

Expense commitments have remained the same as last year.

96 out of 127 spaces have been taken and applications are still coming in.

She is beginning to look for sponsors for the family/children area and will present requests at the next Pittsboro Merchants Association Meeting. Ideas are: apple bobbing, balloon jump, paintball, dunking booth, etc.

The Pittsboro Merchants Association is sponsoring a booth to make mosaic tile benches for the downtown area.

Bands Committed:

The Bluegrass Experience – Tommy Edwards

Trilogy – Cathy Edwards

Waiting to hear from: The Mighty Sandfordaires, The Big Time Party Band, Wilson Chestnut band.

John Hogan of UBI the Clown will be returning this year along with The Eighth Wonder – Rock Climbing Wall.

Second Stage Entertainment:

Bob Byers of My Kinda Glass has volunteered to demonstrate Glass Bead and Pendant making with a small torch.

Karen Tiede will be performing Hoop Dancing along with Eric Shook's Drum Circle at the end of the day.

She welcomed ideas or suggestions to help make this one of Pittsboro's best street fairs.

CITIZENS MATTERS

None

PUBLIC HEARING

Motion made by Commissioner Brooks seconded by Commissioner Bryan to go into a public hearing.

Vote Aye-5 Nay-0

REZONING REQUEST – BELLEMONT STATION/BELLEMONT POINT MUPD

Conduct a public hearing to consider a request for Bellemont Station/Bellemont Point MUPD.

Planner Monroe submitted the following memo:

The Spoon development plan for Bellemont Station South (the commercial core) and Bellemont Point (the residential aspect) consists of 152.6 acres of mixed uses. The proposed project lies immediately south of Bellemont Station (Lowe's Home Improvement).

The proposed residential component would include 201 single family dwelling units, 36 townhomes and 168 apartments. A central community amenity would be provided which would include a swimming pool, clubhouse/shelter with restrooms and a park. These facilities would not be dedicated to the town and would be maintained by a property owners association. The commercial area would consist of a 6000 square foot automobile service center, a 120 room hotel, (4) 24,000 square foot retail buildings and (3) 24,000 square foot office buildings.

There is a blue line stream running along the eastern side of the property. The developer has proposed a 50 foot undisturbed buffer along this stream and, in addition, is proposing an additional 50 voluntary buffer which will have hiking trails linked to the residential areas and to sidewalks and leading in to the commercial area.

There is a 20 foot vegetated buffer preserved around the project except where the commercial area abuts Bellemont Station.

The developer's engineer has estimated that the anticipated sewer demand would be 165,060 gallons per day. The developer requests that when the moratorium is lifted sewer capacity for the entire project be reserved.

There is no mention made in the Master Plan of the developer's intention regarding annexation (since the entire project site lies within the ETJ).

Ramey Kemp & Associates performed a Traffic Impact analysis. They estimated that the project would generate 12,276 trips entering and exiting during a typical weekday. With a signalized intersection at Lowe's Drive and Hwy. 15-501, they determined that the intersection would operate at a Level of Service "C" if the center westbound lane exiting Lowe's Drive were changed to be a combined straight/right turn lane and if an additional southbound left turn lane were constructed on Hwy. 15-501. They project that the southerly entrance exit would operate at a LOS "F" if a northbound right turn taper and a dedicated southbound left turn lane were constructed on Hwy. 15-501.

The study incorporated traffic generated by Powell Place in determining impact, but did not consider traffic from Chatham Forest even though the project is linked to the north end of that subdivision.

Miley Gallo & Associated performed an Economic Impact Analysis for both Bellemont Station South and Bellemont Point subdivision. Ms. Gallo concluded that there would be

87 new jobs created during construction activity at Bellemont Station South and that, at build-out, she anticipated that 378 new employees would work in Bellemont Station South. She estimated that Pittsboro would collect \$129,000 annually in property taxes from this portion of the project. Chatham County would receive \$207,000 annually. Additionally the County would collect \$138,000 in sales tax while Pittsboro would collect \$6000 and other Chatham County municipalities would receive \$21,000. Ms. Gallo's analysis of Bellemont Point estimated that the average market value of the 405 dwelling units would be \$178,000 (recall that this includes single family, townhomes and apartments). Based on a comparison of the cost of providing necessary services such as police, fire, street maintenance, administration, etc. and the taxes generated by the development, that the town would receive a net surplus at build out of approximately \$55,000 per year. This analysis examined the increased cost of providing services by each department in the town.

She estimated the collection of Access and Capital Recovery Fees would result in a net surplus of \$1.6 million to the Enterprise Fund at build out.

A population estimate was developed based on Chatham County 2000 US Census data for each housing type: single family, townhouse and apartment. The result was an estimate of 843 new residents including 107 students

The following email was received from Kevin and Lisa Yoder prior to the meeting:

Dear Mr. Monroe,

I am writing to express my deep concern over recent news of the possible final approval of the development Bellemont Station and Bellemont Point, developed by Ricky Spoon. I have been made aware of some concerning facets of these developments by a neighbor and the homeowners association of Chatham Forest. There is a petition underway which I am sure you are already aware of, and which I urge you to take into consideration as there seem to be a lot of unanswered questions related to this development and the impact to Chatham Forest and to the Town of Pittsboro. As it relates to the impact to our development, Chatham Forest, what most worries my are the following:

- 1)The possible storm water run off from the south end of this development
- 2)The possible connection of these two distinct developments, which may have distinct character, lot sizes, price ranges, and land use
- 3)The most certain dramatic increase in traffic between the developments as those in Chatham Forest would use the connecting road to get to Lowe's and other retail stores, and those in Bellemont Point would use the connecting road as a "cut through" to downtown Pittsboro. There are many family's here in Chatham Forest, and any connection that encourages more traffic and a "cut through" is bad planning.
- 4)The style and amount of the townhomes will be a key factor in determining the attractiveness of this new development. Will they be all brick, or vinyl siding? Will they have garages? How large? Do you want Pittsboro to be another Cary/Apex (managed growth with an overall vision for the future) or do you want to mirror a town like

Fayetteville (no apparent planning at all)?

Having just moved into Chatham Forest back in April from Apex, I was hoping to move to a county and an area that took its planning seriously, that growth is coming, but it can be managed in a thoughtful and serious way. These are just a few of my concerns, and I'm sure others within Chatham Forest, please seriously consider these as the approval process moves forward.

Might I also add that it is very difficult for those who work out of town a lot during the week to communicate to public officials who do not have email accessible via the town web site. Also, it would be easier to keep up with public matters if the minutes were more up to date, and easily accessible. This is an obviously easy thing to fix and I ask the town consider this as well.

Kevin Yoder and Elissa Collins-Yoder
238 Bellemont Road
Chatham Forest

PUBLIC COMMENTS:

Paul Meder, C.E. Group, 11000 Regency Pkwy., Cary. Mr. Meder is the project designer. He indicated that the project had been laid out to make a natural and orderly transition from high intensity retail (Lowe's) to less intense commercial areas (to be made up of retail and offices), to apartments and townhouses, to single family residential with conscious attention to the residential area of Chatham Forest. The single-family lots will range from 50 foot to 80-foot widths. He noted they are providing the required 50 foot buffer along blue line streams and are also proposing an additional 50 foot voluntary buffer in which they propose to locate stormwater management, hiking trails and open space. Additionally, there is a 20-foot buffer all the way around the perimeter of the project. The overall open space including buffers, park and hiking trails comprises 9.4% of the project area.

Lucy Gallo, Miley, Gallo & Associates, 2530 Meridian Pkwy., RTP. Ms. Gallo prepared the Economic Impact Analysis for Bellemont Station (the commercial portion of the project) and Bellemont Point (the residential portion). She indicated that the 211,500 square feet of commercial space would generate 378 jobs. Based on a four-year build out for this portion of the project, the commercial area will produce approximately \$129,000 per year in property taxes for the town in addition to the \$207,000 per year for the county. In addition, this project will generate \$138,000 in Article 39 sales tax (\$6000 will go to Pittsboro, \$21,000 will be distributed to other municipalities in the county, and the balance will go to the County).

She said that, at build out, the project would generate approximately \$570,000 annually while having projected ongoing expenses of \$500,000 (this includes a \$15,000 amount flagged for street maintenance). She estimated that Access and Capital Recovery Fees would amount to \$2.2 million. The different types of housing in the project result in

different ratios of student generation rates. The project would actually have a lower than usual student generation rate because of the townhouses and apartments. A total of 107 students are anticipated in the project. The impacts on law enforcement are easy to anticipate because officer ratios are based on population and the number of officers per 1000 people. Fire needs are harder to calculate because their needs are based on response time, but the study clearly summarizes these elements.

Ronald Stephenson, Ramey, Kemp & Associates, Raleigh, NC. Mr. Stephenson prepared the Traffic Impact Analysis. He said this analysis looked at traffic at full build out of the project. He noted that the south entrance would be used primarily for the residential portion of the project and would not be signalized. The entrance at Lowe's Drive will be signalized and this will create gaps in the traffic which will allow traffic exiting at the south to get onto the highway without a lot of delay. Commissioner Baldwin asked them to address the fact that there is a passing lane on Hillsboro Street in this area and that could be dangerous given the number of people using the exit. Monroe asked if traffic from Chatham Forest had been factored into the traffic analysis. Mr. Stephenson said it had not, but an annual 3% growth in traffic had been assumed. He said that traffic from Powell Place and Lowe's had been factored in but no others because it is difficult to know what is going to happen.

Ricky Spoon, 2475 Redbud, Pittsboro, NC. Mr. Spoon indicated he has been buying this land for 3 to 4 years. He explained that the commercial development is to include a hotel (for which he has an interested developer for something like a Holiday Inn Express). He noted he had been talking to the Hackney family in order to obtain an additional connection to Hwy 15-501, but they have not yet made up their minds. He said that the southern entrance would have a dedicated southbound entrance lane and a right turn taper on the northbound lane. He noted that he has planned to preserve some 300-year-old trees near the north side of Chatham Forest and has routed the road around them. He said he is trying to work out access to Fire Tower Road. The driving force has been to try to transition from intense retail to lighter retail and office to residential areas. He said he is trying to work on a school site, would prefer an elementary school, but would work with what the system wanted. Mayor Voller asked if Spoon would be willing to connect to Fire Tower Road if the Town helped him work through the State of North Carolina property. Mr. Spoon said he would like that very much. The Mayor asked where the school site was contemplated. Mr. Spoon responded it would be in the area of the townhouses because he is not sure of the market for townhouses in Pittsboro given the experience of Powell Place not being able to sell theirs (which he believes are overpriced by \$25-50,000). The Mayor asked about the site line on 15-501. Mr. Spoon said the turn lane and taper would make the road wider and would improve the line of sight on the highway.

Robert Eby, 19 E. Madison, Pittsboro, CCEC, read the following prepared statement:

Commissioners and Mayor Voller, my name is Robert Eby and I am a board member of Chatham Citizens for Effective Communities.

I have carefully reviewed the proposal submitted for this project and have suggestions for additions and revisions in three areas.

The first deals with **Storm Water Management**. The impervious area projected for the overall development is quite high at 65% to 70%. As such the retention ponds proposed seem inadequate. They are proposed to hold 2” of rain, which is the design standard for a one year, 24 hour storm. I suggest that these ponds should be designed to hold, at a minimum, the output of a two year, 24 hour storm or 3.6” of rain. (Only last year we had a 4.0” rainstorm.) Additionally, provisions should be made to remove the grease, oil and other chemicals that will be carried by storm water from the roadways and parking lots into the retention ponds. Finally, the developer should commit, in writing, to preventing the storm water running off onto abutting properties from being greater, after completion of the development, than currently is the case.

The second area involves the **Fiscal Impact** of the project. While the Fiscal Impact Analysis projects that this proposal will produce a modest financial return to Pittsboro, it is silent as to the fiscal impact on Chatham County. Since Pittsboro residents are also citizens of Chatham County and pay Chatham County taxes, it would seem prudent to request the submission of a Fiscal Impact Analysis for Chatham County. Of particular interest would be the financial impact of the cost of schooling the 107 students estimated to reside in Bellemont Point.

The final area is in regard to the **Traffic Impact Analysis**. There are two major flaws with this report.

1. It was prepared sitting at a desk, using a computer, with no traffic counts and no field observations.
2. It is not a stand alone report, i.e. many of the calculations and conclusions are based on a previous report for a nearby development. Thus it is impossible to unravel the nature of the “combined traffic” counts shown for 2009.

One obvious flaw resulting from not doing any field work, is the erroneous conclusion reached that, in 2009, traffic at the signalized 15-501 intersection with Northwood HS and Russet Run Rd. will operate at a level “A” level of service (Delays = <10 seconds) during the morning rush hour. . It also shows that no traffic will go from Russet Run Rd. to Northwood at this time of day. If field observations had been made, Remy Kemp would have seen how erroneous their computer calculations are. During school days, morning northbound traffic on 15-501, trying to turn left into the High School, is often backed up beyond the westbound exit from US 64. Some drivers coming north on 15-501 turn right on Russet Run Rd., make a U-turn and then cross 15-501 in order to enter the High School. Southbound traffic on 15-501 experiences long waits at the light while northbound traffic turns left in front of them. Think what the actual congestion will be in 2009.

Also consider the following--

- Traffic goes to and from the autistic center school on Russet Run. It isn't clear if this traffic has been counted.
- The report assumes that no high school students from Bellemont Point will drive to Northwood. Remy Kemp must not have employees with high school age kids!
- The project shows a tie-in with the abutting Chatham Forest development. Surely its residents will use this connection as a short cut to 15-501. This has been ignored.
- The exit from Bellemont Point onto 15-501 is about 0.5 miles south of the signalized Lowe's intersection. The report assumes that a traffic light at that intersection will provide enough of a peak hour break in traffic to permit cars to exit from Bellemont Point. The traffic analysis estimates that the wait time will be >50 seconds (LOS=F).). And this does not consider traffic from Chatham Forest.
- The report recommends adding a southbound left turn stacking and tapering lane on 15-501 before the entrance to Lowe's totaling 500 ft. in length. The distance from this intersection to the East bound exit ramp from US 64 to 15-501 is only 600 ft.

It seems likely that rush hour congestion in this stretch of 15-501 will be considerable.

The report says it includes traffic generated by the new Lowe's Store and other businesses in Bellemont Station North. Nowhere do they quantify this traffic. Since only "combined counts" are used, there's no way to tell the sources of the traffic. Background traffic assumptions and counts, traffic counts from Powell Place and from Bellemont Station North should all be separately quantified along with those for this project. To have an understandable traffic analysis requires that

1. current on-site traffic counts be obtained,
2. that the information presented above be considered, and
3. that a revised, "stand alone" traffic analysis be submitted.

I recommend that you require that the developer address all three of these issues (Storm Water Management, Fiscal Impact on Chatham County, and Traffic Impact). Using this additional information, along with that in the initial proposal, appropriate mitigation of impacts should be included in the conditions for granting approval, if the town chooses to approve this project.

Thank you.

Janice Escott, 85 Cynthia Lane, read the following petition:

PETITION OF THE TOWN OF PITTSBORO

We the undersigned currently oppose as designed and submitted to the Town of Pittsboro the master plan proposal for a mixed use planned development (MUPD) for the

development of Bellemont Point and Bellemont Station South located in Pittsboro, by owner and developer Ricky Spoon Builders, Inc., for the reasons listed below:

1. We request the plan for Bellemont Point and Bellemont Station South, which is currently zoned R-10 and R-A, be evaluated based on an overall density of R-15 to maintain and preserve property values and the existing community in Chatham Forest and the vicinity of Chatham Forest. (See Zoning Ordinance, Article V, District Regulations Section 5.6.6; A-6)
2. Should higher density and lower valued homes be a consideration, we request a 200' two hundred foot wide buffer along all land bordering the Chatham Forest Community and its vicinity. (See Zoning Ordinance, Article V., District Regulations Section 5.6.6; (C) page 3)
3. We request that the required green space be not only usable, but be located throughout the Bellemont Point and Bellemont Station South (MUPD) and not on unusable land in the development. (For example: see Chatham Forest Master Plan.) We also request that the open space exceed the minimum of 5% and more closely resemble the amount of open space in Chatham Forest. (See Zoning Ordinance, Article V., District Regulations Section 5.6.6; E-5 (a) and (b) on page five)
4. We insist that the clear-cutting and road building desist and remain stopped until the Water/Sewer Moratorium is lifted and supportive commercial properties and downtown redevelopment be given priority over this development. Furthermore, we request that the entire erosion control plan be submitted to the Town of Pittsboro and a copy of the permit and plans be posted at the east end of Bellemont Ridge Road in Chatham Forest. (See Zoning Ordinance, Article V., District Regulations Section 5.6.6; (E) on pages three, four and five)
5. We insist that a school site be a part of this MUPD subdivision plan before any building is commenced so that the Pittsboro schools can accommodate the expected increases in the already over-crowding of the elementary, middle and high school. Or, if and when the development is designated as R-15 the school issue becomes less invasive to the project. The overcrowding of the schools because of this and other subdivisions must be addressed at the planning stages of every proposal. (See Zoning Ordinance, Article V., District Regulations Section 5.6.6; (e) on pages three, four, and five)
6. We insist as per Article X of the zoning ordinance that every property bordering this proposal and within 200' (two hundred feet) of this development be given a complete report supported by maps and specifications of the planned development BEFORE any more land is cleared and roads are built.
7. We submit that property owners already living in the area bordering the proposed development have never been informed about this development and have recently

been voicing concern about the clear cutting and road building. Clear cutting on this type of topography is environmentally dangerous, since the run off affects all land below. This must be stopped now and mitigation must begin in compliance with State and Local regulations.

8. We request a full traffic analysis be made available to the public. The analysis supplied with the request makes no allowances for Chatham Forest or for traffic from the community into the vicinity of Chatham Forest. Furthermore, the tie-ins to 15-501 need to be studied for safety and adequacy (See Zoning Ordinance, Article V., District Regulations Section 5.6.6; (E) and (H) on pages three, four and five)
9. We request that NCDOT be sent a copy of the proposal before approval is granted and NCDOT be sent a copy of the traffic analysis for review. (See Zoning Ordinance, Article V., District Regulations Section 5.6.6; (E) and (H) on pages three, four and five)
10. We request that the pond network indicated provide information on their actual intended use. (See Zoning Ordinance, Article V., District Regulations Section 5.6.6; (E) and (F) on pages three, four and five)
11. We request engineering information be supplied on the impact of the steep slopes in the proposed development, Bellemont Point and Bellemont Station South located in Pittsboro, as well as the effects on storm water runoff and traffic safety. (See Zoning Ordinance, Article V., District Regulations Section 5.6.6; (E) and (F) on pages three, four and five)
12. We request engineering assurances that the bike paths and sidewalks are designed to NCDOT guidelines and requirements. (See Zoning Ordinance, Article V., District Regulations Section 5.6.6; (E) on pages three, four and five)
13. We request information on the sidewalks and open space trails. Where are they? Are they suitable for public use? Are they suitable for strollers? (See Zoning Ordinance, Article V., District Regulations Section 5.6.6; (E) on pages three, four and five)
14. We request that the Town require the developer of Bellemont Point and Bellemont Station South located in Pittsboro cooperate and plan with surrounding properties to create coherent, planned growth.
15. Note: May it also be known that the undersigned are not opposed in concept to Bellemont Point and Bellemont Station South as a MUPD. However, as neighbors of the potential future MUPD and as citizens of Pittsboro and Chatham County we wish to make it known that we insist that the developer comply with the above demands and requests. We were first notified of this matter on September 12, 2006.

A COPY OF THE PETITION IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 590-603

Chris Boyce, 23 Bellemont Road. He said he is concerned with the environment and noted there is a lot of green space shown on the Illustrative Plan, but there is green space and then there is usable green space. He said he does not see much green space that is useful. He felt the detention pond use should be made clearer because from the plan it is not evident what their purpose is. He felt strongly that there should be a more significant buffer on the north end of Chatham Forest because of the large lot sizes there. He noted there were a couple of traffic calming devices but asked if there would be more feeling it was important to traffic in Chatham Forest. He said he liked the roadway connection to Chatham Forest but was concerned about drivers speeding through their neighborhood. He said he felt that the project was in keeping with both Powell Place and Chatham Forest. He would like sidewalk on Hillsboro Street to encourage more pedestrian movement.

Elsa Teruel, 253 Bellemont Road. She said she is very concerned that they are trying to build something down her road (Bellemont). She said she heard they are going to be building small houses and is very concerned about the affect that would have on the value of her home. Commissioner Walker asked how opening traffic to Bellemont would be different from opening Springdale Drive. Ms. Teruel said she would like Springdale opened.

Tara Alden-Vice President of Chatham Forest Home Owners Association., 77 Lily McCoy Lane. Ms. Alden said she is interested in protecting the quality of life in the community and its integrity. She said that she was distressed by Mr. Spoon's references to "I" and wanted him to know this was a community, and "they" would like Mr. Spoon to look at streams, buffers, and the environment. She felt that there ought to be a 200-foot buffer between the lots on the north end of Chatham Forest and Bellemont Point.

Rick Murray, 90 Chatham Mill Road read the following prepared statement:

He was representing his wife Linda Murray, himself and AQ Contracting Inc. a locally, family owned and operated Custom Home Building company, submit this statement in opposition of the proposed and submitted for approval, "Mixed Use Planned Development" of "Bellemont Point" and "Bellemont Station" in it's current configuration.

I would like to state that we are residents of the Chatham Forest community as well as a builder/property owner of the development.

I would like to state that we are fully aware of the petition that the Chatham Forest Community is presenting and fully back its content and have signed it as a "home owner".

My concerns are of “property value” and smart planning. I, we, own numerous lots in the Chatham Forest development and have purchased such at a value as warranted by the content of the Chatham Forest development and the surrounding area.

The lots in the phase 9 portion of Chatham Forest that we own are of an area of .6 acre to .8 acre, the others are .25 acre. Not only do we own these lots for building purposes but it is also our intent to construct our own residence on one of these lots with the construction loan and plans in place.

Should the “Bellemont Point” development be allowed to move forward in its current configuration it will have a devastating effect on the property values of these lots not to mention our new home or the balance of the homes to be built on these lots as they will be priced and valued according to the value and size of the lots of which they will be built on.

This devastation of property values in the phase 9 portion of Chatham Forest will have a trickle down effect throughout the Chatham Forest Community and affect all the property owners that rely on smart planning for the protection of their investment.

I submit that the proposed plan shows no thought or planning that would protect the property values of the community that it proposes to adjoin.

I submit that the proposed plan shows no intention of providing for intermittent green/open spaces that are in abundance in the Chatham Forest Community and that there should be a continuity between these developments as well as the Town of Pittsboro.

I would respectfully request a planning review that will protect our property values and the surrounding community.

I would request that at the very least the plan provide for the immediate area of enjoyment to provide for lot sizes equal to that of which they will be adjoining in the Chatham Forest Community as well as a sufficient buffer area in attempt to create a continuity that would preserve the already in place property values.

In closing, I would submit that knowing the developer of the proposed Bellemont Point subdivision is also a builder and property owner, I would like to point out that he, or any builder/property owner, would be outraged if such a property value devastating plan be submitted adjoining his property.

Chris Baton, 54 Lesley Ct. and a member of Parks and Recreation Board. She said she supports the statements made by her neighbors. She said it is confusing to know what buffers are about but she thinks 30 feet are not enough, they should be increased. Increasing buffers would help with stormwater management. This property is at a high point and will affect everything downhill including Robeson Creek. She felt the town should consider BMP’s during development. She felt that there should be a demonstrated

need for sidewalks and hiking trails. She felt the town should include the Parks and Recreation Board in plan review.

Erik Kastner, 142 Fox Chapel Lane. He said he felt that 200 homes and 2-300 townhouses and apartments would have a profound affect on Pittsboro. He felt the town should take time and assess the impact. He felt we should cherish the small town appeal and focus on smart growth. He cautioned the Board to be concerned about the increase in traffic in Chatham Forest.

Gladstone Williams, 45 Chatham Forest Drive. He said he only became aware of these issues yesterday. He asked if the town is adequately prepared for this kind of development. He noted it would increase garbage collection, create overcrowded schools, and cause traffic congestion among other things. He asked how much analysis has been done. He said he is concerned about the availability of infrastructure. Most importantly, he wants the impact of development to be positive.

Bonnie Iverson, 241 Bellemont Road. She said she is most concerned with the environment. She would like large tree protection buffers and tree protection fencing. She said traffic-calming devices were very important to her.

Hugh Harrington, 191 Bellemont Road. He said he moved in to Chatham Forest because of the connectivity, especially the sidewalks. He said he is very concerned about people who can't afford to live in Chatham Forest; they need a place to live. He said he doesn't agree with the suggested 200-foot buffer and feels like this can all be a community. He said he likes the connectivity of this project. He likes the idea he may be able to walk or bike to Lowe's. He said he thinks 1/3 acre lots are fine and will not diminish his land value.

Barbara McTighe, 266 Bellemont. She said she came here from Cary. She had experienced rapid growth and wants Pittsboro decision-makers to proceed with caution. She wants growth to be smart. She feels that Pittsboro is charming and feels they should work at keeping it so. She is worried about Bellemont Drive becoming a conduit to Thompson Street. She hopes the town leaders will proceed to approve development that will be smart, slow and well planned.

Rosemarie Mehrig, 23 Hawks Spiral Way. She said that no one has mentioned the environment. She asked what would happen to the surrounding environment as a result of the clear cutting. This is the only chance we have, she said; don't let it get out for control.

Motion made by Commissioner Bryan seconded by Commissioner Cotten to go out of public hearing and forward this request to the Planning Board with comments for their recommendation.

Vote Aye-5 Nay-0

**WRITTEN COMMENTS ARE RECORDED IN THE BOOK OF RESOLUTIONS
NUMBER ONE, PAGES 604-610**

BELLEMONT POINT – ILLUSTRATIVE MASTER PLAN RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 611

Mayor Voller read the following memo from Attorney Messick to be entered into the minutes:

To: Mayor Randy Voller
Board of Commissioners

From: Paul S. Messick, Jr.

Date: April 29, 2009

Re: Conflict of Interest

Pursuant to NCGS 160A-381 and the Town’s zoning ordinance, no member of the Board of Commissioners may vote on any zoning map or text amendment where the outcome of the matter is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member. Although the financial impact that may require nonparticipation is not defined in the statute, the general rule is that if a member is affected no more significantly than other members of the community, nonparticipation is not required. However, if there is a specific, substantial, and readily identifiable financial impact upon a member, then nonparticipation is required regardless whether there are others similarly situated.

Consequently, unless Mayor Voller and Commissioner Walker have such a financial interest in the Spoon rezoning request, they should participate. However, if they, or any other member of the Board, should own real property in the immediate vicinity of the request, the value of which would be significantly affected by an outcome, they may well have such a conflict.

OLD BUSINESS

NCDOT

NCDOT update letter response to request to study signal request at the intersection of US 64 Business at J A Farrell Street/Toomer Loop Road-David Monroe, Town Planner.

Planner Monroe stated we received a response back from NCDOT regarding a traffic signal at the intersection of US 64 Business at J. A. Farrell Street/Toomer Loop Road.

The response was:

Thank you for contacting the Division Office, concerning conditions at the intersection of US 64 Business with J. A. Farrell Street/Toomer Loop Road (non-system) in Pittsboro. Our study of your request is now complete.

The study included a review of the intersection crash data over the most recent 60-month period, a site visit, and the analysis of 16-hour turning movement volumes. The data was analyzed against the eight signal needs categories from the 2005 Federal Manual of Uniform Traffic Contract Devices (MUTCD) which found that this location did not meet any of the eight signal needs warrants. A copy of the report summarizing the study findings is attached for your reference. The NCDMV crash reporting system was queried to obtain the crash history at the study location. The crash reporting system identified only three crashes reported as occurring at the intersection between July 1, 2001 and June 30, 2006, this being the most recent data available to us. Within the most recent 12-month period, no crashes occurred which are considered correctable by installation of a traffic signal. Due to the low minor street traffic volume and the absence of angle crashes, a traffic signal is not recommended for this intersection at this time.

Commissioner Cotten stated he personally thinks we should request them to lower the speed limit to 20 mph from Davie to Masonic Street.

Mayor Voller asked if it would be appropriate for the board to authorize Mr. Monroe to prepare a letter for him to take to the next rural planning meeting to see if we can get them to endorse this.

Manager Misenheimer said that would be very appropriate. We are going to begin meeting with our NCDOT representatives. DOT will sometimes allow the installation of stop lights at the Town's expense. Although we may want to see what other type traffic calming devices they would recommend.

Commissioner Brooks stated deceleration/acceleration in the turning lanes are happening there as they are all over town. He feels speed is the main thing to address, but he does not have the answer. From his observation something can be done to help with this problem, maybe a reduction in speed and some other traffic calming device will help.

Motion made by Commissioner Brooks seconded by Commissioner Walker to direct Planner Monroe to prepare a letter requesting assistance from NCDOT with other traffic calming devices and that Mayor Voller take it to the next RPO meeting.

UPDATES – HOBBS, UPCHURCH & ASSOCIATES

Updates of WWTP expansion, 3M reuse line, and River Oaks Project – Fred Hobbs and Adam Kiker of Hobbs Upchurch & Associates.

Reuse Line and Storage Tank to Serve 3M

Construction Grants and Loans (CG&L) is currently reviewing the revised plans for the reuse line and storage tank to serve 3M. The review process has taken longer than expected, and a bid date will be set for this project as soon as it is released from CG&L.

Hobbs, Upchurch & Associates is currently completing the variance application that will allow 3M to consume the reclaimed water from the existing plant, even though it is not reuse-quality. This application will be complete by the end of September, thus providing ample time for its approval prior to the construction completion of the reuse line and storage tank.

The current cost estimate for this project is \$1,200,000 for the reuse line, \$400,000 for the tank, and \$120,000 for the pump station at the wastewater plant, totaling \$1,720,000.

WWTP Modifications

Hobbs, Upchurch and Associates is nearing completion of the design process to provide the Town with an additional 0.600 MGD of wastewater treatment capacity. The design will feature the newest technology in nutrient removal providing the town with the highest quality effluent in preparation for a future discharge to the Haw River or Jordan Lake. However, the nutrient-removal portion of the plant will be bid in a separate fashion in order to provide the Town with quantitative options regarding the first phase of the plant expansion. The short-term plan for disposal incorporates three different parties – 3M, River Oaks, and the Goodnight Tract.

The current construction cost estimate for the new plant is \$4,850,000.00. Funding for this project will be provided by the loan/grant combination for the 3M project and the advance payments from Toll Brothers.

Discharge to Haw River/Jordan Lake

Hobbs, Upchurch & Associates has begun the process of preparing an Environmental Impact Statement (EIS) for the two proposed discharge locations – one to the Haw River at the US-64 bridge and the other in Jordan Lake between Roberson Creek and Stinking Creek. The investigation will feature approximately 4.0 MGD at one of the two sites.

The EIS will be comprised of extensive environmental, biological, cultural, archeological, and economic studies to determine the best methods to mitigate possible

impacts of the effluent discharge. The estimated time for the first draft of the EIS is six months, and the fee for the EIS at its initial scope is \$155,764.00.

Environmental Impact Statements are fluid documents that require extensive governmental and public review. Based on similar projects and on information we currently have obtained, Hobbs, Upchurch & Associates expects to achieve final approval within 24 months.

Commissioner Cotten stated he has concerns about the way its going. He does not think Pittsboro can afford all this. The Town has paid out \$150,000 for design and that idea has been phased out. He feels we need to concentrate on the discharge point going into Haw River.

Mr. Hobbs stated that Commissioner Cotten was correct, before they became apart of this it had faltered because the plan had been to keep the plant operating while constructing additional treatment inside the same plant; that is a very costly method of increasing capacity.

ENGINEERING CONTRACT

Contract for Engineering Services Environmental Impact Statement for the WWTP and discharge – Fred Hobbs and Adam Kiker of Hobbs Upchurch & Associates.

Mayor Voller asked Mr. Hobbs where the County is at regarding their water/sewer study. Mr. Hobbs stated the sewer study has just begun.

Motion made by Commissioner Walker seconded by Commissioner Bryan to approve a Contract for Engineering Services Environmental Impact Statement for the WWTP and discharge with Hobbs Upchurch & Associates.

Commissioner Cotten stated he will reluctantly support this motion because it involves the discharge into the Haw River; he would like the public to be more involved in this process.
Vote Aye-5 Nay-0

CONTRACT WITH HOBBS, UPCHURCH AND ASSOCIATES IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES 614-638

PARKS AND RECREATION ADVISORY APPOINTMENT

Phil Bors appointment to Parks and Recreation Advisory Committee-recommended by committee.

Motion made by Commissioner Cotten seconded by Commissioner Brooks to appoint Phil Bors to the Parks and Recreation Advisory Committee.
Vote Aye-5 Nay-0

LAND USE COMMITTEE

Appointment recommendation to Land Use Committee.

Mayor Voller reported on the vote tally following a polling of board members.

The following individuals were recommended (and tally):

Pam Baldwin – 4
Ken Hoyle – 5
Rouse Wilson – 5
Jeffrey Starkweather – 1
Barrett Powell – 1
Richard Bullock – 3
Cindy Perry – 1
Vance Remick – 1
Jim Hinkley – 1
David Hughes – 5
Chris Boyce – (withdrew)
Steve Carr – 3
Hugh Harrington – 1
Ricky Spoon – 2
Bobby Scurlock – 5
Mary Nettles – 2
Bob McConnaughey – 4
Steve Cooper – 3
Billy Hughes – 2
Dr. Tom Danek – 1

It was reported that Glen Woolard, Chatham County Ag Extension would be willing to assist anyway they can – ex-officio.

Motion made by Commissioner Walker seconded by Commissioner Baldwin to appoint the top 9 voter getters to the Land Use Committee. They are: Pam Baldwin, Ken Hoyle, Rouse Wilson, Richard Bullock, David Hughes, Steve Carr, Bobby Scurlock, Bob McConnaughey and Steve Cooper.

Vote Aye-5 Nay-0

TALLY SHEET IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 612

PARKS & RECREATION ADVISORY COMMITTEE

Proposed Citizens Survey Parks & Recreation Advisory Committee and Public Forum Thursday, October 19, 2006 at 7:00 PM – Sarah Carr, Chairman / Sam Misenheimer, Town Manager

Motion made by Commissioner Cotten seconded by Commissioner Walker to approve the Survey and Public Citizens Forum date and time to qualify for PARTF Grant Application.
Vote Aye-5 Nay-0

NEW BUSINESS

SUP AMENDMENT – PITTSBORO VILLAGE APARTMENTS

Evergreen Construction request for amendment to special use permit for Pittsboro Village Apartments-David Monroe, Town Planner.

Planner Monroe stated a public hearing on this matter was held on August 21, 2006. The meeting was properly noticed and there was no opposition expressed at the hearing.

The Planning Board reviewed this application at its September 7th meeting. It determined that the existing manager's space is not ADA compliant and that formed the basis for the desire to construct a new facility. The building would house a laundry room which could be used by those residents who don't have a washer and dryer. This use would be available only to residents of the apartments.

It was determined that this structure would not be an issue with lot coverage or setbacks and is permitted in the zoning district.

The Planning Board adopted a Resolution of Recommendation with four findings:

1. The subject development is a permissible use in the zoning district in which it is located and the property and the request is not inconsistent with Land Use Plan Map.
2. The proposed use will not endanger the public health or safety.
3. The proposed use will not injure the value or lessen the enjoyment of adjoining property.
4. The proposed amendment advances the public interest by improving handicap accessibility.

Motion made by Commissioner Cotten seconded by Commissioner Bryan to approve the Resolution of Recommendation from the Planning Board.

Vote Aye-5 Nay-0

A COPY OF THE RESOLUTION OF RECOMMENDATION FROM THE PLANNING BOARD IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGE 613

**POTTERSTONE VILLAGE FINAL PLAT
PHASES 2B & 3**

Consider Potterstone Village's final plats for Phases 2B & 3-David Monroe, Town Planner.

Planner Monroe stated Mr. Witek, developer of Potterstone Village, has requested the town grant Final Plat approval for Phases 2B & 3. Our ordinance allows for final plat approval when 40% of the required work has been completed. The engineer provided a letter stating 86% of the work has been completed and estimating the cost of remaining work. The Town has received a letter of credit in the amount of 125% of that estimate to guarantee installation of the 1 inch top coat of asphalt and sidewalks. Additionally, Mr. Witek has provided a warranty on the streets, utilities and appurtenances thereto for a period of one year after recording of the final plats. During discussion at the Planning Board meeting Ms. Jennifer Andrews, representing the Hamlets as adjacent land owners, asked about the availability of access to the Hamlet property. It was determined that Bridle Path, in phase 2B, and an extension of East Cornwallis Street offered by Mr. Witek would provide that access. The Planning Board found that the request satisfied the requirements of the Subdivision Regulations and recommended that the Commissioners approve the Final Plats for Phase 2B and 3.

Commissioner Walker questioned whether the year date on the letter of credit should be changed.

Mr. Witek said he would get that changed where it will automatically renew for one year.

Mayor Voller stated we can check on sewer allocation with the state for this project and if there is a surplus it will be credited back to us.

Motion made by Commissioner Bryan seconded by Commissioner Walker to approve the final plat for Phase 2B and 3 of Potterstone Village.

Vote Aye-5 Nay-0

FINAL PLAT FOR POTTERSTONE VILLAGE PHASE 2B AND 3 IS ON FILE IN THE PLANNER'S OFFICE

BLAST INTERNET SERVICES AGREEMENT

Consider license agreement with Blast Internet Services, Inc.-Sam Misenheimer, Town Manager.

Attorney Messick stated a public hearing is required in order to lease town property.

Mayor Voller stated he would like for them to also provide wireless service downtown.

Motion made by Commissioner Bryan seconded by Commissioner Cotten to scheduled a public hearing on the license agreement for Monday, October 23, 2006 at 7:00 pm.

Vote Aye-5 Nay-0

Planner Monroe stated he received an email from Mr. Blakley – NCDOT – regarding the driveway entrance into Chatham Marketplace stating he has sent a letter to Mr. Roberts

giving him until October 9 to provide a plan to install improvements as permitted and asked that we withhold any additional permits to the Chatham Mills project until the matter is resolved.

Staff Reports/Manager updates

- Town Projects Updates – HydroStructures, Inc
- Update of County’s allocation for recreation amount of \$7128.00.
- Update of Basketball and Tennis Courts Park Project
- Updates on Pittsboro Street Fair-October 28, 2006
- Chatham Hunger Walk-Sunday, October 15, 2006
- Community Forum Parks & Recreation Committee – Thursday, October 19, 2006, 7:00 PM to be held at CCCC Multi-Purpose Room
- Community Day at Harris Nuclear Plant-Saturday, October 7, 2006,10AM-2PM

COMMISSIONER CONCERNS

ADJOURNMENT

Motion made by Commissioner Brooks seconded by Commissioner Walker to adjourn.

Vote Aye-5 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk