

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
APRIL 16, 2007

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Central Carolina Community College, Multipurpose Room, 764 West Street, located in Pittsboro, North Carolina, at 2:00 PM on April 16, 2007.

Present: Chairman Carl Thompson; Vice Chair, George Lucier; Commissioners Patrick Barnes, Mike Cross, and Tom Vanderbeck; County Manager, Charlie Horne; Interim County Attorney, Jep Rose; Assistant County Manager, Renee Paschal; and Clerk to the Board, Sandra B. Sublett

The meeting was called order by the Chairman at 2:09 PM. He stated that the items on the agenda that would take the least amount of time would be considered first and then the more lengthy items would be considered.

Work Session

1. Non-Profit funding discussion.
2. Naming new library discussion.
3. County electoral redistricting for Commissioners discussion.
4. Williams Corner: Proposed changes in approved plan. Is it substantial? Discussion.
5. Project Administration for CDBG scattered site housing: recommendations and consideration to approve.
6. Auditorium discussion: CCCC.
7. Schedule public hearing for annual communications tower plan.
8. Chatham/Cary Joint Land Use Plan update.
9. Removed.
10. Moratorium discussion:
 - A. Date of public hearing.
 - B. Scope of work; length of moratorium.
 - C. Corridor Zoning agricultural/residential: US 64 and 421.
 - D. TJCOG work.
 - E. Breadth of moratorium, i.e. inclusions/exclusions.
11. Closed session: personnel.
12. Public records discussion regarding Corps of Engineers designations of streams in Chatham County.
13. Housing presentation.
14. CCCTF recommendations to the Board of Commissioners.

Chairman Thompson stated that the Human Relations Plan, noted on the agenda, had been distributed to the Board. He stated that the Human Relations Commission subcommittee would be meeting on April 24th and that he had just received the information. He suggested removing this from the agenda to allow time for the Human Relations Commission to review it, and then placing it on the agenda for the May 7, 2007 Board of Commissioners' meeting. There was no objection from the Board.

NAMING NEW LIBRARY DISCUSSION

Renee Paschal, Assistant County Manager, stated that the Chatham County Library Advisory Board was recommending that the new library be named the Chatham Community Library. She said that name was endorsed by the Library Committee and believed naming the library now would help with fundraising efforts.

Commissioner Lucier moved, seconded by Commissioner Barnes, to approve the new library be named the Chatham Community Library. The motion carried five (5) to zero (0).

SCHEDULE PUBLIC HEARING FOR ANNUAL COMMUNICATIONS TOWER PLAN

Keith Megginson, Planning Director, stated that normally such a public hearing would be scheduled for a night meeting; that they wanted to provide at least a month's notice prior to the public hearing and suggested that June 18 or July 16 were appropriate.

The County Manager stated that unless extensive discussion was required on the budget at the June 18 meeting, there should be sufficient time for the Communications Tower Plan to be considered at that time.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to schedule a public hearing for the Annual Communications Tower Plan at the June 18, 2007 Board of Commissioners' meeting. The motion carried five (5) to zero (0).

PROJECT ADMINISTRATION FOR CDBG SCATTERED SITE HOUSING: RECOMMENDATIONS AND CONSIDERATION TO APPROVE

The Planning Director stated they had sent proposals to six firms that did this kind of work with only two responding. He stated that based on the criteria required, they recommended that the administration of the CDBG grant be awarded to Hobbs Upchurch and Associates for an amount not to exceed \$56,000 to be paid entirely from the grant with no County funds.

Chairman Thompson stated that the entire grant was for \$400,000 which meant that \$56,000 of it would be dedicated to administrative expenses. Mr. Megginson acknowledged that this was correct.

Commissioner Vanderbeck moved, seconded by Commissioner Cross, to award a contract for administration of the CDBG Scattered Site Housing project to Hobbs Upchurch and Associates for an amount not to exceed \$56,000. The motion carried five (5) to zero (0).

CHATHAM/CARY JOINT LAND USE PLAN UPDATE

Keith Megginson stated that the Cary Board had recently adopted a resolution and schedule which was now before the Commissioners. He stated that the resolution would, among other things, place a voluntary hold on consideration of additional annexations until the Land Use Plan was actually adopted.

Commissioner Barnes stated that the date Cary agreed to hold for future annexation was September 28, 2007. He asked if it shouldn't be moved to April of 2008 when final action on the plan was scheduled.

Mr. Megginson stated that Cary officials believed that by the September date they would know which direction they would be moving, so the stay on annexation could be lifted at that time. He said that Cary suggested they could begin accepting annexation requests in September, but perhaps not act on them; and that even after the Plan was adopted jointly by the two Boards, there were other steps that had to be taken, such as zoning map changes.

Commissioner Lucier stated the September date was only five months away, and the Cary resolution said that date may change at their discretion. He stated that the language should be amended, and if the Board had a majority opinion, he could share that with Cary.

Commissioner Barnes stated that a public hearing was scheduled on this issue for April 17th and that he would like to wait until after that meeting. The Board voiced no objection.

Chairman Thompson stated that this issue should be placed on the May 7, 2007 Board of Commissioners' agenda.

WILLIAMS CORNER PRESENTATION

Keith Megginson, Planning Director, stated that since the project had moved forward from its approval with a Conditional Use Permit, UNC medical officials had asked for some changes to accommodate their needs, including moving buildings, changing stormwater retention features, reworking roads based on NCDOT recommendations, and other changes. He stated that

the changes were significant enough that staff believed the changes should be returned to the Board for consideration; that if the Board determined that the changes were not significant enough for the project to go back through the review and public hearing process, then that opinion could be stated and the developers would continue to move forward.

Commissioner Lucier stated that because he was not on the Board when this project was approved, and because no information had been provided for the night's discussion, he did not feel comfortable offering an opinion at this time.

Mr. Megginson stated that the only additional information was the original map that was on the web site, with an overlay that indicated new building locations and other changes.

Commissioner Vanderbeck agreed, noting the map was difficult to read because of its small size. He said when buildings were moved, it was a cause for concern and he did not feel comfortable making that assessment now.

Chairman Thompson suggested hearing the presentation, but deferring a decision on the matter until a later date. There was no objection from the Board.

Representatives of the developer made a presentation describing the specific changes and explained why they believed those changes were minimal, and answered questions from the Board.

Commissioner Barnes, responding to a comment regarding the Appearance Commission's recommendation, stated that he would like to talk with the Appearance Commission about the proposed changes before a decision was made.

Chairman Thompson stated it appeared that more information was needed, such as the old map and a new map in the same scale, and a copy of the NCDOT letter that required the change to the roads. He stated that an opinion from the Appearance Commission was also desirable before they went any further.

LAND TRANSFER TAX UPDATE

Commissioner Cross offered an update on the bills of which counties were currently requesting approval. He stated that the other issue related to this was the report on capital improvement needs, noting they had identified \$500 million over the next five years beyond the \$155 million previously identified.

NON-PROFIT FUNDING DISCUSSION.

Renee Paschal stated the desire to increase funding to non-profits for the coming year from about \$249,000 to approximately \$320,000. She stated they had received \$549,339 in requests from non-profits for funding, which was substantially more than requests received in previous years. Ms. Paschal stated that they would have to reduce those requests by roughly 42% to get them down to \$320,000.

Ms. Paschal noted that for 2006, they had allocated \$253,000, having received \$387,000 in requests. She stated that for 2007, \$249,000 had been allocated with \$367,000 requested.

OCCUPANCY TAX REQUEST – EDC

Commissioner Lucier stated that the County Manager had sent the Board a request to increase the occupancy tax from 3% to 6%, noting those funds resulted from tourism. He stated that he wanted to determine if there was time to request that from the legislature this year.

The County Manager stated that he would check on the options available. Commissioner Cross commented that the deadline for the General Assembly was March 27th, but this request might be considered a finance bill instead of a local option tax bill.

Commissioner Lucier moved, seconded by Commissioner Barnes, to request from the Legislature permission to increase the occupancy tax from 3% to 6% based on the Economic

Development Commission's recommendation to be used for marketing of tourism attractions in Chatham County.

Commissioner Vanderbeck stated that in many areas art was considered as part of economic development. He suggested that art be considered in that light, noting that might have to be part of the bill. The County Manager noted that if the Board allowed a certain percentage to be earmarked for art, then they should expect future requests from groups with other interests.

After considerable discussion, the Chairman called the question. The motion carried four (4) to one (1), with Chairman Thompson opposing.

CHATHAM CORRIDOR TASK FORCE RECOMMENDATION

Commissioner Lucier suggested that this item be discussed along with the item regarding moratoriums, since they were related. The Board offered no objection.

HOUSING PRESENTATION

Greg Warren, Executive Director of DHIC, a non-profit housing group based in Raleigh, stated that his firm had recently completed an affordable rental apartment community in Siler City called Cardinal Chase. He described the success of that project and the features included in the community. He stated that they would like to do something similar in Pittsboro called Millview Commons, and provided a site plan of fifty (50) apartment homes as well as approximately thirty-two (32) townhome lots to be developed in the second phase for first-time homebuyers. He stated that it would be a mixed income community that would serve a variety of citizens, and then described the project in more detail. Mr. Warren explained how his firm would apply for tax credits from the State in order to provide equity for the project.

Mr. Warren asked the Board to consider providing some financial assistance for this project in order to successfully secure the funds to build this development. He stated that they estimate, when both phases were completed, the development would add approximately \$40,000 per year to Chatham County's tax revenues. He stated that their specific request was for \$400,000 at a low interest rate, a 30-year term and interest-only payments during the thirty-year term.

Commissioner Vanderbeck stated that he had attended the Affordable Housing Task Force meeting when this proposal was brought forward and that he was very supportive of it. He stated that such housing was needed, and the market studies attested that each year that need grew. Commissioner Vanderbeck stated that Pittsboro was the County seat; that this would provide the impetus to improve the appearance of the community by working towards urban renewal; and that he suggested that the County ask the Town of Pittsboro to invest in this project as well, suggesting a contribution of \$40,000 from Pittsboro with \$360,000 coming from the County.

Mr. Warren described the services that DHIC provided to such communities, such as a computer lab for children, summer youth scholarships, creation of neighborhood watches to provide a sense of community, and efforts to graduate renters into home-ownership by providing monthly classes geared towards first-time homebuyers along with one-on-one counseling.

Mr. Sherwin Rodin, with the Affordable Housing Task Force, said they were excited about this type of affordable housing coming to Pittsboro. He said the Task Force had visited Cardinal Chase and others, and noted how well those developments were planned and built and what an asset it would be to the County.

Mr. Warren noted they had a deadline of May 11, and without the County's support they would not be able to successfully compete for the State funding.

Bruce Ladd, a member of the Affordable Housing Task Force, stated that the Task Force had voted unanimously to support this project stating that it would benefit the entire County to encourage DHIC to proceed with this and similar projects.

Commissioner Cross asked how sewer would be provided. Mr. Warren replied they had talked with Roger Perry with East-West Partners, who had agreed to provide some of their

capacity for the first phase of development. Commissioner Cross asked if Siler City had contributed to Cardinal Chase. Mr. Warren said no, adding they had a conventional mortgage as well as a loan from the NC Housing Finance Agency. Commissioner Cross stated that prior to the Board's next meeting, he wanted to see that Pittsboro had provided the necessary permits and zoning, and written assurance for the provision of sewer.

Commissioner Lucier commented that he was supportive of this type of activity. He stated that the Board would meet again on May 7th, and agreed that the information requested by Commissioner Cross would need to be provided in order for the Board to take action at that time.

Commissioner Vanderbeck asked what the rents were projected to be. Mr. Warren replied the range would be \$281 to \$650. Commissioner Vanderbeck asked Mr. Warren if he would provide tours of the Raleigh, Apex, and Cary developments. Mr. Warren replied he would be glad to do so. Commissioner Cross suggested at least two of the Commissioners approach the Town of Pittsboro to request a 10% commitment for financial assistance for the project, and stated that the Pittsboro Mayor and County Manager should be involved in that meeting.

Commissioner Cross noted that EmPOWERment, Inc. and Habitat had formed an alliance to bring such housing into Chatham County. Mr. Warren said they would look into that.

Chairman Thompson said he was in support of this endeavor, reiterating the need for affordable housing. He said hopefully financial support would be forthcoming from Pittsboro. Chairman Thompson said he expected to see Mr. Warren return at their May 7th Board of Commissioners' meeting.

BREAK

Chairman Thompson called for a ten-minute break.

MORATORIUM DISCUSSION

Rita Spina provided a report from the Major Commercial Corridor Ordinance Task Force. She stated that they had five primary recommendations: (1) consider the establishment of a major commercial corridor district that would lie along certain of the major corridors in the County such as Routes 1, 64, 15-501, 421, 751, 87, Old Graham Road, and Mount Olive Church Road; (2) further discuss the location of commercial nodes within the commercial corridors; (3) to address the problem of the corridor district lying in zoned and unzoned parts of the County, that an underlying zone be applied to these corridors; (4) address the issue of the substantial areas of the corridors predominately zoned residential/agricultural and that also lie within the ETJ's of Pittsboro and Siler City; and (5) the work of the Task Force would be simplified and expedited if those portions of the listed corridors that now lie outside the zoned part of the County and the ETJ's of Pittsboro and Siler City were also zoned residential/agricultural.

Ms. Spina said accordingly, the Task Force recommended that the Board act promptly to place those corridors under residential/agricultural zoning. Specifically, she said, they recommended that the roadways to be zoned include the presently unzoned portions of Routes 64, 15-501, 421, 87, Old Graham Road and Mount Olive Church Road that lie within Chatham County and outside the Pittsboro and Siler City ETJ's. She stated that Routes 1 and 751 were omitted since they lie entirely within the zoned portion of the County. She added that nine members of the Task Force voted in favor of zoning all routes, but five had voted against zoning of Route 87, Old Graham Road, and Mount Olive Church Road.

Ms. Spina stated that their second recommendation was that the areas of these roadways to be zoned be a certain number of feet from the public right-of-way on both sides of the roadways. She said they recommended that the distance on both sides of these roadways be determined by the Board on the basis of input from the public, its own judgment, and assistance from staff and other persons with applicable experience.

Commissioner Cross stated that many of their ordinances did not apply to unzoned areas, and believed it was time to take a look at all unzoned portions of the County and call public hearings to hear from the public. He said if this was presented correctly with the proper

preparation and education, and the public was made aware of how little control there was over these unzoned areas, he believed zoning these areas would be more palatable.

Commissioner Cross stated one of the reasons to zone the corridors was for economic development. He said without that development would be haphazard with little control. Commissioner Cross said if those major corridors were zoned, then they would have to decide how far from the public right-of-way on both sides of the road that zoning would be, such as 1,000 feet or more. He said they also had to decide whether the residential/agricultural zoning would be RA-40 or RA-90. Commissioner Cross said his preference would be RA-40 in the corridors at 1,000 feet from the public right-of-way.

Ms. Spina commented that of all the corridors mentioned only 29% of them were unzoned. Chairman Thompson asked if Task Force members from particular parts of the County had specific concerns. Ms. Spina responded that two major issues were brought forward, the first being what would happen if commercial development was proposed in the interim, and the Task Force did not want to be in the way of that. She said the other issue was those who voted against the zoning of 87, Old Graham Road and Mount Olive Church Road did so because they believed commercial development would never happen there.

Chairman Thompson agreed that education of these issues were important, especially for those in the western part of the County.

Commissioner Vanderbeck said he favored the commercial part in a moratorium ordinance with a limitation on square footage, large enough to allow a lab, a convenience store, or other things that could come under conditional use where it applied. He said that would keep out "big box" development and others that were not desirable in the unzoned area, but would not impede other development. Commissioner Vanderbeck stated that he believed that they could get these protections in place through a moratorium and in a more seasoned and deliberate fashion than if they were to break it out in a public hearing stage and go into zoning corridors. He said language should be in place in the moratorium ordinance before a public hearing was called, noting that would not impede economic development and would protect their interests, as well as provide the time to assess all options critically.

Commissioner Lucier stated that it was not an "either/or," noting they could proceed with zoning during the moratorium, so that was not an argument against zoning the corridors and affording those protections. He asked what needed to be done in terms of providing statements or materials to the public in advance of a public hearing. Interim County Attorney, Jep Rose, stated if the Board was to advertise, that they were considering RA-40 zoning 1,000 feet from the public right-of-way on those corridors, then that would be enough to get them to the public hearing.

Ms. Spina noted that Paul Black had put together a Scope of Services to assist with the next steps, noting he had been very helpful during the process. Commissioner Cross noted the cost for TJ COG was \$3,000, so for Mr. Black to do the work outlined for \$5,058 was very reasonable.

Commissioner Lucier moved, seconded by Commissioner Cross, to approve the expenditure of funds outlined in Paul Black's Scope of Services to involve TJ COG in the drafting and implementation of a major corridor ordinance. The motion carried five (5) to zero (0).

PUBLIC RECORDS DISCUSSION REGARDING CORPS OF ENGINEERS DESIGNATIONS OF STREAMS IN CHATHAM COUNTY

Mr. Horne stated the Board had received information recently from people concerned about the Corps' efforts regarding stream buffers and how they defined ephemeral, intermittent or regular streams; that there was some question of what had been done and how the Corps had set up the process; and that the request was for a disclosure of public records to determine how streams were defined by the Corps since 2002.

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to move forward with the request for disclosure through public records of the Corps' process in determining how streams were labeled. The motion carried five (5) to zero (0).

PERFORMING ARTS CENTER/AUDITORIUM DISCUSSION: CCCC

Chairman Thompson stated he did not believe the Board had time to discuss the issue at this time. Renee Paschal stated that the sooner a decision was made the better for them, but believed it could wait until the next meeting. Chairman Thompson said a decision had to be made regarding the location in order for the architect to complete his work on the Master Plan.

Commissioner Cross said they needed input from Central Carolina Community College (CCCC) as to what type of programming the auditorium would be used for. He stated if the land purchased next to the College was determined to be too valuable, then they needed to be planning what it could be used for.

Chairman Thompson said a representative of the College had another commitment and was unable to be present at the day's meeting. Ms. Paschal stated based on that, she believed discussion on this matter should be postponed.

Commissioner Cross asked what seating capacity had been discussed. Ms. Paschal replied between 250 to 400 seats. Commissioner Cross noted the Board had held a public hearing in the last couple of years that had attracted over 500 people, and believed the auditorium should be able to at least hold that many people. He added that another 100 seats should not add that much to the cost. Ms. Paschal stated that would be part of what the architect would determine.

Chairman Thompson said if this was going to be delayed until the next meeting, the Board should put forward all questions now so they could be answered at that time.

Commissioner Lucier stated that the argument used at the budget hearing to not build a gymnasium involved security issues, and the College was not sure it would get enough usable time on it. He said the same issues would be true for an auditorium, so he did not believe it was a valid argument.

Commissioner Cross stated that they should determine if the College was where they wanted the auditorium to be located, adding he did not believe the fairgrounds was the best site. He stated that perhaps they should look at other sites, such as the old Ford place or elsewhere that was within walking distance and within a public venue; and that he was concerned about the location as well. He suggested the idea of a feasibility study to get a third party to develop recommendations and deal with the College and other stakeholders.

Chairman Thompson said there would be a closed session immediately following this meeting, and there may be some brief comment regarding the moratorium.

The County Manager reminded the Board of the May 2, 2007 meeting of the Association of County Commissioners, County Assembly Day for the Legislators, beginning at 9:30 AM in the Quorum Center, located on Jones Street adjacent to the Albert Coates Local Government Center.

ADJOURNMENT

Commissioner Lucier moved, seconded by Commissioner Cross, to adjourn the work session. The motion carried five (5) to zero (0), and the meeting was adjourned at 4:56 PM.

Carl Thompson, Chairman

ATTEST:

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