TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
TUESDAY, NOVEMBER 13, 2007
7:00 PM

Mayor Randolph Voller called the meeting to order at 7:00 p.m.

The Invocation was given by Commissioner Pamela Baldwin.

ATTENDANCE

Members present: Mayor Voller, Commissioner Gene T. Brooks, Max G. Cotten, Pamela Baldwin, Chris Walker and Clinton Bryan.

Staff present: Manager Bill Terry, Clerk Alice F. Lloyd, Attorney Paul S. Messick and Planner David Monroe.

APPROVAL OF AGENDA

Town Manager Terry stated that Item #1 under New Business was for the public hearing.

Motion made by Commissioner Walker seconded by Commissioner Baldwin to approve the agenda with the modification that Item #1 under New Business be placed under Public Hearing.

Vote Aye-5 Nay-0

CONSENT AGENDA

The Consent Agenda contains the following items:

1. Approve minutes of the October 22, 2007 regular meeting.
2. A request by DHIC for consideration of a plan for Millview Commons proposed to be located on Masonic Street adjacent to Chatham Mills. The application consists of a request to rezone from R-12M to R-12CU and consideration of a Special Use Permit to allow development of a Planned Unit Development (setting a public hearing for December 10, 2007).
3. Habitat for Humanity request for consideration of a Special Use Permit to allow development of a Planned Unit Development on East Cornwallis Street (setting a public hearing for December 10, 2007).

Motion made by Commissioner Cotten seconded by Commissioner Walker to approve the Consent Agenda.

Vote Aye-5 Nay-0

REGULAR MEETING AGENDA

CITIZENS MATTERS

Ricky Spoon, 2475 Redbud, stated that he had dealt with a company called Miller Valentine, and was negotiating affordable housing in Bellemont Point subdivision. He said the sewer entitlements were holding the project up.

Steven English, 1200 McLair Street, Chapel Hill, stated he represented Miller Valentine as well as the NC Housing Foundation. He said they were proposing on the multi-family tract in Bellemont Point to do 72 two-story apartments, and provided a site plan and some photos of the product they were proposing to provide. Mr. English said the two-story apartments would have eight one-bedroom, 40 two-bedroom, and 24 three-bedroom apartments. He stated they would require a total of 19,200 gallons of sewer capacity.

Mr. English said their partner in this project was the NC Housing Foundation, a non-profit that supported affordable housing throughout the State, and they had submitted to them for funding support on this property. He said they believed this property was ideally suited for workforce-oriented housing, that is, housing that would support the developing commercial and retail in that location, as well as its access to Highway 64 and 15-501 which provided very easy access for people working in the vicinity.

Mr. English stated they looked forward to working with the Town on this project, and finding a way to solve the sewer capacity issues.

Matt Harrison, 52 Brookridge Court, stated he had attended the last meeting to discuss the stop signs that were installed in Potterstone Village. He stated he had provided the Board with a petition with 80 signatures of residents who wanted the stop signs removed due to the fact that they were never made aware that the stop signs were planned. Mr. Harrison said the stop signs had been deemed to be unwarranted and presented more dangerous situations than the perceived speeding issue. He then provided the Board with a PowerPoint presentation that detailed traffic issue facts, what had been done to date, what had not been done to date, and information regarding what stops signs were designed to do and the problems they could induce.

Mr. Harrison stated that the places where all-way stops are appropriate were:

- High volume of cars (200-300 vehicles per hour for 8-hours on each of the intersecting streets);
- High number of accidents (5 or more reported crashes in a 12-month period);
- No visibility (driver, after stopping, can't see conflicting traffic unless the cross-traffic stops); and
- Balanced volumes (each of the intersecting streets must have about the same volume of cars).

Mr. Harrison stated that none of these situations occur in Potterstone Village. He said when the stop signs were erected about 50% of drivers ignored them because most felt they were

unwarranted. Mr. Harrison said when police officers were in the area; the drivers did make the required stop, but returned to running the stop signs when the police were not in the area.

Mr. Harrison quoted from the Manual of Uniform Traffic Control Devices (MUTCD), Section 136-30, regarding uniform signs and other traffic control devices for highways, street, and public vehicular streets. He said that the current implementation of stop signs in Potterstone Village violated that section which stated that stop signs were appropriate at an intersection of a less-important road with a main road where application of the normal right-of-way rule might not be readily apparent. Mr. Harrison said that was not an issue in Potterstone Village since the main roads were clearly designed to have right-of-way. He said that section of the MUTCD also stated stop signs were appropriate at an intersection that had restricted sight distance for the prevailing vehicle speeds. Mr. Harrison said the prevailing speed in the neighborhood was 25 mph, and none of the intersections had any sight limitations.

Mr. Harrison said in MUTCD, Section 2B.05, it specifically stated that stop signs should not be used for speed control. He said the MUTCD Supplement spoke to municipal requirements and responsibilities, and under the General Statues of North Carolina it stated that all traffic control devices used on public streets and highways shall conform to the MUTCD and the NC Supplement.

Mr. Harrison said he was again asking that the stop signs be removed on May Farm Road at the Farmingdale intersection, on May Farm Road at the Windsong intersection, and on Windsong at the Brookridge Court intersection, as they did not qualify for stop signs under guidelines established by the State and Federal governments. Mr. Harrison suggested that the Town should adopt a traffic policy since the Town was growing. He said that would answer the question of where traffic calming devices were warranted or appropriate, and provide more safety for children, pedestrians, bicyclists and others.

Mr. Harrison provided the Board with handouts regarding traffic calming and traffic calming devices. He said the Board could consider a traffic calming policy that required neighborhoods who requested such devices to share in the cost.

Mr. Harrison reiterated that he was asking that the stop signs be removed and that a traffic study be conducted to determine if any speeding or traffic problems actually existed in Potterstone Village.

Commissioner Walker stated the Board could not take action on this tonight since it was not on the agenda, but the Board would take it under advisement.

Bonnie Iverson, 241 Bellemont Road, stated that she had attended the special meeting on November 1st and wanted to speak about the disservice that was done to citizens that evening. She said the meeting was out of control, the conduct of various people was deplorable, and all sides were not allowed to be heard. She charged the Board to ensure that the democratic process was followed. Ms. Iverson said many of her neighbors had attended, not having an opinion about the topic but wishing to hear both sides. She said both sides were not allowed to be heard. Ms. Iverson said they were interrupted, the audience was chaotic, and the total meeting became

out of control. She asked and charged the Board to ensure that in the future that even though there were differing opinions that everyone's opinion be allowed to be heard.

Ms. Iverson thanked Commissioner Baldwin who at the end of the meeting summarized the discussion and brought everyone back to the issue at hand before the meeting was adjourned. She said she hoped that at future meetings that some semblance of order was maintained, and those who did not conduct themselves in the proper manner should be escorted from the meeting.

Commissioner Brooks stated an owner of a small business in Pittsboro, Brian Elliott, had brought to him a concern and asked that his name be added to the speaker's list although he could not be present. He said he would speak for Mr. Elliott, noting that apparently there was a serious accident near the Christian Home near his business this past weekend, and Mr. Elliott had explained that sometimes people exiting out onto the highway from the Christian Home do so cautiously, because people exiting 64 Highway sometimes do so at a fairly rapid rate of speed. Commissioner Brooks said in this case a motorcycle had slid under a car. He said Mr. Elliott was asking that NCDOT be requested to reduce the speed limit coming in from 64 Bypass with proper signage. Commissioner Brooks said Mr. Elliott had said this was a dangerous situation that should be addressed.

Mayor Voller suggested passing the request on to the Town Manager, and suggested that a deer crossing sign should likely be erected as well.

Commissioner Brooks said he agreed that they needed to respond to this request, and that DOT should be contacted. Mr. Terry stated he would contact Commissioner Brooks to get all the details, and then make inquiries of DOT.

Mayor Voller stated recently three teenagers were killed in a car crash, and such accidents seemed to be happening more frequently. He suggested that the Town send some communication to the families of the three teenagers, noting that loosing young people like this was a tragedy.

PUBLIC HEARING

David Monroe stated there were two hearings tonight, a legislative hearing on a rezoning request from Crosland to rezone 268.58 acres from R-A5 to R-A, and an accompanying application for a Special Use Permit to allow for consideration of a planned unit development on that property, primarily the Gaines property located north of Highway 64 Bypass and west of Old Graham Road.

Mayor Voller asked if the two hearings should be held simultaneously or separate. Attorney Messick stated they should be separate.

Mr. Monroe stated when they began the SUP discussion it would be appropriate to allow the applicant's representatives to speak first to provide evidence to the Board.

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

Vote Aye-5 Nay-0

REZONING REQUEST FROM CROSLAND TO REZONE 268.58 ACRES FROM R-A5 TO R-A

Mr. Monroe requested to have a letter from Leslie Keefe entered into the record, which requested that the Board decline the rezoning request.

Letter from Ms. Leslie Keefe:

Dear Town Planners:

Please do not rezone the 268.33 acres adjacent to me from R-A5 to R-A Conditional Use to allow Crosland LLC to develop a Planned Unit Development.

I was greatly inconvenienced during the 64 Bypass construction phase and many of these same issues remain. I was flooded so severely that 30 % of my farm was not useable for 3 years until I spent a great deal of money on excavation projects to divert the water and raise the level of the land. Crosland's project involves the same water shed area. Crosland has also proposed to locate the waste water collection area next to me. I have not had the opportunity to read the Soil and Environment Consultants evaluation of this area, but I am concerned that 2 evaluations had to take place (one in May 2006 and a more recent evaluation in September 2007). I fear that a waste water collection system in this area will have a constant opportunity to flood me out again.

Some of the other issues that cause me great concern include septic, water, police, fire protection, roads and schools. Again, I have not had the opportunity to evaluate these concerns, but I know from experience that Old Graham Road are to narrow to support the additional traffic for the volume of residents proposed in this housing plan.

The zoning in this area needs to remain 5 acres per unit.

The inconvenience has already started. I had 1 week to research this project and respond.

Please do not allow this project to go forward at this time.

Thank you for your concern and co-operation in this matter.

Sincerely,

Leslie Keefe
1002 X-Campbell Road
Pittsboro, NC 27312

Sonny Crutchfield, 2664 Old Graham Road, noted he and his wife owned Lots 39 and 40. He said they had concerns about safety on the road with development of the property, as well as how their land might be affected by such things as runoff and associated flooding, and light pollution. Mr. Crutchfield requested that provisions be put in place prior to any development to protect his and others' property.

Mayor Voller asked if approved, would the Town's lighting ordinance apply to this development. Mr. Monroe responded that it would.

Mr. Crutchfield said their concern was with the elevation of the actual light itself, and asked that the poles be reduced more than the 12 feet currently used in Town.

Mayor Voller stated that area was low, so there had always been water coming down. Mr. Crutchfield said it had increased since the Bypass came through. He also noted their concern about increased traffic and the resulting safety issues.

Commissioner Baldwin asked if Mr. Crutchfield had spoken with the developers about the flooding situation. Mr. Crutchfield stated he had, and had asked them to keep that in mind and to put some provisions in place to protect the homeowners already in the area. Commissioner Baldwin asked had the developer indicated he would be cooperative. Mr. Crutchfield stated he had, although no promises were made.

Commissioner Bryan asked what about buffers. Mr. Crutchfield said he had not discussed that with the developer, but it appeared that they had a standard natural buffer that would remain in place.

Jim Orbich, 2912 Old Graham Road, stated his main concern was traffic that would result from the development. He said the speed limit was 55 mph, but vehicles traveled perhaps 10 to 15 mph over that limit. Mr. Orbich stated one of the entrances for this planned development would be directly in front of his house, and he could predict that would be an area where there would be many accidents. He said the line of sight was an issue because vehicles would be coming out of a sharp left-hand curve coming from Pittsboro to approach the entrance to the development.

Mr. Orbich asked if the entrance remained there, would there be a left turn lane provided or a deceleration lane if traveling in the opposite direction. He said the line of sight issue had to be addressed as well. Mr. Orbich stated runoff was also an issue that had to be solved in order to prevent adverse affects on his property and others on Old Graham Road. He said for those reasons he was against the rezoning.

Patrick Bradshaw, 128 Hillsboro Street and the attorney for the applicant, asked for clarification on where Mr. Orbich's property was located so that the traffic and civil engineers might respond to his concerns during the SUP discussion. Mr. Orbich pointed that out on the map.

Arnold Munn, 3000 Old Graham Road, said to emphasize the safety concerns the driving instructor at Northwood High School uses Old Graham Road as a test for students because of the sharp curves. He said the dry creek was about shoulder high if you were standing in it and was

about 20 feet wide, and the last time they had significant rain that creek went from completely dry to reaching its banks. Mr. Munn said that indicated it could change a lot in a short period of time, and houses in some areas would experience some significant flooding once the property was developed.

Mayor Voller confirmed that Mr. Munn lived next door to Mr. Orbich. Mr. Munn said that Mr. Orbich's house was higher than his so he did not experience flooding the way his property did. He said it would get worse once the property was developed.

Commissioner Walker asked Mr. Crutchfield if the creek Mr. Munn was referring to was the same one in his backyard. Mr. Crutchfield said there were two separate creeks with one coming all the way down and tying into the creek that ran across from the entrance to this development.

Mr. Bradshaw stated he was representing Crosland LLC who was requesting rezoning of this property in the extraterritorial jurisdiction. He asked that the relevant portions of the application be entered into the record for this hearing. Mr. Bradshaw described the property known as the Gaines property, indicating that 70% of the 268 acres was owned by the Corbett Gaines family, with most of the rest owned by Crystal Long and a small parcel owned by Bernie McCloud and heirs of the last James Randsell. He said a portion of the property was within the Major Transportation Corridor (MTC), and during the SUP discussion that corridor would be addressed.

Mr. Bradshaw said the proposed rezoning was for R-A Conditional Use zoning which would require a SUP. He said the proposal was consistent with the Town's Land Use Plan, it was compatible with surrounding property uses, it would promote the preservation of open space, it would provide protection for environmentally sensitive features, it would provide internal pedestrian connectivity and roadway connection to adjoining parcels, and it would establish a large service area outside the Town limits without relying on the Town's wastewater services.

Nancy McLendon, 2661 Old Graham Road, stated she was opposed to the rezoning. She said the Town and Old Graham Road were under a lot of stress with the Parks at Meadowview and Chapel Ridge and their associated traffic. Ms. McLendon stated this development would have the effect of a tsunami on her neighborhood, and she believed it would be detrimental to the Town to have that many homes added in that area. She said having one home to every 5 acres was the more appropriate zoning.

CONSIDER A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT ON THE GAINES'S PROPERTY

Mayor Voller swore in speakers for the SUP portion of the hearing.

Patrick Bradshaw asked that the written application be incorporated into the record of this hearing. He stated that the part of the property along Highway 64 Bypass was in the MTC, and although the buffer provisions of the MTC regulations did not block the proposed residential uses of this property, a voluntary 50-foot buffer along the 64 Bypass right-of-way was proposed

in the site plan. Mr. Bradshaw said the building setbacks required in the MTC also would be complied with and observed in the site plan.

Mr. Bradshaw said the proposed rezoning of this property to R-A CU would ensure that this large tract of land in a transitional area of the Town's jurisdiction would only be developed pursuant to a SUP that was approved in advance by the Town. He said although this zoning designation would increase the total number of residential units allowed, the requested SUP for a Planned Unit Development would promote the purposes of the zoning ordinance and the principles of good planning by requiring significant preservation of open space and recreation areas, variety and types of residential offerings, unit amenities, preservation of sensitive environmental features, efficient design and layout of utilities and streets, and creative and innovative design and construction principles.

Mr. Bradshaw said the speakers to follow him would speak in more detail about how the plan accomplished those objectives. He said the SUP would control the area and yard requirements for this community, taking the place of the default requirements of the subdivision requirements and the zoning ordinance. Mr. Bradshaw said although the net land area computation would allow up to 233 residential units under the requested rezoning, the applicant was requesting approval of the site plan that included only 188 residential lots with a minimum area of 14,500 square feet. He said the heights of the single-family homes would not exceed 35 feet, and the estimated range of size of the homes was currently projected at about 1,750 to 5,000 square feet.

Mr. Bradshaw said a community property owners association would own and maintain the open space, common amenities facilities and parks. He said these facilities would not be dedicated or transferred to the Town nor would they require maintenance by the Town. Mr. Bradshaw stated that stream buffers and stormwater management in the community would significantly exceed what was required by the Town's regulations.

Mr. Bradshaw said the proposal for the Gaines property was consistent with the Town's Land Use Plan and was compatible with surrounding property uses because it would promote the preservation of open space and protect environmentally sensitive features. He said Crosland would install a 16 inch water line from Russell Chapel Church Road to the boundary of the Gaines property, noting that the Town's Land Use Plan encouraged the establishment of water service areas outside the Town's limits. Mr. Bradshaw said in this case, given the Town's problems with the wastewater system, this property would not require the use of that system and would add improvements to the water system by extending the water line down Russell Chapel Church Road and advancing the time in which the system could be looped on Old Graham Road. Mr. Bradshaw stated that the extension of the water line would be about 1,500 feet and would cost Crosland an estimated $93,000. He said until the community might be annexed in the future, its residents would also pay a higher water rate than that charged to the Town's water customers.

Mr. Bradshaw said the proposed subdivision was not out of character with the neighborhood. He said the Parks at Meadowview subdivision was about ½ mile away, and the Powell Place MUPD was less than ½ mile away. Mr. Bradshaw said the Cedar Run subdivision just across the 64 Bypass had a number of lots that were around 2 acres in size, the Old Farm subdivision to the

northwest had a number of lots that were 1 to 1¼ acres in size, and most of the lots in the immediately adjacent Brooks Creek subdivision were over 4 acres but were less than 5 acres. Mr. Bradshaw said the 30-foot building setback would be maintained around the entire perimeter of the project, which was the same as the zoning setback on the adjoining parcels. He said lighting would meet the provisions of the Town's zoning ordinance with the details to be approved at the appropriate time.

Jeff Westmoreland, CE Group, 11000 Regency Parkway, Suite 410, Cary, Landscape Architect for the project, provided details in the site plan and used a map of the site to point out features. He said the site was divided by a ridge that ran through the site and formed the two creeks already mentioned. Mr. Westmoreland indicated the wetlands and streams delineated by S&EC, which had been surveyed and reviewed by the Corp of Engineers. He also indicated the 30-foot buffer the Town required for perennial streams. Mr. Westmoreland said in addition to the field work done on the wetlands and streams, S&EC had also done a preliminary soils report that was included in the packet of information.

Mr. Westmoreland stated they referred to this development as an historical subdivision because they see this site as being in that transitional area between the Town and the rural area of Chatham County. He said they had tried to create a layout that had a sense of randomness by working with the topography and creating varying lot sizes. Mr. Westmoreland said the larger lots in yellow on the map averaged just over 1 acre and were located around the perimeter of the project, numbered 119, and ranged in width between 100 and 175 feet. He said that wide range of lot size and lot width allowed them to vary the placement of the homes.

Mr. Westmoreland said the area noted in orange on the map, which they referred to as the hamlet area, contained 75 foot wide lots that were placed on the higher part of the site and were farthest away from the streams. He said this higher density area was removed from some of the more highly sensitive environmental areas. Mr. Westmoreland said overall, the plan had 27% open space, comprised of a central amenity with a proposed pond and proposed 100-foot either side buffers rather than the required 15-foot either side buffers on the perennial and intermittent streams. He said the 15-foot buffer would remain undisturbed and the additional buffer would be used for walking trails, stormwater management devices, or utility crossings. Mr. Westmoreland said the required buffers represented approximately 5 acres, and the voluntary buffers represented an additional 33 acres of open space.

Mr. Westmoreland said that the project as proposed had an estimated coverage of impervious surface of just under 23%. He said due to the lot sizes under the Town's watershed limits, this project would not be considered high density but would fall into the low density option. He said under that option in the watershed ordinance, stormwater controls were not required. However, Mr. Westmoreland said, in the orange area on the map there would be some subsurface piping, and they believed it was prudent to offer as part of this application stormwater quality devices that were scattered around the perimeter of the hamlet area that would receive that concentrated density. He said those would be a combination of extended dry detention ponds, some wet pond detention, and also bio-retention areas where appropriate.

Commissioner Brooks asked Mr. Munn if the Manley property was a part of the area the developer was proposing to rezone and develop. Mr. Munn responded he was not sure. Mr. Phil Gaines, representing the Gaines family, pointed it out on the map and stated it was not affected in any way by this proposed development.

Ricky Spoon stated the Manley property was a part of one of his proposed developments.

Commissioner Baldwin said on the map there was a reference to the cemetery. Mr. Westmoreland pointed out the cemetery on the map, and noted it was a private cemetery.

Commissioner Brooks said because these type cemeteries were likely historical, he would hope that it would be protected. Mr. Bradshaw stated that all State laws pertaining to the protection of cemeteries would be abided by. He said they had shown it on the map and indicated that it would not be disturbed, and that access to it would be continued as well.

Jeff Westmoreland stated the cemetery had been located by the surveyor, and they anticipated leaving it totally undisturbed. He said it was located in the hamlet area and they anticipated putting a fence of some sort around it to preserve it.

Mark Ashness, 30020 Village Park Drive, Governor's Village, Chapel Hill, with the CE Group and an Engineer, stated that this type of project characterized a low density project based on the State and Town watershed regulations, and in fact would not have curb and gutter systems but would have shoulder and ditch sections which would attenuate some of the stormwater flow. He said the widened buffers proposed would also attenuate the flow leaving the site. But, Mr. Ashness said, any time you take a wooded area and build homes or roads there would be some increase in runoff. He said one of the things they were charged with was looking at those discharge points. Mr. Ashness said he wanted to point out that this development was only a part of that watershed and only a cog of what was released in that area, including the 64 Bypass area.

Mr. Ashness said they had already planned to put in stormwater controls in the lots in the hamlet area, and those controls would slow some of the runoff as compared to what would happen on the balance of the site. He said during the construction phase they would be looking at attenuating that to reduce that runoff. Mr. Ashness said because they were beneath the 24% threshold for low density in the watershed, they had already made a huge commitment and understood concerns that had been mentioned tonight.

Commissioner Walker asked exactly what they meant by attenuate. Mr. Ashness said as engineers they would look at peak times when the creek might be at its highest point and then after a period of time subside. He said what they were interested in was what was happening at that peak point, and what attenuating did was to hold some of the water back and release it at a slower rate for a longer period of time. Mr. Ashness said it did not mean the amount of runoff would be decreased, but it would be slowed down so it was not all flowing at the same time.

Commissioner Baldwin stated they had received a letter from Ms. Leslie Keefe, and asked had they discussed with Ms. Keefe her concerns about flooding. Mr. Ashness responded they had

not seen the letter, but said they were downstream of anything on that side of 64 Bypass where her property was located, and they would not contribute to that channel flow.

Mr. Monroe said Ms. Keefe's concerns came up during construction of the Bypass, and what was happening was that water that had traditionally been leaving her property was now backing up and causing flooding on her property. He said her concern was that if this development inhibited the flow of that water, it would again back up on her property. Mr. Ashness stated this project would have no influence on Ms. Keefe's property in any way.

Mr. Crutchfield asked how they would address such water issues if they did not occur until later on, and asked what responsibility Crosland would have to him as a homeowner. Mr. Ashness said the responsibility of a professional engineer was to look at downstream impacts to the point where the project was only contributing to 10 to 15% of the flow from the watershed itself. He said it appeared that Mr. Crutchfield had the only property that might be affected due to a workshop located near the creek bed, and there were a couple of ways that it could be addressed, such as improving the channel to improve the passage of flow.

Mr. Crutchfield said he was not having flooding right now, but what if he began to have flooding? He said he was hearing how it might be remedied, but not who would pay for that remedy. Mr. Ashness said they would make determinations of what level of contribution if any this project would make. He said they might be able to do enough stormwater control to show that in a peak storm they were not causing any further rise in the creek level. Mr. Ashness reminded Mr. Crutchfield and the Board that there were other contributing factors, including DOT channelized swales and cut slopes along the Bypass that pushed water quickly. He said they would first get a sense of what it looked like in that area now, and then evaluate it as they moved forward. Mr. Ashness said it may be that the actual volume by his house increased, but the actual peak may not be based on anything they can do on their property.

Mr. Crutchfield said he understood what Mr. Ashness was saying, but wanted to make sure his property would not be adversely affected. Mr. Ashness said there were a couple of ways to resolve the issue. Mr. Crutchfield said that he hoped there would be no problems. Mr. Ashness said there would be other pieces of property that developed in the future, and their site was only a minor portion of the watershed that went behind Mr. Crutchfield's house. He said they may do everything right on their property, but that may not ultimately solve his problem because other property around him drained to that spot.

Mr. Crutchfield stated that those properties were not now causing an impact, but if this property took that to the next level then it would in fact be causing an adverse impact on him, beyond the control measures noted, and therefore he believed it was their responsibility to correct. Mr. Ashness said regardless, they were only a small percentage of what would contribute to the flooding behind Mr. Crutchfield's house. Mr. Crutchfield said if they put the last 3 inches of water in the creek and that 3 inches caused it to overflow, then they were responsible for it.

Mayor Voller said having driven up and down Old Graham Road many times, he had seen water in that area a lot and that was why this was an issue. He asked about the blue line on the map.

Mr. Ashness responded that indicated the stream that emptied into Brooks Creek. Mayor Voller said then it ran easterly and ended up in the Haw River. Mr. Ashness said that was correct.

Mayor Voller said since they were experiencing a drought and water quality was an issue, and that they got their water from the Haw River, did Mr. Ashness have any comments about how that might affect what was being pulled out of the Haw and processed. Mr. Ashness said as the Town grew over time, particularly once the wastewater issues were improved, most of the streets would likely be curb and gutter. He said they had deliberately made the streets in this development shoulder and grass swale sections, so they had geared it towards not creating as much runoff as you might have in a normal project. Mr. Ashness stated they believed that this was the future of a project that actually tried to have less impact as compared to what is typically seen in a town's jurisdictional area. He said he felt very comfortable with the approach they were taking and how it would impact the property.

Mayor Voller said this was a complicated issue because the property just north of this one was already affecting these people in terms of traffic, which was a County issue. He said when you were talking about adding more and more people to the area, it was something the Town, the County, and DOT should be looking at. Mayor Voller agreed that the proposed project was low density and was a low impact designed project, but the concerns expressed by the citizens were apropos regarding what impact high levels in the creek would have. He said the residents needed to know that whatever was done on this property would not cause them to no longer enjoy living there.

Commissioner Brooks said that Mayor Voller had served on a DOT group, and on the Town's wish list of high priority roads that needed to be addressed was Old NC 87. Mayor Voller said he had gotten it approved to be addressed, noting Mr. Monroe was part of the technical review process for that road and it was on their long-range plan. He said the question was when it would be funded by the State.

Mr. Monroe said it was on the list to be funded after the year 2013.

John Grant, 5808 Farrington Place, Suite 100, Raleigh, and with Ramey Kemp and Associates, stated his firm did a traffic impact analysis for this site, which they had done under the guidance of NCDOT. He said they had studied the impacts to adjacent roads with build out of this site by looking at A.M. and P.M. traffic conditions at peak hours. Mr. Grant said that NCDOT had required them to study the intersection of Russell's Chapel, the two site drives, and then down further at Old NC 87 and X Campbell Rd.

Mr. Grant said they had collected current traffic counts at existing intersections, and then grew that out to the anticipated build out year, adding in the full build out of the proposed site and then running capacity analysis at those intersections. He said the access point farthest north was looked at as a right-in/right-out scenario, and not a full movement access as the other one further to the south. Mr. Grant said the capacity analysis he ran under peak conditions indicated many issues.

Commissioner Walker said what he was saying was that if you were coming from the south, heading north; you could not make a left-hand turn into the site. Mr. Grant said that was correct. He said his analysis indicated a minimal impact to these intersections, but would not be surprised if NCDOT required them to provide full movement access with the right-in/right-out having a right-turn deceleration lane. Mr. Grant said ultimately NCDOT would have to approve what was done in this project. He said he had requested that NCDOT reduce the speed on that road, but his request was denied.

Commissioner Baldwin asked why was the request to reduce the speed denied by NCDOT. Mr. Grant stated NCDOT used a formula when looking at the roads and the current speed, as well as the accident history, but had not gone into much detail when the request was denied.

Mayor Voller stated the severity of the accidents played a part in the formula as well. Mr. Grant said that was correct, noting they also looked at accident patterns. He said he had requested from NCDOT the accident history from Russell's Chapel to 64 Bypass, which had identified four reported accidents in that three-year period from June 2004 to May 2007.

Mayor Voller said one of the speakers had mentioned that one of the entrances would be in front of his house. Mr. Grant said that was a restricted right-in/right-out access, so if you were going northbound you would not be able to turn into the site.

Mr. Orbich asked how that would be enforced. Mr. Grant stated that NCDOT had given them the concept for an island design to restrict that access point. Mr. Orbich said you can put in an island or a traffic circle, but if someone wanted to go that way they would. Mr. Grant said the island design would force you to comply. Mr. Orbich asked would that take place once the development was done or would it be available during construction. He said that construction traffic was a major concern for him, particularly large dump trucks. Mr. Orbich said the biggest concern was not with a 4-door sedan coming out, but a large truck coming out and moving slowly for the first 300 or 400 feet.

Mayor Voller said the question was were you planning on providing a construction entrance at the south entrance that might alleviate that. Mr. Grant said he did not know.

Mr. Monroe stated that if this rezoning was approved, the Town had the authority to require the specific location for a construction entrance when it went through the plan review process.

Patrick Bradshaw stated a construction entrance was not a question they had anticipated, but it was something they would work on prior to the Planning Board meeting.

Commissioner Baldwin asked what time of day the traffic studies were conducted. Mr. Grant responded 7 a.m. to 9 a.m., and 4:30 p.m. to 6:30 p.m.

Mr. Crutchfield asked Mr. Grant to reiterate the number of accidents that had occurred over the last three years. Mr. Grant stated the information received from NCDOT indicated 4. Mr. Crutchfield stated he had seen many more than that just in the curve below his house. He asked that those numbers be re-evaluated. Mr. Crutchfield added he would be very concerned if the

Town allowed a construction entrance in front of his house with the curve so close by, noting he was sure it would result in a fatality.

Mr. Bradshaw stated Mr. Grant was using the information that was publicly available. He said the neighbors' observations were certainly relevant, but Mr. Grant had used the proper information.

Mayor Voller said the public record had been used and Mr. Crutchfield was submitting anecdotal evidence.

Jim Anderson, 4000 Westchase Boulevard, Suite 390, Raleigh, with Crosland LLC, stated Crosland had developed over 100 successful communities. He stated he hoped the members of his team had answered all questions that had been brought up. He said it was their vision to create a friendly, low-stressed place to live, and to include historically correct architecture to enhance the heritage of Pittsboro. Mr. Anderson said the project was not cookie-cutter, and their vision was that it would be more of a settlement rather than a subdivision and it would look like it had evolved over time as opposed to being built all at once.

Mr. Anderson said it would include buffers where no buffers were required, as well as open space and trails where none were required. He stated that Crosland was a responsible development company and the land would be treated with respect. He said they would be respectful to the Town of Pittsboro's history as well as respectful to Mother Nature.

Commissioner Walker said Mr. Bradshaw had mentioned that they would run the water line from Russell Chapel south towards this subdivision, 1,500 feet at an estimated cost of $93,000. He said given the Town's limited resources and the fact that they had only one water line coming into the Town, he would personally like to see them extend that line another 3,000 feet to get it closer down the Bypass. He asked if the developer would consider that. Mr. Anderson they would take that under consideration.

Mr. Bradshaw said when Crosland first started working with this property they did not have the property under contract that connected to Old Graham Road, so initially they were looking at two entrances. He said a community meeting was held and the concerns raised were consistent with what had been presented this evening regarding traffic and water runoff. Mr. Bradshaw said Crosland had taken that and had realized that the concerns about the entrances were valid. He said at the cost of a significant delay in pursuing the project Crosland had obtained a connection directly to Old Graham Road in the southern area and discarded the previous entrance, and converted the second entrance to a right-in/right-out only. Mr. Bradshaw said he believed that did address some of the concerns that were raised.

Motion made by Commissioner Walker seconded by Commissioner Brooks to go out of public hearing.

Vote Aye-5 Nay-0

Attorney Messick asked that the Board refer these items to the Planning Board for review.

Motion made by Commissioner Walker seconded by Commissioner Brooks to refer these items to the Planning Board.

Vote Aye-5 Nay-0

David Monroe stated for the applicant's information that the Planning Board met on the 1st Monday of every month.

Motion made by Commissioner Walker seconded by Commissioner Bryan to take a five minute break.

Vote Aye-5 Nay-0

Motion made by Commissioner Brooks seconded by Commissioner Walker to go back into the meeting.

Vote Aye-5 Nay-0

OLD BUSINESS

A REQUEST BY AMERICAN ASSET CORPORATION ASKING THE BOARD TO CONSIDER ALLOWING PITTSBORO COMMONS REVIEW TO BEGIN AGAIN. THE REQUEST HAS BEEN REVISED TO SEEK REZONING FROM R-A2 TO C-2 TO C-2 CONDITIONAL USE

David Monroe provided some background information regarding the great deal of concern expressed at the previous public hearing, and the Town Board had asked American Asset Corporation to meet with affected property owners and try to develop a mitigation plan. He said that American Asset Corporation was ready to present that mitigation plan and to move forward.

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to set the public hearing for December 10, 2007. Planner Monroe asked that the motion be amended to state stated the public hearing could be held at the Superior Courthouse, and if it was not available then the District Courtroom could be used. Commissioner Cotten accepted the amendment.

Commissioner Brooks said he had been on the Board a long time and had never received as many letters about an issue as he had on this issue. He said he assumed they were going to make sure all of those who had expressed concerns would be at the public hearing, and believed someone from the school system needed to be involved as well because of the traffic during the school day and for special events. Commissioner Brooks said he considered the school system to be a stakeholder and a representative should be invited to attend. Mr. Monroe said the school system was an adjoining property owner and therefore would receive notice of the public hearing.

Mayor Voller stated American Asset Corporation had after that first public hearing provided a traffic impact analysis and study for the schools, but did believe they should attend the hearing as well.

Commissioner Brooks said he would like to see a letter sent to the principal of Northwood, the President of the PTA, and the Superintendent of Schools inviting them to the public hearing.

Commissioner Cotten accepted that as an amendment to the motion.

Vote Aye-5 Nay-0

UPDATE ON RECLAIMED WATER SYSTEM PROJECT TO SERVE 3M

Mr. Terry said this was brought back from the October 22 meeting to allow for additional research. He said the resolution provided in the packet would authorize the Mayor to sign a letter that responded to four questions and would also authorize the Manager to work with 3M to develop a Memorandum of Understanding. He stated one of the four questions was a request to rescind the authorization to construct, but on the advice of Hobbs and Upchurch they were counter-offering to keep that order in place but to modify it to reflect the split project now being proposed for Phase 1.

Commissioner Cotten stated he had included in the agenda packet a report of their meeting, noting that they should not modify the order as recommended by Hobbs and Upchurch but to leave it as it was. He said that Hobbs and Upchurch was willing to divert money away from the upgrade to the line and tank. Commissioner Cotten said there was not enough money for both of them, and from the meeting it was clear to him that the upgrade was expected to take place.

Motion made by Commissioner Cotten seconded by Commissioner Walker not to rescind the order to proceed.

Commissioner Cotten said it had been stated that the upgrade would be in process until the termination of the permit, which was 2011, but the permit still called for certain standards to be met. He said they could not meet them unless they upgrade the plant.

Commissioner Walker agreed that was correct. He said Commissioner Cotten was stating the fact that the Town would not give up on rehabilitating that plant.

Mr. Terry said that was the reason for the counter offer.

Mayor Voller asked Jay Johnston for his opinion. Mr. Johnston stated the project was funded at around $4 million dating back almost to 1999, and the concept of the project as funded was to renovate the wastewater treatment plant so that it would treat water to the reclaimed water standards and pump some of that to 3M. Mr. Johnston said by the time the project was bid, it had bid at approximately $1.5 million over the $4 million available.

Mr. Johnston said after that some staffing changes took place on the project and the Toll Brothers came in as potential developers, noting they would have space for spray irrigation and they needed wastewater treatment capacity and were willing to participate in the project costs. He said that had helped to make the project seem viable.

Mr. Johnston said the new notion was to obtain a more impressive volume of discharge, and then using a variety of land application sites including the Toll Brothers space. He said the renovation of the wastewater treatment plant was put aside with the thought that there would be a viable alternative, but for that to happen many permitting issues had to be addressed. Mr. Johnston said that was why he would agree not to rescind the order to construct the wastewater treatment plant.

Commissioner Baldwin said Commissioner Cotten stated that Hobbs and Upchurch was asking that the Board divert some of the money that was originally meant for the upgrades to the wastewater treatment plant, but they did not want to do that.

Commissioner Cotten said actually the grant money was for the upgrade and it was projected to cost $4,070,000. He said at best it would be around $6 million now.

Mr. Johnston said that was close to what the bid was two years ago. A short discussion took place regarding the projected costs of each part of the project.

Commissioner Walker stated they were still looking at a difference of about $1.3 million.

Mr. Johnston called attention to the summary of the total project budget, costs versus available funding, after it had been bid in 2005. So, he said, the construction numbers were very real for the time.

Commissioner Walker asked how it stacked up now. Mr. Johnston said that was an estimated project budget based on the reconfigured concept. Commissioner Walker said his point was that $4.2 million less the $3.0 million would potentially leave $1.2 million that could be put into what Commissioner Cotten had discussed.

Mr. Johnston said when looking at all aspects of the project, they were short $1.5 million after the project was bid.

Vote Aye-5 Nay-0

Motion made by Commissioner Cotten seconded by Commissioner Baldwin that Mr. Terry and Mr. Messick prepare a proposal to present to 3M as to what the Town would sell the wastewater capacity to them for, and he assumed the Board would want to review that proposal.

Commissioner Cotten said it would require that a new contract be written. Attorney Messick said it was important to understand that the proposal on the table was not to deliver reuse quality water but to deliver the normal affluent from the plant, so they would be getting less than what they had originally bargained for. He said to charge them more for getting less seemed unfair.

Commissioner Cotten said that was why he wanted to do the upgrade first, and then they could give them the quality of water they were asking for. Mr. Messick said that project was no longer on the table and would have to be resurrected regardless of the authorization to construct.

Commissioner Walker stated it did not hurt to ask. Attorney Messick said he was not sure who they were asking. He said 3M had nothing to do with the plant.

Commissioner Cotten said he was talking about a new contract with 3M. Attorney Messick asked what cost did he want to consider. Commissioner Cotten said he wanted the cost of labor, utilities, chemicals and everything else. He said he knew it would be out of date when it was finished, but he did not believe they should let 3M dictate to the Town what they would pay, and that was what had happened before.

Mr. Terry said he would sit down with 3M and attempt to begin a negotiation, stating there was obviously a point somewhere between the cost of potable water and no water at all, and they needed to strike a balance. He said if the Board wanted to approach 3M about adjusting the old agreement he would be happy to start those negotiations.

Commissioner Cotten said that was essentially his motion. He said he could not promise how 3M would receive that.

Vote Aye-5 Nay-0

Motion made by Commissioner Cotten seconded by Commissioner Brooks to authorize Mr. Terry to explore financing possibilities for upgrading of the wastewater treatment plant and running the line.

Ricky Spoon stated that he and Mr. Steele were ready to split that cost. Mr. Terry said from his reading of the issue it appeared the Town was short about $1.7 million to upgrade the plant. Mr. Spoon said he did not know what the bids would be, but the 2005 bid was just after Hurricane Katrina when construction costs skyrocketed. He said he and Mr. Steele would split that cost in return for some allowances for sewer capacity. Mr. Spoon added that he had tried to contact Hobbs and Upchurch regarding this over the last three weeks but had not received a return call.

Patrick Steele said he had also sent a letter to Hobbs and Upchurch to ask what it would cost for the upgrades, so if they could have some facts so that they could begin the process of pulling the funding together, then the Town could move forward with an approved project.

Commissioner Cotten stated Hobbs and Upchurch was not the one who could answer the question, because they did not design the upgrade; it would be Diehl & Phillips in Raleigh. Mr. Johnston stated he had given Mr. Terry a thorough summary of the project budget as of the bid date in 2005, so that was certainly the basis for a discussion. He said he could update his two contracts and look at the budget number for the wastewater treatment plant and update it.

Commissioner Walker called for a vote.

Commissioner Cotten restated his motion, that Mr. Terry be authorized to begin locating sources of funding.

Vote Aye-5 Nay-0

Mr. Terry commented that the reason he believed Hobbs and Upchurch had been reluctant to respond to Mr. Spoon and Mr. Steele was because they were not paying the bill.

Commissioner Walker said Hobbs and Upchurch had not returned his call, either. Mr. Terry said he would speak to them about that, and noted that if Mr. Spoon and Mr. Steele had questions he would be happy to ask them on their behalf.

Commissioner Baldwin noted the calls should have been returned as a courtesy, even if it was just to say they could not respond.

EMERGENCY WATER CONSERVATION PROVISIONS

Mr. Terry stated they had gone to modified Stage 3 water restrictions and believed that generally the public had been accepting of that level of restriction, although there were occasionally calls suggesting the Town had gone too far. He said some calls had been to report neighbors who were violating the restrictions by washing cars or watering lawns. Mr. Terry stated he had provided the Board with a copy of the current water restrictions and some information about what neighboring jurisdictions were doing to conserve. He suggested that if the Board wanted to moderate the current restrictions, the least complicated way to do that would be to craft a follow-up ordinance that backed them up to, for instance, Stage 1, which would allow watering once a week.

Mr. Terry suggested that the Board entertain a modification to Stage 1, because it contained a provision that would put all commercial car washes out of business. He said they had strived in the last ordinance not to have an injuring affect on any commercial activities. Mr. Terry said the options included backing up to Stage 2 which also prohibited watering of lawns, but could be modified to allow watering with cans or buckets. Or, he said, they could move to Stage 1 and leave it as written or pull out the restriction affecting commercial car washes.

Commissioner Brooks stated that several people had called him, and the basic problem was that no one believed they should be washing cars but no one wanted to interfere with commercial businesses. He said people understood they could not water lawns, but people with kennels would continue to wash them out and would provide water to pets and livestock. Commissioner Brooks said the basic concern and criticism was where people had bought expensive homes with extensive landscaping, and they wanted to see some relief to keep their landscaping alive, particularly ornamental plants that were at a crucial stage of development and would not survive without watering.

Commissioner Brooks said whatever they did he wanted it to go into effect tomorrow, and to allow people to provide water to animals and to water plants that were at a crucial stage in their development.

Commissioner Cotten suggested that they rescind the ordinance and implement Stage I of the current ordinance for the time being, and that would permit all the activities just mentioned.

Commissioner Brooks asked did that include allowing commercial car washes to operate. Commissioner Cotten responded yes.

Motion made by Commissioner Brooks seconded by Commissioner Cotten to rescind the ordnance of October 22, 2007, and adopt an ordinance with Stage I restrictions modified to allow commercial car washes to operate and to amend Section 25-501.1 to read 5 p.m. Wednesday to 7 a.m. Thursday, to take effect immediately.

Vote Aye-5 Nay-0

NEW BUSINESS

Mayor Voller stated that Item #1 regarding Crosland had already been handled, so they would move on to Item #2.

HABITAT FOR HUMANITY COMMERCIAL SITE PLAN AT 425 WEST STREET

David Monroe stated that Habitat was proposing to construct another building on the rear of the property where Pittsboro Eye Care was currently located. He said the two structures closest to the street would be demolished, there were two small storage structures that would be removed, and a new metal building similar in design for the Home Store would be constructed on the rear of the property. Mr. Monroe said there was a screened area on the east side of the proposed building that would house materials currently being stored outdoors on the ground at the Habitat store.

Mr. Monroe stated there was a drainage swale that crossed the property, which caught stormwater coming underneath Farrell Street, across this property, and down to the Board of Education property, unrestricted. He said the plan being proposed would create a catch basin on Farrell Street and conduct water by pipe to a bio-retention area and stormwater detention pond that would be designed by NC State University and constructed on site. Mr. Monroe said in addition there would be a bio-retention area proposed between parking areas in front of the property where it sloped down. He said the Planning Board had recommended that the Board approve the plan with the conditions that a landscaping plan be developed and submitted to him, that a design for the retention pond and the bio-retention area be submitted to Hydrostructures for their review, and that if a lighting plan is contemplated that it be submitted to him.

Commissioner Cotten asked who would be responsible for these retention ponds. Mr. Monroe stated Habitat would be responsible, and that would be written into the plan.

Commissioner Cotten said some aspects of the plan bothered him. He said it would require a great deal of grading, but that was not as bothersome as the type of building planned. Commissioner Cotten said a metal building would stick out in that community, because most of the structures in the immediate area were brick. He said he could not support a metal building on that site. Mr. Monroe stated the Planning Board had the same concern, and there was discussion about the placement of a brick veneer on the front of the building at the least. He said Habitat had indicated it was not in the budget to do a brick veneer.

Commissioner Cotten said the appearance of the building needed to be seriously considered, but he could not vote in favor of it as long as the building was metal.

Commissioner Brooks said he did not mind a metal building, but did believe that because of the surrounding property uses that a brick façade would be preferable, at least in the front of the building.

Commissioner Cotten suggested holding a public hearing if they were going to consider a metal building in that area. He said there were residences in that area as well as a new commercial building.

Mayor Voller asked if it was possible that the Town could approach local brick companies on behalf of Habitat about donating brick.

Commissioner Cotten said they would likely be more inclined to donate brick to Habitat than to the Town.

Mayor Voller said that may be true, but the Town should ask on their behalf.

Bob Gabor, representing Habitat, said they tried to be very sensitive to the appearance of the community and true to their mission. He said the Home Store building was not a typical metal building, noting a typical metal building had very little architectural appeal, with no overhang, a very low roof pitch, and was not energy efficient. Mr. Gabor said the building they were proposing would be exactly the same construction as the Home Store building, which had a pitched roof with gable ends and two-foot overhangs all around and a wainscoting feature at about 36" to break up the wall. He said in his opinion it did not look like a warehouse-type metal building. Mr. Gabor said in addition, the Home Store had nice landscaping that added interest to the property and provided some screening.

Mr. Gabor said that Mr. Crawford, who had done the site development work, had taken into account that they did want as pleasant an appearance as possible from Highway 64. He said the parking lot was recessed several feet below the sidewalk level, there would be landscaping out near the road, and the bio-retention areas would be planted with a wide variety of plants to provide additional interest and take away the plain look that a parking lot in front of the building might give.

Motion made by Commissioner Walker seconded by Commissioner Brooks to table this to the next meeting to allow time for site visits to try to visualize what the building might look like on the site.

Mayor Voller suggested that photographs of the site could be taken and brought back to the next meeting, as well as photos of the existing Home Store building as an example of the proposed construction.

Mayor Voller asked was there a landscaping plan that might have softened the look Commissioner Cotten had talked about. He said there may be something less expensive than brick that would accomplish the same objective if there were larger plantings. Mr. Gabor said in his judgment they had responsibly landscaped the current building. He said if that was not sufficient, then they would have to identify another way to make it acceptable. Mr. Gabor said a month's delay in the project would present a big problem for them, particularly if the weather turned into a normal winter.

Commissioner Bryan asked if they were moving forward with the idea of contacting brick companies.

Mayor Voller said he believed they should, noting it would mean only a two-week wait. He said the motion could be amended to have a letter sent to Triangle Brick to ask if brick could be donated to Habitat for this project. Commissioner Walker said he would agree to that.

Commissioner Brooks asked if Mr. Gabor had seen a certificate that the tanks had been removed from the proposed project property. Mr. Gabor said yes, noting Mr. Monroe had a copy of that. He said another idea was that the buildings to be demolished could be recycled if they were not purchased by others. He said they had contacted Habitat in Raleigh about recycling the materials.

Vote Aye-5 Nay-0

A REQUEST BY ANTHONY BRIGHT, DEVELOPER, AND MAGNOLIA TRACE HOMEOWNERS' ASSOCIATION TO ALLOW CONVERSION OF A CONVERSION OF A PRIVATE PARK TO THREE RESIDENTIAL LOTS

David Monroe stated that when Magnolia Trace was constructed in 1998 there was an area to be dedicated as a public park which the Town refused, so it was dedicated as a private park for use by the residents of Magnolia Trace and owned by the Homeowners Association. He said the Homeowners Association was just formed in the last few months, and to his knowledge no one had been using the private park for recreation purposes.

Mr. Monroe said that Mr. Bright had been approached by the Homeowners Association to convert that private park to residential lots, and Mr. Bright then brought it before the Planning Board for review. He said the Planning Board reviewed it and found that it was acceptable to them and recommended that it be approved by the Board of Commissioners with several conditions: that the 20-foot access easement that goes from the end of Trace Street into Potterstone Village be abandoned; that a small fence at the end of Magnolia Trace on the easement that actually became the side yard of a built home in Potterstone Village be abandoned; that the DENR permit be amended to allow for the addition of 3 more residential lots, that the revised subdivision plat be submitted with the location of the 3 lots; that a recreation fee of $500 per lot be levied; and that sidewalks must be installed on one side of the Trace Street Extension.

Motion made by Commissioner Walker seconded by Commissioner Bryan to approve the request with the recommended conditions set forth by the Planning Board including that Homeowner Association documents must be filed with the Town Planner.

Attorney Messick stated that the documents indicated the property was suppose to be conveyed to the Homeowners Association, but apparently it was not. He said if it had been, it would be the Homeowners Association making the request for a 3-lot subdivision rather than the developer, and that was a significant difference. Mr. Messick said they were also asking for abandonment of the easement, and he was not sure how you could abandon something you never had. He said all the lot owners in that development had an interest in that recreation area, and they were the ones that needed to be giving up those rights, not the Town. Mr. Messick said the Town had a right to an emergency access area, and the proper procedure would be to go through a closing for that. He said he did not know how they had reached this point procedurally, but it did not appear to be right.

Mr. Terry asked was Mr. Messick saying the developer no longer owned the property; that it would be the homeowners who needed to make the request. Mr. Monroe said the plat that was recorded identified a 20-foot access. He said it was his understanding that members of the Association had asked Mr. Bright to do exactly what he was doing, to relieve them of the financial burden.

Commissioner Walker asked if it would help to have Mr. Bright go back to the Homeowners Association and obtain a letter signed by the appropriate individuals to solve this issue. Mr. Messick said he was not sure that it would solve Mr. Bright's issue, but it may solve the Town's issue. He said Mr. Bright's issue was that all of those 28 existing lot owners had an interest in that property as recreation area, and they may well have a situation where less than 100% of those lot owners would be in favor of what was being proposed. Mr. Messick said if the Town gave up access and a new road was built in there, they would not have a connection and would have to close the street, resulting in the need for a public hearing.

Commissioner Walker withdrew his motion.

Motion made by Commission Walker seconded by Commissioner Baldwin to table this issue.

Commissioner Baldwin asked about the recreation fees for the 28 lots. Mr. Messick said there was no recreation fees paid, that the recreation area was offered and declined by the Town, it was now going to be converted to some other use, and, the 28 lots there now did not pay any recreation fees.

Commissioner Walker said there were a lot of questions, one being that if the recreation lot subdivided that the other 28 lot owners had an interest in that. He said it was a legal issue as to whether the other lot owners agreed, as was the issue regarding recreation fees that needed to be addressed.

Mayor Voller stated he had spoken to a few of the homeowners there who were in favor of not having the Homeowners Association be responsible for this but were in favor of getting rid of the area in question.

Commissioner Brooks stated they needed to answer Mr. Bright's question, in that he did not know what to bring. Mr. Messick stated the property needed to be conveyed to the Homeowners Association, and the Homeowners Association needed to be the one to come before the Board to make the request for a 3-lot subdivision. He said that as well, they needed to be asking for the street to be closed, and then they could go forward from there. Mr. Messick said technically this was still Mr. Bright's property, but it was not supposed to be.

Mayor Voller summarized by saying the Homeowners Association was never formed, the original development approval required that, it had now been formed, and the property needed to be conveyed to the Homeowners Association. Mr. Messick said that was correct. He added that as a part of this it looked as if they had created a new street, a new cul-de-sac, which meant it needed to be treated as a major subdivision with the associated standards for building that street. Mr. Messick said there were water and sewer lines running through that park that needed to be protected in the event that it became someone's residential lot.

Mr. Terry stated he believed Mr. Bright's question should be directed to the Attorney and Town Manager.

Mayor Voller agreed, and asked Mr. Bright if he was willing to do that. Mr. Bright replied he was. Mayor Voller called for the vote on the motion to table this issue.

Vote Aye-5 Nay-0

POLICE DEPARTMENT VEHICLE ASSIGNMENT POLICY

Mr. Terry said in the course of riding with various police officers, he had learned of the apparent inequity of the vehicle assignment policy and he would like to remedy that. He said the policy regarding the assignment of vehicles to officers outside of Chatham County stated that if an officer lived within 15 miles he could be assigned a vehicle and commute to and from his home but he must live in Chatham County. Mr. Terry said the inequity was with officers who lived closer than 15 miles but were in another county and were denied the use of a take-home vehicle, yet there were officers who lived farther away but were assigned a take-home vehicle. He said he believed it would mean only a small change in the language in the policy to state 15 miles in any direction regardless of the county the officer lived in.

Mr. Terry said another suggested policy change was the language that allowed an officer to stop off to and from home to conduct personal business, such as visit a bank or pick up dry cleaning. He said the policy required that those types of errands had to be conducted within the Pittsboro City limits, and was suggesting that the officers be allowed to conduct that type of business closer to their homes if they chose.

Mr. Terry said he was also recommending that the Town Manager be given the authority to make future changes to the policy so that the Board's time would not be taken up by such changes.

Commissioner Brooks said he had no problem with doing that and was in favor of it. He said he was somewhat surprised that he had recently been passed by a Pittsboro Police Officer on a Sunday evening, near River Birch Shopping Center, and had assumed he was going home, and

believed that was more than 15 miles from Pittsboro. Mr. Terry said he would have to check, but believed there may be a separate policy for the Chief and supervisors. Commissioner Brooks said it was not the Chief and did not believe it was a supervisor.

Motion made by Commissioner Walker seconded by Commissioner Bryan to approve the amendments as noted by the Town Manager.

Vote Aye-5 Nay-0

ABC Board

Mr. Terry stated they had received a letter from the ABC Board that Ms. Brooks and Dr. Allen were resigning from that Board. He said the Mayor could nominate new members and with the consent of the Board of Commissioners new members could be appointed. Mr. Terry said he would help with that process by putting out a public notice to solicit nominees, and could bring a list of applicants to the Board at the next meeting.

Motion made by Commissioner Cotten to respectfully accept the resignation of Ms. Brooks and Dr. Allen from the ABC Board to be effective November 26, 2007 and that Mr. Terry submit to the Board a list of possible nominees for appointment to the ABC Board.

Commissioner Brooks stated he thought his wife had told him her resignation was effective sometime in December. Commissioner Baldwin agreed, noting it was December 31, 2007.

Commissioner Cotten said he had wanted to push that date up to November 26, 2007 because the ABC Board had some issues that needed to be resolved and he believed the new Board should be the one to address them.

Commissioner Walker stated his point was what happened if there was an emergency situation where the ABC Board had to call a meeting and this Board had already accepted their resignations earlier than what they had requested. He said there would be no one to participate in such a meeting.

Mayor Voller asked what was so pressing that had to be done at that December meeting. Mr. Messick said the Board could go ahead and consider applicants for the expected vacancies.

Commissioner Walker agreed, noting they could vote on applicants at their December 10 meeting.

Commissioner Cotten said if they had to call a meeting between now and November 26th he was sure they would do so.

Commissioner Walker asked what would happen after the 26th if this Board had not yet made a decision on new members. He said that would only leave two weeks to fill the positions, and if that did not happen then after the 26th there would be only one member left.

Mr. Terry stated the Board would get a better pool of candidates if more time was given to notify the public.

Commissioner Brooks stated he believed they should accept the resignations to be effective December 31st as submitted, and then move post haste to identify applicants.

Mayor Voller asked to amend the motion to include sending a letter of thanks to those members who were resigning.

Commissioner Cotten withdrew his motion.

Motion made by Commissioner Walker seconded by Commissioner Baldwin to accept resignations, to move post haste to identify applicants and make appointments by December 10, 2007 and to send a letter of thanks to those resigning members.

Vote Aye-5 Nay-0

MAYOR UPDATES

Mayor Voller opted to skip over updates in the interest of time and move on to Commissioner Concerns.

Commissioner Concerns

Commissioner Cotten stated that according to the newspapers, Chatham County had scheduled a public hearing on November 19, 2007 which would divide Pittsboro into two precincts. He said he believed that would be a bad situation.

Mr. Terry said he needed some guidance as to whether the Hardees sign was appropriate for the historic district. The Board authorized Mr. Terry to talk with NCDOT.

ADJOURN

Motion made by Commissioner Walker seconded by Commissioner Bryan to adjourn the meeting at 10:10 p.m.

Vote Aye-5 Nay-0

ATTEST:

_____
Randolph Voller, Mayor

_____
Alice F. Lloyd, CMC, Town Clerk