especially in times of economic challenge, we express courage and belief that what the people of Chatham County have to say artistically is worth hearing, worth seeing, worth experiencing. By following the Grant Panel’s recommendation, we can be sure that the budget spells Welcome to artists and those who value beauty, work, and community.”

**Reverend Doctor Peter Thomas**, 832 North Langdon, Fearington Post, Pittsboro, NC, stated that he has been here for ten years since he retired from ministry that has taken him from North Carolina, to Tennessee, to Georgia, Alabama, and Houston, Texas. During that time, the key to their ministry was responding to people in crisis, people who did not know what was going to happen to them next. He stated that he was glad to hear that part of what the Board has in mind is to deal with those who are hungry, sick, and in-need of care and housing, etc. of all kinds as that is what his ministry has been for the last forty-nine years. He stated that he and his wife have done that in this community since they have been here. He stated that he is now on the Board of Chatham Arts. One of the things that he keeps in mind is that there are going to be times when people in crisis need some way to find self esteem and hope in the midst of a very



confusing world. After they came here, he was called back to Houston to be one of the two coordinators for the Katrina disaster relief that occurred in Houston. One of his responsibilities was dealing with all of the people who were coming from the Ninth Ward in New Orleans. Many of the people were elderly ladies, but had several young children with them. They brought the children in and they had to respond to them. One of the great creativities that occurred was the arts people in Houston brought a lot of paper, crayons, and paintings. For weeks these children had a place to express themselves through art. He stated that they provide this through Chatham Arts. They want to do this with new programs and they need the program money that they have asked for in order to do so.

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

“My name is Bill Sommers and I live – with my wife, Joan – at 29 East Madison Street in Fearrington Village and have been a citizen of Chatham County for ten years. I do very much appreciate this opportunity to discuss with you the turnabout in the current budget proposal regarding a “no-funding” action re the CHATHAM ARTS COUNCIL for the coming fiscal year. Last year the Council received o/a \$5000 as support to its substantial activity in Chatham County in support of the arts.

I understand that in developing this proposed budget that the County Board – in its review of discretionary funding - decided that the \$5,000 available should be allocated to help the poor and thus eliminated funding for the ARTS COUNCIL.

While we all agree with the County that attention to the needs of the poor is both worthwhile and necessary. And we compliment the Board for their singular action.

However, in my own career, I have been a town and city manager for five communities in the US and have worked for the City of Boston as the Commissioner of Inspections as well as the Commissioner for Public Works in Cambridge, Massachusetts – and I have never mounted a budget in terms of the Chatham budget of some \$92 million dollars – or more – that hit the mark exactly and without changes!! It is thus hard to believe that the our Board of Commissioners are not able to restructure a part of this significant budget to both a) respond to the needs of the poor and as well as b) to carry out a consistent response to the actuality of Chatham County as a place where art is both a service and an important aspect of the meaning of value in the County. There is also the fact that with the start-up of the WALMART store at the County Line, Chatham County’s income should receive a substantial increase in both the property tax and its portion of the oncoming sales tax. Somehow one has to believe that the County will be able in the coming fiscal year to support both the proposed set aside for the poor – and the Chatham Arts Council support.

I assume that our Board of Commissioners knows that within the Triangle there are twelve Art Councils which receive assistance from their local governments and to cut off our own Council seems to be a down-grade of our otherwise good status within the area.

Moreover, it is of important to know that our own Chatham County Economic Development Corporation advertised that the value of our arts and:

‘Chatham County’s reputation as a creative community is due in large part to the presence of numerous artists in the region, including potters, painters, blacksmiths, glass blowers, fiber arts, sculptors, musicians , photographers, and writers. The arts community continues to growth through the efforts of individuals and organizations.’

There should be a way by which these values are supported by the County while, at the same time, giving important assistance to our poor I should also mention that this year of 2013 includes the 100th anniversary of the marvelous Armory Exhibition of American and European Art that was the start-up of

American Art as a value in the world. And we would be slackers now if we did not continue that marvel in our own County!'

I am certain that the Board can – without a great difficulty – find funds for both the poor – and for the Chatham Arts Council – and thus solve a “problem” that, in fact, is not really a problem at all.

Thank you for your attention to my suggestions.”

**Beth Budd**, CORA Executive Director, presented her comments to the Board and provided them in their entirety for the record as follows:

“My name is Beth Budd. I live at 1113 North Duke Street in Durham. I am the Executive Director of Chatham OutReach Alliance, also known as CORA Food Pantry.

First, I would like to thank the commission for its support of CORA’s SNACK Program. We are truly grateful not only for the funding we received the last two years, but also for the commission’s help, and in particular that of Commissioner Bock, in identifying additional private sources of significant funding. As I am sure you are aware, half of the county’s public school children, that’s more than 4000 children, receive meals at school through the federal school lunch program. SNACK provides healthy food and snacks to replace these meals during the summer. New to SNACK this year is Farmer Food Share providing fresh local produce to the SNACK menu for five weeks of the program. Farmer Food Share brings to 20 the number of agencies working together to make SNACK happen, so this is truly a county-wide effort. To date, we have enrolled 985 children and counting in this summer’s SNACK program. The program begins on June 10. As far as possible, we have left no stone unturned in our fundraising. In addition to the usual means, we have sold cookbooks, courthouse rededication posters, and launched a child sponsorship program called SNACK Angels. Still, we have raised only about half of the \$156,000 budgeted for this program. We are depending on Chatham County, our local United Way, a handful of private foundations and additional individual donations and SNACK Angel sponsorships to fund the second half of this summer’s program.

We also ask for the first time, for funding to purchase food for distribution through the Pantry. CORA is special for many reasons. We are one of the few client choice pantries in the state. Allowing clients to choose food in a grocery store-like setting is not only a more pleasant, respectful experience for the client, it tends to reduce food waste, and nothing goes to waste if we can help it. Instead of turning certain items down, we funnel them to other organization: infant formula to the women’s shelter, pet foods to CARE, even out of date frozen meats regularly go to Tiger Rescue. We are committed to helping our clients return to self sufficiency when possible by referring them to other agencies when appropriate. And our Birthday Closet is stocked with everything a family needs for a small children’s birthday party including books and toys. These are just a few of the reasons that CORA is a special and happy place. And 87 cents of every dollar goes directly to our programs.

For the current year, which ends June 30, we are projecting distribution of 200 tons of food to eligible Chatham County families. Two years ago, that number was 158 tons. With food donations remaining fairly stable, our food purchases have increased by 42 tons in two years or about \$71,000. With benefits in food stamps and unemployment being reduced, further increases in demand for food assistance seem likely. We would be grateful if Chatham County would help us meet the need in providing this additional food assistance. Thank you for whatever you can do!”

**Gina Harrison**, 500 Roads End, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“My name is Gina Harrison. I’m an arts education advocate here in Chatham County—founding president of the NHS Arts Education Foundation, a board member of ArtsNC, and a volunteer serving on the Board of ChathamArts.

Thank you for the opportunity to speak as you consider public funding for ChathamArts—the Chatham County Arts Council—for the coming year. I know people are divided on the question of whether Government should support the Arts.

I would like to suggest you consider a slightly different question tonight as you deliberate—Does the mission and do the activities of ChathamArts advance **YOUR** goals and objectives for our county now and could it be more effective in working together in the future?

Does promoting and “celebrating our county’s heritage and identity” inspire residents who live and work here? Is it an asset in attracting business and economic development? Do activities and events like ClydeFest, the Annual Bluegrass Concert, this year’s film/lecture series on American Music History at the Public Library, build community, attract visitors and tourists who spend money in our county?

Is providing the opportunity for our students to see world class performers in concert, and to work directly with them in residencies, valuable? From the Glenn Miller Orchestra and the 2009 Piedmont Laureate Jackie Shelton Greene to EbzB’s residency creating a theatre piece for middle schoolers about discrimination, ChathamArts works each year with the school system to enhance educational experiences for our students.

And is it an asset for ChathamArts to administer the Grassroots Arts Grants in Chatham County? Working in concert with local organizations on projects aimed at reducing hunger, improving literacy, assisting those with developmental disabilities, and preserving our environmental resources?

ChathamArts does this and more, with only two part-time employees. Most of the work is done by volunteers. I suggest that these are valuable, even essential, to progress and that it is the *combined* responsibility of public government, local business, and private individuals. You are not ChathamArts’ sole means of support, but your investment is a powerful statement about the goals and priorities and vision of our community.

The work of ChathamArts “enriches education, enhances economic development, and enlivens our community.”

And that kind of investment **IS** worthy of public support. Thank you.”

**Kathy Hodges**, 101 Stonestrow, Chapel Hill, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“Good evening. My name is Kathy Hodges and I live at 101 Stonestrow, Chapel Hill in North Chatham. I am the 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. Our request this year is for our shelter where we have two pressing needs.

First, we have to maintain the services we are providing to the women and children who come to us in crisis, fleeing their homes for the safe haven of our shelter. There we work with them to help them put their lives back together and help them move forward at one of the most difficult times in their lives. Last year we helped 76 women and children through the process, providing shelter for an average of 8 women and children each night and an average length of stay of 38 days. Some families come overnight, as they move on to another place. Some stay for three months or more as they work to gain stability. Last year we had three babies born while their mothers were staying at the shelter. Each year approximately 75% of the families staying at the shelter leave for a safer place upon departing the shelter.

At the same time that we have been providing these critical community services, we have come to the realization that the home we have shared with countless families for nearly 20 years no longer meets our needs. It is often at capacity and we had to turn away more than 150 women and children last year. The facility, build in the 1940's as a single family home, is not as durable a structure as we need and was not built to meet our current demands. We have to start to build a new shelter. We will need the concentrated effort of our PR and development coordinator to help us with capital campaign and other aspects of fundraising for this project.

Our current recommendation for funding is \$25,000. This is more than 25% less than the \$32,736 we received last year. This cut is devastating for our shelter services and will make the job of securing funding and support to build the new shelter even more difficult—a new shelter that we must have if we are to continue to provide refuge for the women and children in crisis in Chatham County

Our programs and services have grown strong here, due to the commitment of Chatham County and our other funders. We have been able to develop comprehensive services to help prevent and respond to domestic and sexual violence, recognized with statewide and national awards and chosen for participation in several national pilots and demonstration initiatives. Now we need your help if we are to continue to offer one of our most basic services, safe and supportive shelter.

I urge you to consider increasing the funding for our shelter program so that we can continue to provide the crisis services that are so critical to safety and recovery.”

Thank you for your time and continued support.”

**Helen Lovett**, 403 W. Makepeace Street, Sanford, NC, with Brick Capital Community Development Corporation, stated that on April 16<sup>th</sup>, they presented their housing counseling program to Chatham County and received a recommendation of \$5,000. She stated that they requested \$20,000 to perform these services, with a goal of conducting four home buyer education workshops in order to provide safe and affordable housing to Chatham County residents at or below 80% of the area median income. The second goal is to perform one-on-one housing counseling services in order to increase the number of eligible home buyers in Chatham County. The third goal is to perform foreclosure outreach to Chatham County residents in order to decrease the number of families that are in the process of losing their homes. Brick Capital, as well as 25% of Chatham County residents, is most grateful that they are able to have a program here that will directly address homelessness and loss of housing in Chatham County.

She shared some findings from the Department of Housing and Urban Development:

- 35 percent of customers receiving Housing Counseling services became homeowners with 18 months of starting counseling services
- 72 percent of customers who purchased homes achieved a FICO score of 620 or higher
- 58 percent of customers received closing cost or down payment assistance, or ways to qualify for specific loan programs through the help of a HUD approved Housing Counselor

Foreclosure Counseling Findings:

She stated that seventy-five percent of distressed homeowners fell behind on their mortgage payments because of income loss. Very few had enough money saved to keep their payments current. But a large amount of those counseled were able to get current with their payments and keep their homes out of foreclosure. The outcomes were even greater for those who received counseling before becoming delinquent or within one to three months of becoming delinquent.

- Most customers attempted to negotiate with their mortgage lenders themselves early on, but were unsuccessful
- 69 percent obtained remedy for their mortgages with counseling
- 56 percent became current on their mortgages through counseling services

She stated that she hopes that the Board will reconsider and be able to provide more services to the residents through their agency.

**Maja Kricker**, 438 Jeremiah Drive, Chapel Hill, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“Chatham County has always been more than a collection of houses and businesses. We are a community. We celebrate our history and traditions through our songs and tales and true life stories, through our critters, our sculpture, our paintings and pottery, our murals on our buildings and more recently our films.

This is who we are and what we give our children and their children.

This is why people and businesses come and stay.

More than twenty five years ago I rode through Chatham County on my bicycle and saw art galleries and crafts and music events, and a large cedar giraffe with flowers for eyes. I said, some day I am going to live here, and in 1993 I bought land and made Chatham County my home. Soon after I arrived, I watched a play, *The Crucible* produced with local actors and directors in the courthouse. Where else but in Chatham County?

Corporations like Duke Progress Energy invest in the arts because they know that communities with strong cultural programs attract businesses and new residents. Will companies invest in Chatham County if our own county government doesn't believe that our artists have anything to offer?

Will you say, “We are close to Durham and Carrboro, Chapel Hill, Raleigh and Saxapahaw, so we are a bedroom stop on the way to prosperous towns that offer arts and a real quality of life for young and old?”

I am asking you to believe in the traditions and in the future of a vibrant, joyous Chatham County by supporting our arts organizations in the county budget.”

**Donna Kelly**, 553 Holly Glenn Road, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“I'd like to thank the Board of Commissioners for their direction and staff for their hard work in creating another budget with no tax increase. All too often people only come out when they have a complaint, but it's important to also show support for a job well done.

This has been a difficult time but everyone's hard work in finding those last little areas to cut costs, careful planning for the future and resolve in avoiding the temptation to add in little things has made this possible. All too often we hear it's only \$5,000 or even \$50,000 so we can afford it, but little costs add up in a hurry and it takes real restraint to stay focused.

It's heartening to see the signs of growth, even if modest. It shows we're moving in the right direction of adding to the budget through growth and not more taxes. I'm glad that we've been able to continue modest salary improvements for our staff. We have an experienced and hard-working staff and it's important to be able to recognize their efforts.

We continue to be able to expand facilities, with the increased operational costs they incur, and increase school funding. Thankfully our elected officials have been able to make the tough choices to build facilities, such as the new high school, when they are

actually needed rather than bow to pressure to keep political promises made under very different conditions.

It's critical to keep taxes as low as possible since the county can't differentiate to apply taxes only to those who can afford increases. This is a time for those of us who can afford it to step up and get involved in community organizations that are making a difference in our county. Whether it's time, skills or money, if we all directly contribute what we can afford we can make this a thriving community without resorting to increased taxation to redistribute wealth.

Our experience in working so efficiently gives us a strong base to build on as we move forward. The county will see more growth in the future and it's important that we continue to stress the importance of proper planning and working efficiently to ensure excellent customer service for our citizens. Sometimes we have to say no, in order to ensure the best outcomes in the future."

**Sue Robinson**, PO Box 378, Bynum, NC, stated that two years ago, she was with Chatham County Schools. With budget cuts, here she is now. When she was with the school system, she was a product of Chatham Arts Council and the Arts Guild. The mural is a direct result of a friend of hers that was in a car wreck, called her, and asked what they could do. A dream then came true. Seven children who have now all graduated, that were in seventh grade at the time, followed her dream and the friend's leadership and the mural came to fruition with 1,300 hours from the community. She stated that they probably could have done it easily in four weekends; however, that was not what it was about. It was building pride in people and pride in a community. The next year, she left Partnership for Drug Free North Carolina because she was asked to return to Chatham County Schools. She went to Sage as a behavior specialist. That year, the Hero Books Project began, once more thanks to the Arts. A group of juniors in high school that didn't believe in who they were, had the opportunity to write their stories. The next year they created their stories in films and they wrote their own movies. She stated that there was one boy who interviewed former Commissioner Margaret Pollard. Margaret's dream and story are waiting to be told. She stated that she hopes they get the opportunity some day to paint the mural in honor of Margie Ellison and Margaret Pollard and she will see it come to life somehow before she is gone too.

**Evangeline Cathcart**, 81 Churchwood Lane, Pittsboro, NC, stated that she is a national certified counselor and a retired licensed professional counselor from Connecticut, is on the board of the Chatham Artists Guild, and is speaking for the Chatham Arts. She stated in her counseling practice in Connecticut she worked with a number of individuals who had problems with stress, addiction, self-worth, and their identity. She stated that she double-majored in psychology and art stating that it was her art that helped her relate to these individuals and help them to overcome some of their issues to be more productive in their communities. She shared some research from the Department of Health and the Arts Council in England as follows:

<http://www.towersabove.co.uk/research> on arts and mental health.html

Research on Arts and Mental Health:

In 2007 the Department of Health and Arts Council England published a joint "Prospectus of Arts and Health" that highlighted the positive benefits of arts participation for health and advocated the use of arts in the NHS and community settings. Similarly Cayton (2007) concluded in the report of the "Review of Arts Health Working Party" that there was ample evidence that participation in the arts led to real and measurable health benefits and that the arts should be firmly recognized as being integral to healthcare provisions. A separate Arts Council England (2007) report suggested that arts participation was important in its impact on the wider determinants of health, such as living environments, educational attainment, and social capital and agreed that arts should be integrated into mainstream health policy and that funding and resources for arts and health initiatives should be increased.

She stated that she thinks the Board will agree that sound mental health is going to help the businesses and the community in Pittsboro.

**Heather Johnson**, 449 Foster Lane, Pittsboro, NC, stated that \$5,000 is the amount she had in mind for the Family Violence and Rape Crisis because in keeping with the values of this Board, she knows that the Board's expressed values is the core function of government and is the basis of her comments. She stated that the women and children that have to take shelter in the women's shelter in Chatham County, this is a public safety issue for the families. Public safety, health, and education are what the budget is being based on. Helping all of the families in Chatham County in being able to live and succeed without having the taxes raised was a very wise move on the part of the Board. The Board is still able to provide for the poor and needy and expressing that an additional \$5,000 to go to these families is a huge testament to the commitment of the Board. She stated that we need a new shelter. The women and children are at a disadvantage to advertise their need because of the public safety issue. We have to maintain the privacy, security, and safety of where they live. We are not able to advertise like other efforts are. They are at a huge disadvantage because they do not have the commerce and big business coming out to support them. She stated that this is a very responsible organization that always brings a timely budget and always knows exactly what they are going to do with their money. She thanked the Board for their consideration.

The Chairman closed the floor for public comments.

**Request to Amend the Chatham County Zoning Ordinance, Section 10.13, Table of Permitted Uses:** Consideration of a request by Brantley Powell on behalf of Polk's Village, Inc. to amend the Chatham County Zoning Ordinance, Section 10.13, Table of Permitted Uses, to add Congregate Care Facilities as permitted use with the Business-1 zoning district

Ms. Birchett explained the specifics of the request as follows:

A legislative public hearing was held on this item on April 15, 2013. Planning staff presented the request and there were no discussions or concerns noted. Planning staff did state they would also be looking into adding the use to the business districts across the board as they are currently described.

This amendment has been requested by the developer of the Polk's Village commercial center which was approved in 2006. Since that time, there have been several revisions to add or modify the uses that were permitted on the site. The applicant has requested this modification to the Zoning Ordinance due to the fact he has a potential client interested in constructing a Congregate Care Facility (assisted living) on the site.

The Chatham County Zoning Ordinance was revised in 2008 where several uses in the Table of Permitted Uses were either added, deleted, moved, or clarified based on best available information and requests at that time. This particular use, Congregate Care Facility, was left in the Office and Institutional District and was not included in any of the Business Districts. Within the Business Districts, other similar uses are permitted such as hospital, health and welfare centers, nursing homes, medical clinics, etc. In an effort to be more uniform in the ordinance, Planning staff would like to recommend this use be listed as permitted in any Business District (i.e. B1, NC, CB, and RB) as well as remain in Office and Institutional (O&I). The use shall also conform to the stated Dimensional Requirements, Visibility at Intersections, Off-Street Park and Loading, and Sign requirements listed for each respective district.

He stated that the Planning staff recommends adding the use of Congregate Care Facility as a permitted use within the B-1, NB, CB, and RB zoning district as stated. The Planning Board has up to three meetings in which to make a recommendation to the Board of Commissioners.

Commissioner Kost moved, seconded by Commissioner Stewart to adopt **Resolution #2013-24 Adopting a Consistency Statement for the Approval of a Text**

**Amendment to the Zoning Ordinance of Chatham County** as recommended by Staff, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Kost moved, seconded by Commissioner Stewart, to adopt **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).

**Request to Revise the Approved Conditional Use Permit to Include Congregate Care Facility:** Consideration of a request from Brantley Powell on behalf of Polk's Village, Inc., to revise the approved conditional use permit on Parcel #2407 and #89420 – 89429, located at 10677 US 15-501 North, to modify the site plan and uses allowed on the site to include Congregate Care Facility, Hospital, Health and Welfare Centers, Nursing Homes, and Daycare Center with a revised listing of “non-approved” uses for the project

Ms. Birchett explained the specifics of the request as follows:

A quasi-judicial public hearing was held April 15, 2013 on this request. Planning staff, Attorney Michael Birch, Jack Smyre (consultant for the applicant), and Sam Hooker (Board of Director for Ridge Care Assisted Living) all presented to the Board.

Mr. Jack Smyre testified there was a typo in the application on the size of food store permitted. The application had 10,000 sq. ft. but it is approved for a 12,000 sq. ft. store.

Mr. Birch testified the applicant has requested to revise some additional requirements for the conditional use permit. They are:

- The applicant now has an interest from a food store to locate on the site and that the 12,000 sq. ft. limit would not work. He is requesting this be raised to a 30,000 sq. ft. maximum.
- He also noted the congregate care facility is proposed to be 47,000 sp. Ft. which exceeds the current threshold of 40,000 sq. ft. The applicant is requesting that the limit be raised to 47,000 sq. ft. to accommodate the facility.
- Due to the increase in the food store size and the congregate care facility size, the maximum development square footage of 125,000 be increased to 129,000.

These revised changes and/or addition are required to go to public hearing. The Board of Commissioners, under advisement of the county attorney, agreed there will need to be another public hearing for these matters, but that the request could move forward to the Planning Board for review and recommendation. The public hearing was held open and Planning staff will be sending the notice for a May 20, 2013 public hearing.

Polk's Village was approved as a commercial center in 2006. Since then, there have been two other modifications on uses requested and approved with the latest being in 2011. With the economy downturn in 2008, Mr. Powell has been attempting to tailor his development to meet the needs of potential tenants so that development could go forward. In 2012, Mr. Powell began construction for a medical facility, which was an approved added use from the 2011 modification, and is due to open mid to late summer 2013.

In the original approval, the applicant had created a list of uses permitted within the development, which has been modified twice. In this application, the applicant is converting that list to uses not approved to be located in the development. This is an easier list to work with for the applicant and planning staff.

A conditional use permit revision 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.** A text amendment has been submitted to add the use of a Congregate Care Facility to the B-1 zoning district. The other uses requested by the applicant, being Daycare Center, Hospital, Health and Welfare Centers, Nursing Homes, and food stores are permitted uses within the B-1 zoning district.

**FINDING #2 – The requested conditional use permit is either essential or desirable for the public convenience or welfare.** Mr. Hooker testified there is a need for a 91 bed assisted living facility that would also house an Alzheimer's unit. In order for these types of facilities to locate in an area, the State of North Carolina must approve a Certificate of Need which has been done per Mr. Hooker. He stated their company is a "for profit" organization that would also add to the tax base.

Mr. Birch, attorney for the applicant, testified the applicant was approached by potential tenants requesting to locate in his development. In an effort to meet that demand, he requested this revision to the existing permit and site plan. By locating these uses within a compact, mixed use project, it could minimize sprawl and allow for convenient access to uses complimentary to each other.

**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 modification of the site has been limited to the internal portions of the development. All perimeter conditions, landscaping, signage, buffers, setbacks, and road system are unchanged and remain as currently approved.

The daycare center and assisted living facility will be replacing currently approved retail/office space with no changes to the approved clearing limits.

An updated traffic analysis was done showing a one-third reduction in traffic flow. However, it was noted by staff at the public hearing a revised TIA is required based on the additional request for a larger food store (up to 30,000 sq. ft.). Planning staff did speak with Travis Fluitt with Kimley-Horn & Associates on April 23, 2013 who advised they have completed the revision and that there would be a slight increase in traffic associated with the food store. He also stated they would no longer be requesting the turning lane be reduced in length due to the expansion of the food store.

**FINDING #4 – The requested permit will be consistent with the objectives of the Land Use Plan.** The Land Conservation and Development Plan assists in guiding development in various areas of the county. It encourages a mix of uses rather than a separation of uses. By broadening the list of uses for this development, this can be accomplished. The plan goes on to encourage sighting commercial uses along major highways in clusters at specific locations and to design them to retain a rural crossroad or village character.

With regards to the watershed impervious surface allowances and flood plain considerations, there are no changes proposed to the current approved erosion and sedimentation control plans or permit or the stormwater permit requirements. The clearing limits will not need to be changed for the added uses.

**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.** Chatham County Public Utilities has advised they will need to review the tap and usage requirements for the added uses but did not anticipate any issues with being compliant with their regulations.

A letter was provided from AWT, Inc. stating there are suitable soils on the remaining nine acres of the site. Planning staff has not received any documentation from AWT or the Chatham County Environmental Health Department stating where those

acceptable soils are or to what extent the currently approved septic system will need to be expanded. This will be required before any permits for construction can be issued.

There are no changes in the currently approved roadway or access system. As stated, a revised TIA is required based on the additional use of a food store.

All other utilities, stormwater, erosion and sedimentation control permitting are unchanged. There are no changes to the currently approved clearing limits to accommodate the changes in use.

In summary, based on the information submitted, it is planning staff's recommendation to approve this request based on support of all five findings.

Commissioner Kost asked for clarification on the one condition stating "no building can exceed 40,000 square feet". She stated that she thought the congregate care was going to be 47,000 square feet. She asked how it was handled.

Ms. Birchett stated that the congregate care facility shall not exceed 40,000 square feet as requested. All other buildings sizes shall follow as previously approved.

Commissioner Bock asked if he was requesting an increase from 40,000 to 47,000 square feet.

Ms. Birchett replied, yes, for that one building.

Commissioner Kost stated that it seemed to her that the conditions need to be clarified as it seems like Condition #8 is contradicting Condition #3.

Ms. Birchett stated that she could change it to say, "a reduction in one building's square footage with the exception of the congregate care facility".

Mr. Brantley and Mr. Birch were agreeable with the clarification. The developer was in agreement with all of the conditions.

Commissioner Bock moved, seconded by Commissioner Kost, to approve **Resolution #2013-25 Approving a Revision to a Conditional Use Permit Request by Brantley Powell on Behalf of Polk's Village, Inc.**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

### **MANAGER'S REPORTS**

#### **Budget Public Hearing in Siler City:**

The County Manager reminded everyone of the budget public hearing scheduled for the Siler City Courtroom on Tuesday, May 21, 2013 at 6:00 PM.

#### **Cape Fear River Assembly Conference:**

Commissioner Cross stated that he attended the Cape Fear River Assembly Annual Conference in on May 8-9, 2013, at Wrightsville Beach, NC. He stated that they were doing the best they could under the circumstances. With what is going on in the Legislature, they do not yet know where they are on rules, etc. in the Cape Fear Watershed. He stated that it was a worthwhile conference.

#### **Environmental Review Board Discussion on Jordan Lake Rules:**

Commissioner Kost asked if it would be too late to discuss the legislation on the Jordan Lake Rules at an upcoming meeting as requested by the chair of the Environmental Review Board.

By consensus, the Board agreed.

**ADJOURNMENT**

Commissioner Cross moved, seconded by Commissioner Stewart, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting adjourned at 7:46 PM.

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Walter Petty, Chairman

ATTEST:

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