

..TITLE

Request by the Chatham County Board of Commissioners to consider the amendment to the payment-in-lieu contract between NNP Briar Chapel and the County.

..ABSTRACT

Action Requested:

Request by the Chatham County Board of Commissioners to consider the amendment to the payment-in-lieu contract between NNP Briar Chapel and the County.

Introduction & Background:

A quasi-judicial public hearing was held on this request during the October 21, 2013 Board of Commissioners meeting. No-one spoke on this issue. The notes below were provided by the County Attorney.

Discussion & Analysis:

On or about the 16th day of November, 2012, the County and NNP-Briar Chapel entered into a payment-in-lieu contract (the "Contract") which provided, *inter alia*, that NNP-Briar Chapel would make a one-time lump sum payment to the County in the amount of \$900,000 (the "Lump Sum Payment") in lieu of conveying lots in the Briar Chapel subdivision to the County to be used for the construction of affordable housing. The Contract further provided that the County would use such funds for affordable housing purposes as provided in the Chatham County Compact Communities Ordinance (the "Ordinance").

NNP-Briar Chapel has made the Lump Sum Payment to the County as required by the Contract. The County is now considering an amendment to the Ordinance to provide that, in addition to affordable housing purposes, lump sum payments received from developers of compact communities, such as NNP-Briar Chapel, may be used for (i) programs which are designed to address family violence and issues related to the abuse of women, including without limitation buildings and facilities for such programs, (ii) programs which are designed to address the needs of adults with intellectual and developmental disabilities, including without limitation buildings and facilities for such programs, and (iii) programs which are designed to address the needs of low and moderate income persons, including without limitation buildings and facilities for such programs (the "Ordinance Amendment").

If the Ordinance Amendment is adopted the Parties intend to amend the Contract to provide that in addition to affordable housing purposes, the Lump Sum Payment may also be used for the foregoing additional purposes as provided in the amended Ordinance.

The Planning Board discussed the proposed contract at their meeting on November 5, 2013 and had no objection.

Recommendation:

Approval of the First Amendment to the Payment-in-lieu Contract. The Planning Board voted unanimously that they had no objection to the contract.