

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY, OCTOBER 27, 2008
7:00 PM

Mayor Randy Voller called the meeting to order at 7:00 p.m. and called for a brief moment of silence.

ATTENDANCE

Members present: Commissioners Gene T. Brooks, Clinton E. Bryan, III, Pamela Baldwin, and Hugh Harrington.

Members absent: Commissioner Chris Walker, absence excused.

Staff present: Manager Bill Terry, Administrative Assistant Cathy J. Stinson, Attorney Paul S. Messick, Jr., Planner David Monroe, and Assistant Planner Paul Horne.

APPROVAL OF AGENDA

Motion made by Commissioner Harrington and duly seconded to approve the agenda, modified to include under Old Business an update from Manager Terry regarding Springdale Drive connectivity.

Vote Aye-4 Nay-0

CONSENT AGENDA

The Consent Agenda contains the following item:

1. Approve minutes of the October 13, 2008 regular meeting.

Commissioner Harrington stated that on page 11 there were two places where he was identified as the speaker, but it should read "Commissioner Walker." He stated that on page 13, all three paragraphs should identify Commissioner Walker as the speaker. Commissioner Harrington stated he had spoken to Commissioner Walker yesterday and he had confirmed that he was the speaker in each of those instances.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to approve the Consent Agenda, modified as suggested after confirmation by Commissioner Walker.

Mayor Voller stated he had not attended the October 13th meeting, and said on page 10 there was a question put forth by Commissioner Walker about what items were on the Powell Bill. He said he believed it was misleading the way it was stated in the minutes. Mayor Voller asked how that

could be corrected, noting he believed Planner Monroe could clear that up now. He said if it was clarified now, could that be inserted in the minutes, or would it have to be a separate item. Attorney Messick replied it would have to be done through a separate item. Mayor Voller asked could that be done under Commissioner Concerns. Attorney Messick said he would not call it a correction, but more information could certainly be requested under Commissioner Concerns. Mayor Voller said the minutes reflected what was said, but he was talking about the factual content of what was said. Attorney Messick suggested asking Planner Monroe to respond to that separately. Mayor Voller agreed, and called for the vote.

Vote Aye-4 Nay-0

NEW BUSINESS

Citizens Matters

Bob McTighe, 266 Bellemont, stated he wanted to find out exactly what was occurring in regards to water, noting he had heard that the Town was being fined \$700 per day and he wanted someone to clarify that. Manager Terry stated that no fines had been levied against the Town. He said the notice they had received months ago suggesting that they needed to make progress on the THM problem was the last communication they had received. Manager Terry stated the person who had sent that letter had been regularly updated on the Town's progress on its Disinfection Byproducts Reduction project and that person seemed to be encouraged by that. He said he was cautiously optimistic that the Town would in fact not receive a fine if the project stayed on schedule.

Mr. McTighe asked if their tax dollars were being affected by that, adding he was talking about the Enterprise Fund. He said he had read that taxes being levied would increase slightly due to some of the water and sewer issues, and he wanted to know if that had any direct correlation with the THM problem. Commissioner Brooks stated the answer was no. He said the Town would be converting to the ammonia system and was taking other steps to address the THM issue. Commissioner Brooks stated in regard to the second part of the question, the Town Board was considering an increase in water and sewer rates, because they had underestimated the revenues due to a change in the way it was calculated. He stated it would be more equitable for those on the bottom of the use scale and would require those using larger amounts to pay a fairer portion. Commissioner Brooks stated the change in rates was an effort to recoup those revenues, or else they would need to take it from the Capital Reserve Fund which they would prefer not to do because those funds were needed to make improvements to the water and sewer facilities.

Manager Terry stated the Town Board had approved a rate increase during the last budget process in order to make the water and sewer utility self-supporting, and had asked him to go from a declining block rate to an ascending block rate where the larger users paid more. He stated the intent was to increase the revenue received, but because of the complexity involved the revenues had actually decreased.

Commissioner Harrington asked how Mr. McTighe had heard that the increase the Board thought it may have to implement was somehow associated with fines that might be levied by the State.

Mr. McTighe responded only that it was not a media source. Commissioner Harrington stated if it was a perception then he was glad it had been brought before the Board, because it was a misconception.

Commissioner Bryan asked wasn't there a software issue involved in the billing problem. Manager Terry stated part of the issue was that the structure they had tried to create their software would not support.

Commissioner Harrington stated if you looked at your water bills and compared them year to year for the summer months, you may have noticed that the rate was actually lower and that may in fact be because the rates had been reduced when the intent had been to raise them, dependent on the usage.

Mayor Voller stated Mr. McTighe was welcome to contact Manager Terry if he needed a more in-depth answer. He said it was a response to the drought last year and a response to try and treat water as a precious resource as opposed to wasting it when they had situations of very little flows last summer, which had changed this year. Mayor Voller stated regarding the THM and a long term solution, which was just one step towards the final solution of getting a new plant which would require some hard decisions. He stated that to be clear, user rates were not connected to taxes, and in fact this Board had cut taxes by one penny this year. Mayor Voller stated that had nothing to do with the Enterprise Fund, noting the challenge with that Fund was that there were many who could not afford high rates, and then some users were using a lot, so it was a balancing act.

Commissioner Brooks said in all fairness, if they could not solve the THM problem the Town would be fined.

Mr. McTighe asked had the State given any idea as to when that might happen. He said what he was hearing was that they were doing everything possible to avoid that. Manager Terry stated they submitted quarterly reports to the State, and if that fine was levied it would come after one of those quarterly reports. He reiterated that he was cautiously optimistic that the State was satisfied that the Town had heard their message, that the Town had gotten a contractor and a grant, and had a project designed and ready to go to construction. He said he believed the State was satisfied that the Town was doing everything it could do and would likely withhold that fine. Manager Terry said if the construction project did not accomplish the goal, his fear was that they would be fined. He said the project would take three or four months to do, and then the next report after that would be where they would really see the result in terms of increased water quality. Manager Terry said that would be in about six months.

Mayor Voller stated they were receiving a grant from the State to help them fix the problem, and the State was the one that would levy the fine, so he could not really imagine that they would be levying a fine at the same time they were providing a grant to help solve the problem. He said the Town Board and staff had done everything possible to comply and meet the deadlines.

Mr. McTighe stated that Mayor Voller had mentioned at an HBA meeting about having a new water system brought in. Mayor Voller stated that was one idea that had been suggested that had

not been discussed by this Board as a possibility. He said the reality was that they were dealing with old technology at the plant and they had varying water quality in the river which they could not control, so in order to have the best quality water they would have to do a “band aid” solution and perhaps be creative about others.

Commissioner Brooks stated he had been approached by Janice Escott who had said they had heavy traffic on Halloween in Chatham Forest. He said she had asked that the Board consider two things: an increased Police presence in the area, noting in the past they had put additional officers on duty on Halloween night to deal with any problems; and, that the Board consider opening up the Springdale gate during the peak of Halloween trick-or-treating so if there was an accident that a vehicle could have access. Commissioner Brooks suggested that a Police vehicle be parked in the neighborhood to slow traffic, adding that it appeared that around 5:00 to 5:30 to about 10 p.m. would be a reasonable time period.

Mayor Voller stated the main traffic came from Thompson Street, and stated he believed that time period was reasonable. Manager Terry said he could make sure that there was a Police presence in the neighborhood. Mayor Voller stated he believed it should be left to the Manager and the Police Chief to make the call regarding whether or not to open the gate for emergency access.

Commissioner Brooks stated when the final plat was approved it was on the condition that it be available for emergency access only, and he agreed with that.

The Board agreed by consensus to allow Manager Terry to make any decisions necessary regarding that issue.

PUBLIC HEARING

Motion made by Commissioner Bryan seconded by Commissioner Baldwin to go into Public Hearing.

Vote Aye-4 Nay-0

1. Amendment to Section 7.1G of the Subdivision Regulations to Increase Sidewalk Width from 4 feet to 5 feet.

Planner Monroe stated the Subdivision regulations stipulated sidewalks where required should be four feet wide. He said the Pedestrian Planning consultant to the Parks and Recreation Advisory Board had asked that the Town consider increasing that width from four to five feet, and in addition a stormwater group he had been meeting with had asked that the Town Board stipulate that they should be constructed with concrete or other suitable material that shall drain to a pervious area. Planner Monroe stated there were applications that may come in where they would want to use a porous pavement to better manage stormwater runoff from sidewalks, so by making those two changes they would satisfy three groups of people who were looking at the concerns and interests of the Town.

Ricky Spoon, 2475 Redbud Road, stated he believed he would be the next one building the most sidewalks. He stated he had considered the impervious surface problem, and this suggestion would add another foot going up and down each side of the road. Mr. Spoon suggested a compromise might be 54 inches, noting that four feet was not quite wide enough but five feet may be too wide. He said before the Board voted on this, he suggested they take a tape measure and measure those widths so that they would have a visual idea of what it looked like.

Mayor Voller said given older sections of Town that had used the four foot standard, part of that might have been because of space limitations and perhaps because of watershed restrictions and not wanting the extra foot of concrete or asphalt. He said they now had a potential solution to that working with low impact design. Mayor Voller asked what the plan was when they had older areas of Town that would need replacement sidewalks. Planner Monroe said he would consider those older areas and sidewalks to be grandfathered in, so it would only apply to new plans and new sidewalks.

Attorney Messick stated that if a sidewalk were being replaced and it was in the public right-of-way, they could do as wide a sidewalk as they wanted.

Upon a motion by Commissioner Brooks seconded by Commissioner Baldwin the Board moved to close the Public Hearing.

Vote Aye-4 Nay-0

OLD BUSINESS

1A. Added Item – Manager’s Update on Springdale Connectivity.

Manager Terry stated they had met with Voller Realty the day after the last Board meeting, and their attorneys were present as was the Town’s Attorney. He said they had made some progress in talking about possible compromises that would lead to a solution, and the draft contract that Attorney Messick provided was now in the hands of the Voller attorneys and they were negotiating back and forth the fine points of that contract. Manager Terry stated it was his sense that they were close and there was a high probability that the final contract would come back to this Board in two weeks for consideration.

Commissioner Harrington said then the Town had received some version of a counter-proposal. Manager Terry stated that was correct, adding they had actually had several iterations go back and forth between the two groups while working out a compromise.

1. Manager’s Update on Capital Projects.

Manager Terry provided the following update:

- The 4 million gallon per day wastewater treatment project – Hobbs and Upchurch had completed their revision to the EIS and delivered that to him. He said he was in the process of reviewing that document, noting it would take some time as it filled a 5-inch binder. Manager Terry said once he had completed his review and Hobbs and Upchurch

made whatever changes were necessary, they would be submitting it to the State which he believed would be in a week to ten days from now.

- Disinfection Byproducts Reduction Project – the contractor had signed the contracts and they should be received tomorrow, putting them one step closer to proceeding with that project. Once the signed contracts had been reviewed by Attorney Messick and himself, which should take only a few days, then they would schedule a preconstruction meeting prior to beginning that project. He said the project should be able to begin within 30 days, and once the work began it should go quickly.

Mayor Voller asked about the status with the park at 3M as far as obtaining a deed, noting the last update had been in June. Manager Terry stated whenever that issue was raised with 3M, they deflected that issue and tied it to the reclaimed water project. He said from 3M's point of view, he believed they viewed those projects as linked and they were looking for more progress on the infrastructure project on the reuse water before they were willing to transfer the title of the land for the park.

Mayor Voller said he knew there had been an issue with easements, but thought they were already bidding that project. Manager Terry stated on his advice they were not putting it out for bid until the easement issues were resolved, noting it would be risky to let a contract before they had permission to be on the property. He said it was prudent to wait until the issues were resolved.

Mayor Voller said when they had looked at this before they were going down the road right-of-way and would not be going behind anything in Potterstone. He asked where else were there easement issues. Manager Terry stated with 3M. Mayor Voller said then they were creating an internal delay.

Attorney Messick stated 3M did not see it that way and wanted things done a particular way.

Manager Terry stated that was not the only delay, noting there was one permitting issue. He said they would renew the permits that could be easily renewed, and would resubmit those that were not so easy.

Mayor Voller asked what the current rules were on satellite annexations. Planner Monroe stated the rule was that the total aggregate of a satellite could not exceed 10% of the land of the incorporated area of the Town. Mayor Voller asked what the Town's current land area was. Planner Monroe responded about 1,800 acres. Mayor Voller asked if 3M was told they were going to be annexed, would they perhaps be more cooperative. Manager Terry stated he would not want to speculate on that. Mayor Voller stated the Town needed industrial tax base, and 3M was close to Town.

Commissioner Bryan asked what he believed the possibility was of the Town annexing 3M. Attorney Messick stated if it were voluntary, perhaps.

Commissioner Baldwin said she did not believe they should finalize the Town's part of the reclaimed water system for 3M until they finalized their part in terms of the park. She said those two actions should coincide.

Mayor Voller asked if testing was being run at the wastewater treatment plant. Manager Terry stated that the test was ongoing and the device was still on site. Mayor Voller asked that the report be forwarded to the Board so that they could see after a year of collecting data exactly what the device had done.

2. Manager's Report on Enterprise Fund Revenues.

Manager Terry said this issue had been tabled at the last meeting, and he had recommended some adjustment of the rate to capture the revenues not being realized. He said subsequently in working with Commissioner Harrington, who had a degree of computer expertise, he had been able to contact the software vendor and had gotten the database in a form Commissioner Harrington could manipulate and possibly help them develop a rate structure that would more accurately predict what revenue would be. Manager Terry requested that this be tabled again until the next meeting to allow him and Commissioner Harrington another two weeks to try to come up with a rate structure that would better predict those revenues.

Manager Terry stated that Commissioner Walker had requested a profit and loss statement and that had been provided, which showed they had experienced a quarterly loss of \$152,000 in the first quarter when comparing revenues to expenses.

Commissioner Brooks said assuming they came to a conclusion at the next meeting, how soon could the rates be in effect or billable. Manager Terry stated it was his understanding that if the Board made a decision on November 10, that the rates could be inputted by the middle of November. He said the billing cycle for November would start the third week of November, so that would provide time to input the new data and charge the new rates for the water consumed during November.

Commissioner Harrington asked would there be any value in scheduling a special meeting before then to make sure they had time to get the new rates in the computer. Manager Terry stated he did not believe it would be necessary.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to table the issue of increased water rates until the next Town Board meeting in two weeks.

Vote Aye-4 Nay-0

Mayor Voller asked that the Board use this as an opportunity to think about after the Christmas holidays a special meeting/retreat to focus on budget, infrastructure, and some other issues that had been put together last year and given to Manager Terry. He said that could perhaps be done over a couple of days, noting this would definitely be an issue that would impact the budget.

Commissioner Brooks stated this was a terrible time to be considering raising rates. Mayor Voller stated he was advocating talking about infrastructure, noting he had never advocated raising rates for people on the bottom of the rung. Commissioner Brooks stated he was concerned that CP&L had just requested a rate increase to take effect in November, and Public Service of NC had just raised the rates for natural gas 31% this past summer. He said many people were struggling right now. Mayor Voller agreed that people were hurting.

3. Town Attorney's report on Available Remedies to Enforce Stipulations on Approved Development Plans.

Attorney Messick stated he had provided a memo in the agenda packet, noting that situations arose during the final plat phase when stipulations may not be complete. He said the ordinance stated that if 40% of improvements were complete, then a developer could request approval of the final plat. Attorney Messick said if less than 100% of the improvements were completed the Town was supposed to have securities or surety bonds in place to make sure the work was completed. He said the most important aspect, obviously, was to keep track of the securities and keep track of the work to make sure it was done within the timeframe specified.

Mayor Voller asked if he believed the threshold of 40% should be raised, noting he believed other municipalities in the County were considering doing so. Attorney Messick stated it was easy to raise the threshold from 40% to some other number, but that did not mean you would not still have to keep track of the work. He said if the threshold level was raised they would not have to think as much about it.

Mayor Voller stated the complication was that Pittsboro was small and when they had a lot of Letters of Credit or Surety Bonds then it could get fairly complex. He asked how many did the Town currently have. Manager Terry stated there were a few, perhaps five, one for Chatham Forest, and more than one for Powell Place. He stated that Potterstone had just completed its work so that one was closed.

Mayor Voller asked if the Board would like to see that added to the spreadsheet for Capital Projects so that they could track them month to month. He said the only time this came into play was when there was a change in personnel or people forgot they existed, or that things were bonded for many years and then the date came up and the question of an extension was raised.

Attorney Messick stated the important consideration was that when the Town Board did approve a final plat, before the improvements were completed it ought to be determined when the improvements were to be completed and hold the developers to that. He said it would depend on the Board's insistence on some sort of timely performance of the improvements, or else developers could wait until the improvements were completed and then get final plat approval. Attorney Messick said it was up to the Board as to how they wanted to do it.

Mayor Voller said a final plat did not indicate acceptance of infrastructure by the Town, so there were two separate items. He said that was a misunderstood element. Attorney Messick said that approval of a final plat would imply acceptance on the part of the Town of the infrastructure if you had required that it be done before the plat was approved. He said it was only when the final

plat was not approved and that there were improvements to be done in the future that the issue of acceptance came in. Attorney Messick stated the significance of the final plat was that the developer could sell lots.

Mayor Voller asked how the Town handled roads in regards to the Powell Bill, and asked that an explanation of the Powell Bill be given. Planner Monroe said when the Town approved a final plat the roads on that plat were added to the Powell Bill even if they were not owned by the Town because there was a warranty period after the final coat of asphalt was applied. He said the Town had been accepting Powell Bill listings with the base coat of asphalt and not the finish coat of asphalt. Planner Monroe stated that generally those streets did not require any repair, so the Town was not at any financial risk, and in fact they had had the reward of having their Powell Bill funds increased by the number of miles of streets they add.

Mayor Voller said then what Attorney Messick had said was that you had a bond and you accepted the street, then it was submitted to the State and the developer would then finish the road. Attorney Messick said there were two things at play and they should not be mixed together. He said the Town's revenues from the Powell Bill were based upon the streets and the number street miles in the system. Attorney Messick said whether it was in the Powell Bill or not had nothing to do with the developer's responsibility to complete the improvements. Mayor Voller said his point was that the streets would be listed on the Powell Bill immediately upon plat. Attorney Messick said that may be a precipitous act on the part of the Town, but it did not take away from the developer's obligation.

Commissioner Harrington asked what was the process or mechanism for collecting the bond. Attorney Messick stated the process was that the Town Board would have to determine that there had been a default in performance by a developer, and then take action to call the security. Commissioner Harrington asked could the Town go to the bank on the last day of a bond and cash it in. Attorney Messick stated it would have to be done in writing, but generally, yes. Commissioner Harrington said then the developer had until expiration, and there was no legal requirement to provide any preliminary notification to the bank. Attorney Messick responded no, but as a practical matter they should not wait until the last day. He said he believed Manager Terry's suggestion of a month before the expiration date was appropriate.

Attorney Messick said in hindsight it would be better if there was a laid-out agreement and specified dates for completion of the various improvements, which would be better than the all or nothing proposition they had now. He said there may be a Letter of Credit when there was only a small item left to be done, and it seemed somewhat drastic to call a \$100,000 bond for a \$10,000 item. But, he said, unless the bond had been reduced as a result of improvements that had accrued over time, then you could not be very specific; that it was all of nothing.

Commissioner Brooks said if you had a \$100,000 bond on a \$10,000 item, then you could call the bond, have the work completed, and then refund the \$90,000 to the developer. Attorney Messick said that was correct. Commissioner Brooks asked had he ever called a bond in Pittsboro. Attorney Messick responded he had never heard of anyone ever doing that.

Commissioner Brooks said when a project was finished or near finished the Town did not have to accept the infrastructure if it did not meet standards. But, he said, was there a specific State statute or multiple statutes, common law precedents or legal precedents that would enable a municipality to take action to get a developer to comply with the Subdivision Regulations in regard to infrastructure? He stated he understood that State statutes gave the Town the authority to have Subdivision regulations. Attorney Messick said he knew of nothing beyond the authority the State provided to municipalities to have Subdivision regulations.

Commissioner Brooks said then they had two options to get a developer to comply with the standards they were required to meet: they could call the bond, or they did not have to accept what had been done into the Town system. Attorney Messick said if they did not do the work, or did not do the work correctly, that was the same problem. Commissioner Brooks asked where that would leave citizens, particularly those most affected by it. Attorney Messick stated if a street were not to standard, it should not have been accepted. He said streets were at issue, because for the last several developments the Town had allowed the base coat of asphalt to be done but the final coat not done perhaps many months later to take care of construction damage while the development was being built. Attorney Messick said the problem was getting that final coat of asphalt after construction had been completed. He stated if you had a street on the Powell Bill system that had been accepted for all other purposes but it did not have that final coat of asphalt, you really had no other recourse but a Letter of Credit. Attorney Messick said one solution was to not accept the street, but if you don't accept the street then no houses would be built on it and no one would be using the road.

Commissioner Brooks asked if they had streets that had problems, such as Bellemont Road. Attorney Messick said he was not aware that it had been accepted as a Town Street. Commissioner Brooks said he was trying to determine how the Town would get it fixed. Attorney Messick said to the extent that the developer was covered by the Letter of Credit for Phase 9 of Chatham Forest, the street would either be fixed by the developer or the bond would be called and the Town would fix it. Or, he said, the bond would be extended and the developer would fix it. Attorney Messick said if it was not a public street, it should not be used by the public.

Commissioner Brooks stated that the citizens that lived on it used it. Attorney Messick said if citizens were living on it, then it was a public street. Commissioner Brooks stated that the Town had not accepted it.

Commissioner Baldwin said in reference to the 40% completion, would some of the possible problems be alleviated if the percentage were increased to 50% or even higher? Planner Monroe said even at 50%, you would still have the condition that lots could be sold and houses constructed on a street that had only a base coat of asphalt and no top coat. Commissioner Baldwin said then the only way to alleviate that problem would be to request that the last coat be applied early on, but that would cause problems because of likely construction damage. Planner Monroe said that was correct. He said by holding off on the last application of asphalt, you would get a street that was in better condition after construction was completed.

Attorney Messick stated the problem was the 99% of 100%, not from 40% to 50%. He asked did they want to say they wanted 50% rather than 40%, or did they want to say they wanted the street finished before the final plat.

Mayor Voller stated the complication was that the Town did not know what happened underground after the improved installation of utilities. For example, he said, off of Thompson Street someone had drilled through the sewer line and it had not been discovered for years.

Manager Terry stated he believed it would be a lot cleaner that when dealing with preliminary plat review and final plat review, that they include some very specific schedule data as to when improvements were to be completed.

Commissioner Baldwin stated that sounded reasonable to her, because they would not want to wait indefinitely for that final coat of asphalt to be applied. Manager Terry stated it was even more so now, since due to the current economy all of the Town's developments, whether it was Powell Place, Potterstone Village, or Chatham Forest, were developing at a much slower rate than first anticipated so it would be necessary to consider requests for extensions.

4. Manager's Report on Available Remedies to Enforce Stipulations on Approved Development Plan for Phase 9 of Chatham Forest.

Manager Terry stated the Board should consider recusing the Mayor from discussion of Item #4 as he was the developer of the project to be discussed.

Commissioner Harrington stated that sounded reasonable.

Mayor Voller stated he had not received the agenda materials until Friday, and there were a couple of items that he would need time to respond to. He said he believed it would be wise to table this discussion until the next meeting to allow time for those answers to come back. He said tabling the discussion would also allow Commissioner Walker to be present during the discussion.

Commissioner Harrington stated he would like to move forward and get the report tonight.

Commissioner Baldwin stated they could receive the report, but there were issues that needed to be responded to and the developer, whether it was the Mayor or anyone else, should have ample time to respond.

Commissioner Harrington stated the Board should receive the report, and the Mayor as the developer should recuse himself.

Mayor Voller said he would be happy to recuse himself, although the Board would not be voting on anything tonight.

Commissioner Harrington asked what the protocol was. Attorney Messick stated that he believed the Board would be doing more than just receiving a report, that they would also be

asking questions. So, he said, the Mayor should make a motion to request that he be recused from the meeting during discussion of this matter, and the Mayor Pro tem should be authorized by motion to direct the deliberations to whatever extent was necessary.

Mayor Voller stated he would be happy to recuse himself, but he wanted to be able to ask the Manager a question on one item.

Motion made by Commissioner Baldwin seconded by Commissioner Harrington that the Mayor Pro tem be authorized to preside over the discussion of this particular issue.

Vote Aye-4 Nay-0

Motion made by Commissioner Harrington seconded by Commissioner Baldwin that the Mayor be recused from discussion of this item.

Vote Aye-4 Nay-0

Manager Terry stated at the last meeting the Board had asked for two reports, one a generic report on legal remedies for enforcing stipulations on the final plat, and then a specific report on Phase 9 of Chatham Forest and a list of 12 items that needed to be addressed, which were:

1. curb and gutter – work completed.
2. installation of curb and gutter on both ends of Bellemont Ridge – work not done but was covered by a Letter of Credit; if work not completed in a timely fashion he would ask that the Board direct him to bring them a substantive report at the December meeting.
3. excavate areas marked by engineers on the road where settling was apparent – work not done but covered by a Letter of Credit.
4. west end of Bellemont, road needs to be regraded and seeded - work not done but covered by a Letter of Credit.
5. fire hydrant on Park Drive – in front of a lot and not covered by a Letter of Credit; site work not done as yet; appropriate to wait until lots on the north side of Park were in fact approved and the site work done; not necessary to include this as work to be done in the Letter of Credit or to be subject to any particular deadline; can wait until those lots were approved for development.
6. Park Road and lots along that road – he had received a letter from the developer's engineer where they had dealt with these six lots as well as five additional lots; engineer had requested his assistance to amend the permit to cover a total of eleven lots; they had requested 4,700 additional gallons of wastewater capacity; letter had been sent back to the engineer because he believed it not to be appropriate under the Town's moratorium to consider that request; he was working with the developer's engineer on a second permit that would involve fewer lots and less capacity and would be approvable under the moratorium; when that permit application was received he would bring it to the Board's attention for consideration.
7. various drainage issues – work needed to be done but much of that work was not necessarily related to the curbs, streets, and gutters; they were on the lot or behind lots that would eventually become homeowner property; should not necessarily be

8. testing of sewer line installed to serve lots on the north side of Park Drive –should be covered under the DWQ permit; should be inspected before they were put into service.
9. inspection of all storm drains including silt and grading – work should be done and done at the expense of the developer.
10. miscellaneous repairs to base paving to be completed before final phasing – work should be done and did fall under the Letter of Credit.
11. finished paving to occur after items 9 and 10 were completed – does fall under the Letter of Credit.
12. dedication of park land – on most recent plat submitted by developer they identified a 4.2 acre area proposed for park dedication; Planning staff had visited the site and studied it on the maps; it was the recommendation of the Planning staff and he concurred that the proposed site was not suitable for park dedication; site was dominated by a stream that passed through it with a stream buffer around it and the slopes were unsuitable for park land; also issues with access; also site was not large enough to satisfy overall requirement for park land dedication for a development of this size, in that the land dedication should be close to 7 acres; recommendation was that the Town not accept that 4.2 acre parcel as appropriate to satisfy requirement for dedicated park land for this development.

Manager Terry said it was his observation that the developer was actively working on Bellemont Road, and it was his hope that the issue of whether or not to call the bond would never come before the Town Board. He stated the developer was making progress in the process of getting quotes to complete the paving, and it was his belief and hope that the majority of the work would be done before the bond expired on December 7 so the issue of calling the bond would not come before the Board.

Manager Terry stated his first recommendation was that the Board direct him to bring back a substantive report on December 8, which would give him ample time to determine what work had been completed and whether it would be necessary to call the bond.

Commissioner Harrington said regarding the park land, what would be the appropriate remedy. Manager Terry stated his recommendation was that the Board direct him to communicate with the developer and ask the developer to submit a plan that would then be communicated to the Town Board. He stated he believed they had time to ask the developer to study the development and come back with a plan for how he would satisfy the requirement for dedication of park land or the payment-in-lieu, and for the Board to hear that plan before a decision was made for whether to accept park land or a payment-in-lieu. Manager Terry stated he believed the developer deserved an opportunity to do that.

Commissioner Baldwin asked was there a specific guideline that directed at what point that dedication was supposed to take place. Planner Monroe replied it was to be done before the final plat was released for recording. Commissioner Baldwin said for other developments in Pittsboro, had that taken place at the appropriate time. Planner Monroe stated the only dedicated

park land he was aware of was in Powell Place, and with all other developments the Town Board had chosen not to accept the dedication of land for two reasons: they had not wanted to maintain the park land and, there was concern regarding liability.

Commissioner Baldwin asked then were those developers required to make a payment-in-lieu. Planner Monroe stated he was not aware a fee was paid anywhere other than perhaps Potterstone.

Commissioner Baldwin stated that was something that needed to be determined since the Board was looking closely at these different developments that were not in compliance. Manager Terry agreed to do that and report back on past practices. Commissioner Baldwin stated if that requirement had not been satisfied by the other developments, then those developers should be contacted to make them aware that something should be forthcoming to the Town.

Commissioner Harrington said then there may be other developments who had not dedicated land and who had not satisfied a payment-in-lieu. Planner Monroe stated that would be his conclusion.

Commissioner Harrington said they were now under a one-year extension of the bond. Planner Monroe stated that was correct. Commissioner Harrington asked what the original completion date was. Planner Monroe stated the bond was originally extended in December 2007.

Manager Terry stated an additional recommendation would be that if they came back at the December 8 meeting and the bond did need to be extended again, that the Board authorize him to extend it for an additional full year, or for six months, or for whatever period the Board deemed appropriate.

Commissioner Baldwin asked for clarification regarding the unauthorized sewer line, asking were they inspected when they were installed. Planner Monroe stated the Town's engineering consultant did the inspections. Commissioner Baldwin asked at what point that happened. Planner Monroe stated a sewer line was generally not installed until the permit written for that project accommodated additional lots being created. He said in this case, the lots created exceeded the number of permitted lots on the DWQ permit, so the line was not authorized for use and therefore the lots could not be built upon until the permit was revised and approved by the State. He stated the developer had been asked to have the permit revised, and the developer had then come back with eleven lots rather than the five. Planner Monroe stated they had then asked their engineer to revise that permit request down to five lots, and not allow the other lots to be built upon until the moratorium expired or a second permit application was received.

Manager Terry stated in essence the sewer line that served the lots on the north side of Park Drive was not covered by any DWQ permit at present. Attorney Messick added there was no authorization to construct.

Commissioner Harrington asked what the rules were for dedicated land. Planner Monroe stated that any subdivision was required to either dedicate public land for park use or pay a fee in lieu of that dedication, regardless of the number of lots or size of the development. He stated that dedication was calculated at .033 acres per lot, and in lieu of that dedication the developer had

the option of paying \$500 for each lot created. Commissioner Harrington asked how long that regulation had been in existence. Planner Monroe responded that clause had been a part of the ordinance since the Subdivision ordinance was first adopted by the Town. He stated that ordinance language gave the Town Board the right to refuse to accept a lot, or to accept the land and then turn around and sell it with the funds going into a fund for parks and recreation purposes. So, he said, there was some latitude available to the Town Board; however, that option had never been used by the Town Board. Planner Monroe said the \$500 fee had only been in effect since last July, and prior to that it was based on the ad valorem tax value.

Commissioner Harrington stated then had the ad valorem tax value been collected. Planner Monroe stated he was somewhat confident in saying that there had been no fee collected nor had any park land been dedicated. Commissioner Harrington asked when the Subdivision Ordinance had gone into effect. Planner Monroe responded 1991. Commissioner Harrington said then the Town had not been collecting this fee. Planner Monroe said not that he was aware of.

Commissioner Harrington stated the Town needed to do a better job of collecting these fees, adding that the Parks and Recreation Board did not have much of a budget, and going forward those fees needed to be collected when closing out these subdivisions.

Commissioner Baldwin echoed Commissioner Harrington's comments, adding she was very interested in seeing the report in terms of those subdivisions of late which had not paid that particular fee nor dedicated any land to the Town.

Mayor Voller, speaking as the developer to Mr. Hoyle, Chairman of the Planning Board, stated Mr. Hoyle had been involved when those developments in Town had come to be, and asked him to provide the Board with a summary of his memory of how things had developed in terms of the recreation land dedication. Mr. Hoyle said when Chatham Forest had come before the Board, at that time they had said they would dedicate park land, and the Town Board had raised many questions about the location of the lands. He stated they had gone back and forth with that, and with the response from the developer they had felt confident that the location and suitability was feasible and that was where the park would be. Mr. Hoyle stated he did not recall what the specific size should be, but one of the park areas was off of Park Drive behind some lots that had been deemed accessible to the residents as well as anyone residing in Pittsboro or Chatham County. He said that was one of the issues that had gone back and forth; that is, were the dedicated park areas only for the residents of Chatham Forest or for the outside world. Mr. Hoyle said that had then gone before the Commissioners, and the then Town Manager had neglected to record what the Town Board had discussed.

Mr. Hoyle stated he happened to be at the Town Board meeting when this issue had come before them, and it was said that the Commissioners did not want to accept park land and take on the responsibility of liability and maintenance and all other issues associated with maintaining a park. He stated they had kicked it back to the developer and asked for an alternative. Mr. Hoyle stated it was proposed that it be put in the POA that they would have responsibility for the park and maintain it. Mr. Hoyle said the other stipulation was that it would be opened to the general public. He said whether that had happened he could not say. Mr. Hoyle stated another part of the deal was that sidewalks were considered a part of the dedicated amount, and the same was

true with Potterstone. He stated there was a lot of give and take with Potterstone, because the developer had wanted to put the park in the most remote area possible and the Town had not allowed that. Mr. Hoyle stated Potterstone had done the dedication, and again that was supposed to be written into the POA which should be recorded in the Clerk of Court's office. He stated he was on the Planning Board during all of the Chatham Forest discussions and negotiations, and had also attended likely 99% of the Town Board meetings when they had discussed it.

Mayor Voller stated that he would ask that the Town Board direct Manager Terry to present a report that had to do with all of those developers from that time, noting he would be happy to provide his development's information as well.

Mayor Pro tem Brooks said perhaps the Board needed to call for a motion to approve the report or not, and then that request could be made a part of that motion. He said basically, the Town had a set policy, and when it came to collecting fees that had been left up to staff. Mayor Pro tem Brooks stated they had assumed that once those fees had been determined that they were paid until the Board was told otherwise, at which time the Board could take action. He said he had no memory of any report that any fees had not been paid, and asked Mr. Hoyle had he ever seen such a report. Mr. Hoyle replied no, and he had not heard of any developer paying any fees whatsoever.

Manager Terry reiterated that he had asked for two things, that he be directed to come back with a report on December 8 that updated the issues on Bellemont Road, and that he be directed to communicate to Voller Realty that a plan should be developed that dealt with how they would satisfy the park land dedication issue.

Motion made by Commissioner Harrington seconded by Commissioner Bryan to accept the Manager's report, that a report be provided detailing what fees had or had not been collected in the past from developments in general, that the Manager be directed to come back with a report on December 8 that updated the issues on Bellemont Road, and that the Manager be directed to communicate to Voller Realty that a plan should be developed to address how they would satisfy the park land dedication issue.

Vote Aye-4 Nay-0

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to permit Mayor Voller to return to his position on the Board.

Vote Aye-4 Nay-0

Mayor Voller said he would ask that the Board also request the status of the property that was or was not dedicated. He stated the Parks and Recreation Board should know the status of these properties in all the developments, whether it was land or fees. Manager Terry stated they would go back as far as they could, to 1991 if possible, to determine what land had been dedicated and what fees had been collected.

NEW BUSINESS

1. **Request for Extension of Community Center Operating Hours to Accommodate a Community Dance on November 7, 2008 (Ms. Kim Calhoun and Ms. Zulayka Santiago).**

Assistant Planner Paul Horne stated the letter included in the packet spoke for itself, noting the Community House Committee was certainly looking for this type of event to happen there. He stated this was more of an operations issue and should likely be at the discretion of the Town Manager. Planner Horne stated the request was actually made several weeks ago but had not been made in time to be placed on the agenda, so they had been forced to delay the event because it was required that they go through this process to get an approval to remain open one hour later and then an additional hour to clean up.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to approve the request for extension of the Community Center operating hours.

Commissioner Baldwin asked would additional police or other services be required for this event. Planner Horne replied not for this particular event.

Manager Terry agreed, and added that perhaps the Board might want to add to the Community House Committee's charge that they develop a set of standard operating procedures that would allow the Manager to make exceptions in the future, so that those types of issues would not have to come before the Town Board. He suggested coming back to the Board with a draft of operating procedures for discussion.

Vote Aye-4 Nay-0

Motion made by Commissioner Harrington seconded by Commissioner Baldwin that the Board direct the Manager at his discretion to extend hours at the Community House for one to two hours for events that seemed reasonable.

Vote Aye-4 Nay-0

2. **ABC Board First Quarter Financial Report (Harry Sugg).**

Mayor Voller stated the Board had the ABC Board's report which showed they had turned a corner and were now showing a profit.

Manager Terry stated Mr. Sugg had submitted a memo that reported their year end audit which showed a profit of \$56,000, and of that they would distribute \$20,000 to the Town, and that some portion would go to Chatham County law enforcement and some to the Pittsboro Police Department. He said that distribution would be spread out over three payments over the remainder of the fiscal year. Manager Terry said in light of previous difficulties experienced by the ABC Board, this was very good news and was an unanticipated revenue.

Mayor Voller asked had the Town sent a letter to the County requesting that they put liquor by the drink on the ballot for the County. Manager Terry stated not to his knowledge, although there had been some informal discussions regarding that.

Commissioner Harrington stated he believed that in the spring the Town Board had sent a response to the County that if the County put liquor by the drink on the ballot that the Town would agree. He said he had talked with the Board of Elections about how they would go about putting that on the ballot, and he had been told that a vote could not be held during a regular election year. Commissioner Harrington asked had that response indeed been sent, and had the Town received any feedback. Manager Terry said he did recall that earlier discussion, but he did not recall any other discussion.

Mayor Voller asked that the Board send a resolution to the County asking them to put liquor by the drink on the next appropriate ballot for the County.

Commissioner Harrington stated he believed that Pittsboro would have to do it separately, and could do it separately if they choose. Attorney Messick stated they were talking about two different things. He said Commissioner Harrington was saying that Pittsboro could have its own election, and Mayor Voller was saying that the Town could encourage the County to have a County-wide election.

Mayor Voller stated but if the County did it, it would cover the entire County. Attorney Messick said that was correct. Mayor Voller said that issue could be placed on the ballot for next fall, and he was asking the Board that the County be sent a resolution requesting that they do it.

Commissioner Harrington stated in his opinion that should be a focal point for the beginning of the year, and at that time begin pushing for that. He added there was no reason why they could not begin communications with the County now.

Mayor Voller said he was still requesting the resolution, noting that if the County did it then it would be at their expense. He said if it failed, the Town could always do it themselves at the next election.

Commissioner Harrington said then perhaps staff could prepare a resolution for the next meeting that would accomplish that.

Mayor Voller stated it could even be in the form of a formal letter to the County. Manager Terry stated he would like to have some time to sort out what the best vehicle might be, whether it be a letter from the Mayor to County Commissioner Chair Lucier or a formal resolution. Mayor Voller stated if the Board would authorize him to write a letter, then that would be all that was needed.

Commissioner Brooks asked if he was talking about a letter or resolution encouraging or agreeing to a referendum, or was he talking about asking for a referendum to support liquor by the drink. Mayor Voller said the County could put liquor by the drink on the ballot as a

referendum, and Pittsboro could do the same thing. Commissioner Brooks stated he had no issue with allowing citizens to vote in a referendum.

Motion made by Commissioner Harrington seconded by Commissioner Bryan that Mayor Voller be authorized to write a letter to the County Commissioners requesting a County-wide referendum regarding liquor by the drink.

Vote Aye-4 Nay-0

Commissioner Harrington stated that the ABC Board had done a really good job, noting they had also made improvements to facilities. He said he was pleased that the Town Board had elected not to turn the ABC Board over to the County.

Motion made by Commissioner Baldwin seconded by Commissioner Harrington to receive the ABC Board's First Quarter Financial Report.

Vote Aye-4 Nay-0

3. Request for Corrective Actions to Reduce or Eliminate Periodic Flooding Along Park Drive (R. B. Williams, Williams Construction Company).

R. B. Williams stated he was also representing Williams Construction Company and Real Estate Company. He stated they were building on Park Drive and had 12 acres behind it that they hoped to develop once the moratorium was lifted. Mr. Williams displayed a photo of Park Drive right after the big rains in August, noting that the water was about a foot over the top of the street. He requested that the Town take actions to reduce or eliminate that periodic flooding.

Mr. Williams stated he and representatives of the other two firms had met with Town staff to discuss the issue, and it was suggested that he hire an engineer and identify a solution, and then fix it. He said they were not the only ones being affected by the flooding, noting that everyone on the other side of Hillcrest and everyone on Park Drive was affected by it. Mr. Williams said what they were looking for was some help from the Town, noting it was a critical issue that needed to be solved as quickly as possible. He added that the landscaping at one of their houses had been swept away, as well as one of the houses owned by Williams Construction.

Mayor Voller asked Mr. Williams if the house in question was a slab on grade or a crawl space. Mr. Williams replied all the houses were crawl space. Mayor Voller asked if the finished floor elevation of the first floor was impacted. Mr. Williams replied no. Mayor Voller said but water could theoretically drain into the crawl space. Mr. Williams stated in August the water had gotten up just to the edge of the crawl space. Mayor Voller asked how the house was set on the lot in comparison to street level. Mr. Williams stated he and Manager Terry had inspected the lot, and they had determined that the first floor level was just a little above the street level.

Mayor Voller asked had Mr. Williams had an opportunity to look at the two maps provided by Manager Terry. Mr. Williams responded no, but commented that he had talked with Manager Terry about the fact that the area was actually a floodplain area. Mayor Voller noted there was

quite a bit of property to the west of Pittsboro Chevrolet and to the north that was undeveloped and had a knoll on top. He said water drained at a right angle to contour, and there was a lot of drainage coming down. Mayor Voller said what Mr. Williams was saying was that if more development occurred in that area then flooding would continue to be an issue. Mr. Williams said that was correct, adding that the ditch across their property, when it crossed Hillcrest, actually stopped, and the rest of the area below that was actually flooded from the overflow.

Mayor Voller asked Jay Johnston of Hydrostructures if when he had looked at the street, was Park Drive built to DOT standards to flow over the road. He said that Thompson Street had been built to a standard to flow over the road during high volumes of rain, and wondered if Park Drive had been built to a similar standard. Mr. Johnston replied they had not looked at it in that regard, noting that in general cross draining features built to DOT design standards today would carry a 25-year storm. He said that would require a culvert under a public road.

Commissioner Baldwin said when Manager Terry and Mr. Poteat had visited that property, what was their evaluation. Manager Terry stated he and Mr. Poteat had actually visited that property several times, and it was his impression that the area had experienced an extraordinary storm the day that the flooding occurred. He said he had observed that upstream of this property near the Chevrolet dealership, in the same intermittent stream that passed this property, there was a prominent culvert that could be seen from the road that was about five feet tall and about 60 inches wide. Manager Terry stated that the culvert sizes under the driveways of these properties was 36 inches, so that was a built-in problem where you had a large culvert upstream that allowed large amounts of water to pass and move downstream to culverts that were much smaller. He said clearly water that would pass through a 60 inch culvert would not pass through a 36 inch culvert, and those smaller culverts were likely designed with much less culvert capacity than they should have been.

Mr. Williams stated he had talked to Planner Monroe who had suggested that they would likely need a pipe larger than what could be supported by the driveways. He said he was convinced that the area would flood whether the homes had been built there or not and whether or not the size of the pipe was any larger. Mr. Williams stated there were only two road pipes there, and it had flooded all the way down to Hillcrest. He said he did not believe those two pipes had slowed the water down enough to create this problem.

Manager Terry stated if you looked at the map that showed the topography lines, the elevation of the lot in question was at least 15 feet above where the water overtopped the road down below on Oakwood Drive, so the suggestion that the water that was ponding and overtopping the road on Oakwood Drive was somehow backing up to these did not make sense to him. He said the water would have to be 15 feet deep on Oakwood Drive to have any impact up on Park Drive. Manager Terry said at the point on Oakwood Drive where the water overtopped the road, there were two other streams that were not so intermittent that contributed to that flow. He said on that particular day when there was an extraordinary rain event, there was a lot of contribution from the stream along Park Drive that was dumping into the area down below and causing water to back up. Manager Terry stated he believed the primary problem was that there were houses built on lots that had an intermittent stream flowing through the front yard and periodically those

lots would experience more water than those natural features could handle. He said if he had an engineering solution he would offer one, but he did not.

Mr. Williams stated they probably needed an engineer to study the problem, noting that because many other people were affected he did not believe it was their responsibility solely to address the issue.

Commissioner Harrington asked who else was affected. Mr. Williams stated it affected every home on the other side of Hillcrest. Commissioner Harrington asked had they experienced flooding as well. Mr. Williams said he knew that water had entered the crawl spaces on those homes on Hillcrest and on the other side of Hillcrest.

Mayor Voller said on Hillcrest where the intermittent stream tied into the blue line on the map, he knew the homeowner had experienced problems and asked had that lot been created more recently. Manager Terry stated he did not know when that home had been constructed.

Mayor Voller asked were those lots subdivided and created down on the street. Mr. Williams stated there were five lots that would have sewer available. Mayor Voller said then those lots on the street were a minor subdivision. Mr. Williams said that was correct. Mayor Voller said all of the sewer lines were gravity flow and this was in the Credle Street basin where they already had problems with infiltration and inflow. So, he said, that rain event would have had a deleterious effect on the Town's sewer lines.

Commissioner Brooks stated that outfall line was built well using federal money in the late 1970's and was well constructed, and he seriously doubted that they had infiltration problems like those experienced with the Credle Street basin.

Mayor Voller stated his main concern was that this was a low area and everything was gravity feeding and those intermittent streams were forced to handle it. He said there was drainage down US 15-501, and if you looked at the topography you could see a huge amount of water coming to bear down there. Mayor Voller stated he was only pointing out for staff in the future that the whole area would have to be carefully looked at because they would consistently have problems like this, because there was a lot of water flowing into a very narrow area to get to those blue lines above Roberson Creek. Mr. Williams stated he had spoken to several long-time residents who had told him that stream had flooded many, many times.

Manager Terry stated one of the actions he had taken when this issue first arose was to ask Mr. Johnston to look at the double-barrel feature that passed under Oakwood Drive at the low point where the water typically overtopped the road, because it had occurred to him that perhaps that double-barrel drainage feature may indeed be too small and should perhaps be enlarged to deal with the flooding at the low point of Oakwood Drive. He said that was something the Town should probably undertake doing in the next year or so, although he was not confident that would make any difference at all on Mr. Williams' property. Manager Terry reiterated that the flooding would have to be 15 feet deep before it would back up Park Drive and reach the lots in question. He said that flooding was only about a foot deep when it overtopped the road.

Mr. Williams stated the water came off the hill and covered the street before it had a chance to go down across the street. He stated he was one of the residents/property owners, and believed an engineer should study the issue.

Commissioner Harrington stated he saw Manager Terry's point, as well as Planner Monroe's point regarding the small culverts that had been installed under the driveways. He said that was certainly notable. Mr. Williams noted that the Town had approved those culverts. Commissioner Harrington stated that Planner Monroe had recommended a larger culvert. Mr. Williams said Planner Monroe had told him before they started that they would likely need one large enough for him to stand in, or possibly bigger, but Planner Monroe had said all he would require was what had been installed, which was a 36 inch culvert. Mr. Williams stated what he was saying was it did not matter what size the culverts were because they were not what was causing all the water to back up into the street.

Commissioner Harrington said the manholes were in the lower spot which was probably the same place where the flooding occurred, so it sounded like a bigger culvert was the only thing that might help. He said certainly putting in the smaller culverts had likely changed the flow, and it seemed like following Manager Terry's suggestion regarding enlarging the double barrel drainage feature was something they should do eventually. Commissioner Harrington said he did not know how elevated the manholes were but he would be curious if they were close to the height of that road, and when water did flow over that road it was about the height of those manholes. He said if that was true, that would be a good reason to place it on the infrastructure improvement list, but was not sure it would help address Mr. Williams' problem.

Manager Terry stated currently there was a 36 inch culvert under each driveway, and if they were to double that it would alleviate some of the problem. But, he said, no engineer would guarantee that they would never have a flooding issue, only that the frequency of flooding would become less. Manager Terry stated nature had placed that intermittent stream there and there was only so much they could do to change the course of that water.

Commissioner Brooks stated that Park Drive was built in the 1950's, and there was a part of a bigger problem not yet mentioned. Commissioner Brooks stated the stream coming from Powell Place was the same stream that came underneath Salisbury Street, and on the day in question it was flooded so badly and had so much mud in it that he had called the Town to make them aware of it. He said there was so much water that he did not believe people could cross it to get to their homes on US 15-501 North. Commissioner Brooks stated that water went down and traditionally flooded the streets in the bottom below where those houses had been built, so there was water coming from 15-501, water coming off the hill, and water coming from the stream. He said when you began trying to identify a solution you had to look at all the sources of the water that was creating the problem.

Mayor Voller said you also had to consider the elevation change, noting it was low and then got higher as it went northeast. He said the Roberson Creek Watershed Council likely had funds and this was in their purview, and they may be able to help the Town with this issue because the water all flowed into Roberson Creek. Mayor Voller suggested the Town should look at some of those other streets and provide a report on where similar problems existed, because he believed

similar rains would happen in the future. He asked Mr. Johnston would he categorize the recent rain as a 25-year or 50-year storm. Mr. Johnston stated he would have to look at the data and compare it to the statistical model that rated those storms. He stated a 10-year, two hour storm for this area was 7.2 inches per hour, and the August storm was 5 inches.

Mayor Voller asked Mr. Williams what was his best case scenario. Mr. Williams stated they were asking for help in getting someone experienced to study the flooding and help identify a solution.

Commissioner Harrington stated it might help to fix the culvert underneath the road by putting it on the infrastructure list. He said he would also like to know how elevated the manholes were and if they were close to the height of that road, and when water did flow over that road if it was about the height of those manholes. Manager Terry stated he had visited that area during Hurricane Hannah when that road was being overtopped with water and had some photographs where you could see the manhole covers, which still had another foot or so of space. He said he could not speak to those that were downstream. Manager Terry asked if the Board wanted to pursue opening up that culvert under Oakwood Drive, he would ask Mr. Johnston to go forward with the design work and he would prepare a budget amendment so that they could schedule the work. He said he did not yet know what the cost of the construction would be, but the design work would be about \$7,000.

Mayor Voller stated there were not a lot of ways to cut down the flow unless you built a pond, because there was a lot of water draining from contiguous properties in that one area. He said you could not reroute the intermittent stream, but you could make a dry pond on the back side of the Chevrolet dealership but they would have to deal with the landowner to do that. But, he said, a dry pond would stop a lot of that peak flow. Mr. Williams stated he believed that might be the best solution. Mayor Voller stated his biggest problem was that the contours were not very wide, so as Manager Terry had alluded to in order to drain it, you would have to build the culverts wider or horizontally in order to catch all the water because it was like a tabletop. He said the water would flow horizontally unless you could stop it upstream or somehow contain it so that the stream flows did not hit you with all that water at one time.

Mr. Johnston said there was no solving this without some improvements on those lots, no matter what else was done. He said it appeared that at the big Chevrolet culvert the water would fan out into those woods and run through what appeared to be multiple smaller channels, and now it looked like most of it was forced into one channel that went across the front of those houses. Mr. Johnston stated the culvert sizes under the driveways were being inundated.

Commissioner Harrington stated the infrastructure improvement might be justifiable, but he did not know what else to do. He said he did not believe it would be appropriate for the Town to pay for the cost of an engineer to study Mr. Williams' problem.

Commissioner Baldwin asked how many citizens on Hillcrest Drive, Park Drive, or Oakwood Drive had contacted the Manager about the flooding. Manager Terry stated just this one, so far.

Mayor Voller suggested authorizing Manager Terry to correspond with the Roberson Creek Watershed Council who did have funds and was interested in cleaning up water and addressing flood control, to see if they could do anything that might help. Mr. Williams stated if that happened he would very much like to be included in that meeting. Mayor Voller stated that would be no problem, noting the contact person was Karen Hall.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to direct Manager Terry to contact Karen Hall with the Roberson Creek Watershed Council to see if they could offer any remedy or help.

Vote Aye-4 Nay-0

Manager Terry asked if the Board was interested in pursuing a capital project to address the culvert under Oakwood Drive, to be added to next year's budget process.

The Board agreed by consensus to add it to the list to be considered.

Commissioner Brooks stated that he would like Mr. Johnston to take a good, hard look at whatever sedimentation control was in place up towards Powell Place, because he had seen a report when the mountains had experienced flooding and people were killed a few years ago that the streams that had the most problems was where there was only grass and not trees. He stated they had just recently lost a lot of timbered area in part of that creek's watershed, so perhaps he and Ms. Hall could look at the sedimentation control.

Mayor Voller said he had seen a study that said a larger species tree could hold 57,000 gallons of water, so without the trees more water would be flowing. Commissioner Brooks stated that was exactly what he believed was happening.

4. An Amendment to Section 7.1G of the Subdivision Regulations.

Planner Monroe stated the Planning Board was recommending these amendments to the Subdivision regulations regarding sidewalks.

Mayor Voller stated they had heard during the earlier public hearing from staff as well as from a developer/citizen, and it was up to the Board to decide how to proceed.

Commissioner Harrington asked if the standard for sidewalks was five feet. Planner Monroe replied yes.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to approve the amendment to Section 7.1G of the Subdivision Regulations.

Vote Aye-4 Nay-0

5. CVS Request for Extension of Site Plan Approval.

Planner Monroe stated the Board had approved a site plan for CVS Pharmacy on January 28 of this year which was valid for one year. He said that CVS had requested that the site plan be extended for an additional year. Planner Monroe stated there was no reason from the Planning Board's perspective not to grant the extension.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to approve the request by CVS for extension of site plan approval for one year.

Vote Aye-4 Nay-0

Planner Monroe stated to be clear the site plan approval would now be valid until January 28, 2010.

6. Bellemont Point, Phases 1A and 1B, Preliminary Plat.

Planner Monroe stated this was for preliminary plat approval for Phases 1A and 1B of Bellemont Point, requested by developer Ricky Spoon. He stated there were two areas on the plan noted as reserved for future development, which he pointed out on a map. Planner Monroe said there was an area on the breakline between 1A and 1B designated as an amenities area which would have a club house, a swimming pool, and parking. He stated there would be sidewalks on the streets and stormwater detention ponds to capture stormwater flow.

Planner Monroe stated the Planning Board was recommending approval with the understanding that there would be plan forthcoming regarding the sewer.

Commissioner Harrington asked where the road was relative to 15-501. Planner Monroe pointed that out on the map, noting if you continued down to the north end of Chatham Forest, that road would then cut across. Commissioner Harrington asked where the north end of Chatham Forest was located. Planner Monroe pointed that out as well.

Mayor Voller said if he built something like a swim club, would that be only for the residents or would memberships be considered? Mr. Spoon stated he would make it open to Chatham Forest residents, and would consider allowing citizens to purchase memberships. He said the general idea was to put the pool and amenities center near the large tree he indicated on a map, then to have a large grassy area with the parking surrounding that. Mr. Spoon stated possibly some portion of that could be donated to the Town in lieu of park land or a park fee.

Mayor Voller said then if citizens asked, they could be directed to the HOA or to Mr. Spoon. He said once the communities were finished they would appear to all be the same community. Mr. Spoon stated they would be somewhat connected.

Commissioner Brooks asked if the road shown on the map was the one that was located there now. Mr. Spoon responded yes.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to approve the preliminary plat for Phases 1A and 1B of Bellemont Point.

Attorney Messick remarked that Mr. Spoon should be encouraged to move forward with improvements to the existing sewer plan so that he could then move forward with his project.

Commissioner Brooks withdrew his motion.

Mayor Voller asked what the fairest way was to treat Mr. Spoon and the best way for the Town to proceed. Attorney Messick suggested that they wait for two weeks before approving the preliminary plat to allow Mr. Spoon an opportunity to address the sewer issue.

Manager Terry remarked that Mr. Spoon was working on a plan along with Patrick Steele to assist the Town with the upgrade to the sewer plant. He said if that was not forthcoming very soon he would recommend that the Town proceed without them. Manager Terry stated as the Board had heard from Stern and Wheler there was no “do nothing” option. He said the Town had been patient with Mr. Spoon and Mr. Steele, giving them the opportunity to be the ones to reap the most benefit from the upgrade, which made sense for the Town and it was fair and proper to do that. But, he said, if they were unable to follow through the Town still needed to move forward with that project. Manager Terry said he agreed with Attorney Messick’s position, that the Board table this and encourage Mr. Spoon and Mr. Steele to come forward with their proposal on how to help the Town move that project forward.

Commissioner Harrington stated he understood the point now, in that if the preliminary plat were approved now and the Town paid for the sewer plant upgrade, Mr. Spoon and Mr. Steele would be first in line, and if it were not approved but tabled and then upgrade was accomplished, then the sewer could be allotted to anyone in line. He said if Mr. Spoon and Mr. Steele paid for the upgrade, then they would be put ahead of anyone else requesting sewer. Manager Terry stated that was correct.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to table the preliminary plat for Phases 1A and 1B of Bellemont Point until the next Board meeting to allow Mr. Spoon and Mr. Steele the opportunity to come forward with their proposal regarding the upgrade to the sewer plant.

Vote Aye-4 Nay-0

7. Chatham County Justice Center Site Plan.

Planner Monroe stated the Planning Board had reviewed the site plan and had recommended approval on the condition that the County obtain a variance from the Board of Adjustment. He said the Board of Adjustment had met last Monday, heard the petition, and voted to grant the variance on the condition that additional landscaping be added on the western boundary in order to shield the view into the property. Planner Monroe stated there was a limit, however, pointing out on a map an area that was not owned by Chatham County and where the landscaping would have to terminate.

Commissioner Brooks said by additional landscaping they were talking about trees. Planner Monroe stated it would include trees and shrubbery to prevent a clear view into the property from Sanford Road.

Mike Hammersley, with Corley Redfoot & Zack, gave the Board a quick overview of the site plan, pointing out the following:

- The site was located on a 26+ acre track owned by Chatham County.
- The proposed project would be located just south of East Chatham Street.
- The project would have access from the existing Courthouse and Annex building with a pedestrian plaza between the buildings.
- Some smaller buildings would be removed on the site.
- The project would have a net increase of 119 parking spaces.
- Bike racks would be available with access off the sidewalks and streets.
- They were amenable to accepting the stipulation for additional landscaping as noted by the Planning Board and Board of Adjustment.

David Taylor, the Project Architect, provided a brief description of the building and elevations:

- The building was proposed at three stories with a partial basement, with two-story office wings.
- The center area of the building was lobby space that would lead back into the courtroom spaces on the east and west sides.
- Natural daylight would be brought down into the courtroom area.
- The building would be primarily brick with the lighter areas being glass fiber reinforced concrete material which was a thin pre-cast concrete material that had the appearance of limestone.
- The building would be a LEED Silver level building.
- A geo-thermal heating and air conditioning system would be located in the parking lot to the east of the facility.

Commissioner Harrington stated Mr. Hammersley had done the sewer calculations, and asked if the basis used to estimate that was the existing justice center. He said the memo indicated that they had used 5,000 gallons per month, and asked what buildings were used for that baseline to get the 5,000. Mr. Hammersley stated there was a series of public works buildings on the site, as well as figures from some of the other groups that would be moved to this facility. Commissioner Harrington said then they had used the existing building that would be replaced to make the calculation. Mr. Hammersley replied that was correct, as well as people that would be consolidated into this building. He said part of that building would only be shelled in the beginning, noting that all of the square footage would not be used. Commissioner Harrington stated then they were not yet accounting for the build-out flow in that estimate. Mr. Hammersley said that was correct.

Commissioner Harrington asked what the Town's recourse was with that, and at some point in the future would the County have to come back to the Town when additional sewer was required. Planner Monroe stated with the permit, part of it would be permitting for the noted construction and the other parts of the permit would be for the shell. He said when the County finished those

shells they would need to come back to the Town to obtain a new building permit, and at that point they would make a determination if the moratorium had expired and if they had the available capacity, and the County would then be charged a fee for that.

Commissioner Harrington stated the memo appeared to state that they had a problem with the baseline because they had a problem finding a comparable facility, but they had used the existing buildings that would be torn down. Mr. Hammersley stated the existing uses did not exactly match those of the new facility, so they had to make some judgments. Commissioner Harrington said it seemed like the current justice center would be the appropriate baseline, and was curious what its usage was. Mr. Hammersley stated they had looked at what flow that center was getting and it was nowhere near what they planned to use for the new facility, so he believed they were being conservative in their estimate.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to approve the Chatham County Justice Center site plan as recommended by the Planning Board, with the condition that the County save and preserve the three historical homes on the site as was originally proposed by the County Board, those homes being the St. Lawrence House, the McClanahan Cottage, and the Taylor-Peebles House.

Commissioner Brooks stated when they bought the land the County Board had stated it was for a new justice facility, but that they would save those three historical homes. He said he was suggesting they approve the site plan but hold the County to its word to save and preserve the homes.

Planner Monroe stated that Patrick Steele had been in negotiations with the County to attempt to move these homes onto his property adjacent to the Community College. He said it was Mr. Steele's great desire to do that, so there was some effort being made to save and preserve the homes.

Commissioner Brooks stated the St. Lawrence house had been built when this country's Constitution was being ratified, and he had his doubts that the home could be safely moved due to its advanced age. He said there was a wall in that home that could be lifted out to allow balls to take place in the home, and that would be a wonderful place to entertain visitors from outside the County.

Mayor Voller agreed that most of the stock of historic buildings in Town had been lost, and noted it would be a great shame to lose the few that were left, particularly these three.

Commissioner Brooks stated it would be a grave mistake not to save those three homes. Planner Monroe stated he believed the effort to have them moved was still ongoing.

Commissioner Harrington asked if the motion would require the County then to move them. Commissioner Brooks stated he did not know, adding he only wanted them saved and preserved.

Mayor Voller stated the intent of the motion was that the County do what they had originally said they would do when the land was purchased.

Commissioner Baldwin asked if Commissioner Brooks would include in his motion the other stipulation from the Planning Board, which requested relocation or demolition, but the Board did not want to consider demolition. Commissioner Brooks agreed to amend his motion to include that. Commissioner Baldwin said the words “or demolition” should be removed from the recommendation when inserted in the motion.

Mayor Voller asked what the status was of the memo from Division 8 that was included in the packet. Planner Monroe stated there was a meeting held, and the essence was that the two driveways that currently existed would be eliminated which made DOT very happy because one was very close to the traffic circle. He said all traffic would enter from the new driveway, and there was some concern expressed as to the need for a stacking lane. But, he said, there was on-street parking existing there now and if that were eliminated there would be room for a stacking lane both in-bound and out-bound. Planner Monroe said the essence of the memo stated that DOT agreed with that plan.

Mayor Voller said given the discussion on potential bus transportation, could the Town at least advise the County Board to look at the possibility of providing a bus stop on site. Mr. Taylor stated there was a bus/traffic pull-up area in front of the courtyard, so the possibility was already built into the plan.

Planner Monroe stated they had a meeting this morning with representatives from Chapel Hill Transit to begin to discuss more fully bringing transit to Pittsboro, and the next step for Chapel Hill was to actually bring a bus down and identify places that would provide turnaround room. He said they would encourage them to drive the bus down Chatham Street to see if that street could be used as a loop. Planner Monroe stated there would be a public meeting scheduled at the courthouse so that citizens could communicate to Chapel Hill Transit what they wanted.

Mayor Voller said he was not sure what the name of the building would or should be, but believed the Town should add as part of its condition the naming rights for that building, and believed the name should reflect something to do with the history of the County. He said that Pittsboro was the County seat and was a very historic area, and naming the building should not be taken lightly. Mayor Voller said this would be the most significant building built in the downtown in many years and would be the beginning of the renaissance of the downtown. He said if it was too audacious to say the Town would reserve the right, then he would ask that the Pittsboro Board and the County collaborate in some way on the naming.

Commissioner Brooks agreed that the Town should be involved in the naming of the building.

Attorney Messick raised a question regarding the closing of Womack Street mentioned in the memo. Mr. Hammersley stated there was an old easement for right-of-way on Womack Street which he pointed out on the map, and that was what the memo was alluding to. Attorney Messick asked if they intended to close Chatham Street for the pedestrian plaza. Mr. Hammersley stated they did not want to close it, but wanted to put a crosswalk across it so that it was more pedestrian oriented. He added you could still drive across it, but they wanted to raise it up for safe pedestrian use.

Mayor Voller asked what the reason was for shutting Womack street down. Mr. Hammersley stated he believed that came out of a suggestion from the Planning Board. Planner Monroe stated it had actually originated from early meetings he had held with them.

Mayor Voller stated that Commissioner Brooks had asked was it possible that that was a road where you could have built a loop street that came around. Mr. Hammersley said only at a very great expense, noting the topography was very steep and a sizable embankment would have to be built.

Mayor Voller asked what the County's plans were for going across that right-of-way in the future. Mr. Hammersley stated there had been discussion of a future jail being built in that area that may end up being accessed from that direction, but that was now only in the programming phase. He stated they had left a placeholder for it as a potential location to be looked at in the future, but did not know if a jail would even fit in that location.

Mayor Voller asked what the discussions had been about the remaining acreage. Mr. Taylor stated they had not been involved in any discussions, noting there was a floodplain associated with Roberson Creek which would limit any use.

Commissioner Baldwin asked exactly where the jail was located. Mr. Taylor pointed that out on the map. Commissioner Baldwin said she had asked because of the nearby middle school, and did not want children to be close to the jail. Mr. Taylor stated there was a good-sized buffer with a stream.

Mayor Voller asked was there a downside to the Town abandoning the right-of-way. He said he did not see the Town building an east-west corridor there. Planner Monroe agreed, noting it would require construction of a bridge. Mayor Voller stated if there was no compelling reason, he saw no reason not to abandon the Womack right-of-way. He said Attorney Messick's question had to do with the raised area shown on the map, which was essentially a traffic control device. Mr. Taylor agreed.

Commissioner Harrington said the new facility was 66,000 square feet, and asked was that the full build out including the shells, or only the first phase. Mr. Hammersley stated that was only the first phase, noting the full build out was roughly 89,000 square feet.

Commissioner Harrington stated his only concern was the sewer, and believed the County should contribute some funds for the sewer plant.

Mayor Voller stated that should be communicated to the County in the form of economic development and not tied to this project. Manager Terry stated that the Capital Recovery fees would help with that somewhat.

Attorney Messick asked why there was an increase in the permit approval. Mr. Taylor said in order to allow the full design to be completed and all permits in place. Mr. Hammersley stated they were in the middle of construction documents now and planned to complete them sometime

in January. He said at that point, they would shelve the project and the County would tell them when they perceived bidding the project, which would depend on the financial markets that came to bear over the next three to six to nine months. So, he said, he did not know when that would take place so they wanted to get all the permits obtained and then shelve it without any loose ends.

Attorney Messick said they should understand that if that did not happen soon, they may need to come back. Mr. Hammersley replied they understood that.

Mayor Voller stated a motion had been made by Commissioner Brooks and seconded with some amendments.

Attorney Messick stated there was a resolution of intent to abandon the Womack Street easement, and a motion would have to be made separately to call a public hearing on that.

Mayor Voller stated added to the motion was that the Town be included in discussions regarding the naming of the building, that Commissioner Brooks had added his amendment regarding saving and preserving the three historical homes, that the requirement for a variance from the Board of Adjustment that additional landscaping be added on the western boundary in order to shield the view into the property, and that the potential for bus service and a bus stop be considered at this site. He then called for the vote on the amended motion.

Vote Aye-4 Nay-0

Motion made by Commissioner Baldwin seconded by Commissioner Harrington to adopt the resolution of intent calling a public hearing for the second meeting in November regarding the closing of Womack Street.

Vote Aye-4 Nay-0

Mayor Updates

Mayor Voller stated there would be a hunger walk in Pittsboro with CORA on Sunday, and information had been provided to the Board members if any would like to speak or attend. He asked that the Board offer a standard resolution in support of CORA.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin in support of CORA.

Vote Aye-4 Nay-0

Commissioner Concerns

Commissioner Harrington stated he had attended a meeting this past week with a group of deer hunters, also attended by Manager Terry and Chief Collins. He said they had laid out something that might work, and his motion tonight would be a pilot program allowing deer hunters to harvest deer. He then provided an overview, which included that hunters would be selected by the Town, that hunters would only be allowed on land where the owner had contacted the Town

to request deer removal and where there were safe areas for hunting, that the Town could also request deer removal from Town-owned sites, and prior to hunting the hunter would need to contact the Town when hunting began and when it was completed on each occasion.

Commissioner Harrington said with the Board's support, he would like to ask Attorney Messick to draft an ordinance around that or to develop a temporary ordinance to expire at the end of this year to make an exception from the current ordinance which did not allow any hunting.

Commissioner Brooks stated he would assume the hunters would need to be licensed hunters. Commissioner Harrington replied absolutely. Commissioner Brooks stated to be safe that needed to be included in the ordinance, as well as the State regulation that hunters had to have written permission from the owner to hunt of private property. Commissioner Harrington agreed.

Commissioner Brooks said the Town owned land that could be hunted, such as where outfall lines were mowed by the Town. Commissioner Harrington stated the Town could request that if the area was deemed safe for hunting.

Motion made by Commissioner Harrington seconded by Commissioner Baldwin to direct Attorney Messick to develop a draft ordinance to allow the hunting of deer or a temporary ordinance to expire at the end of the year to make an exception from the current ordinance regarding hunting.

Vote Aye-4 Nay-0

Regarding the Springdale Drive issue, Commissioner Harrington stated that one of the things that the Chatham Forest Homeowners Association had said they would use against the Town to force Springdale Drive to be opened was the fact that it had been opened in the past at the discretion of the Town. He said they had basically threatened legal action in order to force the opening, and he believed it was important that the Board know that.

Commissioner Brooks stated he had been contacted by a member of the Homeowners Association who had told him the same thing, and that person had ended the conversation with "see you in court."

Commissioner Harrington stated when the Board decided if the road should be opened, he was sure that would be brought up.

FYI

Hydrostructure Monthly Status Report dated October 23, 2008 is as follows:

Chatham Forest Subdivision

- Mr. Bahho recently submitted new plans, for what he refers to as Phase 9A, for review and comments, showing the addition of lots on Park View Road to be served by the six unauthorized sewer services that were installed and for authorizing the sewer line paralleling Park View Road. Per the Town's October 2, 2008 letter, the proposal was

deemed inconsistent with Town requirements and returned.

- Phase 9 Roads: The two new areas on Belmont Road that are settling were paint marked by Hydrostructures, P.A. These areas have continued to settle and will have to be excavated and the sub-grade repaired prior to final paving. The settlement has increased to a point that it could be damaging to vehicles using the road. The damaged curbs have been replaced by Alexander Concrete Construction and the work appears satisfactory. There was some unavoidable damage to the-existing base paving which will have to be repaired before or during final paving. See attached Inspection Report dated October 14/15, 2008. This work is in addition to the base paving repair detailed in the attached Inspection Report date October 21, 2008.
- There are several punch list items that remain uncompleted. Hydrostructures' Memorandum of November 20, 2007 lists the items that need to be completed.

Chatham County Law Enforcement Center

- Plans for demolition of a variety of features on the site and expansion of parking area (new building?) were reviewed and approved. A key feature was stormwater detention (water quality) pond, designed to work in conjunction with existing downstream improvements to protect and potentially improve the water quality and Roberson Creek.

Chatham Habitat Home Store Site

- Plans for site grading, utility connections and stormwater management features have been received, reviewed and comments submitted to Town. The site lies west of the Chatham County Law Enforcement Center and includes another water quality feature intended to work in tandem with existing and proposed downstream features to protect and potentially improve-the water quality and Roberson Creek.

Chatham Oak Subdivision

- Revised plans have recently been submitted and Approved for Construction. Project is proceeding and rough grading has begun.

Pittsboro Medical Office Park

- Preliminary construction plans were reviewed by Hydrostructures and review comments forwarded to the Town We have recently received a second submittal of revised plans which are currently under review. These plans address some Town concerns but there remain several issues relating to the management of stormwater and the effect on downstream property and Sanford Road.

Powell Place Subdivision

- Utility installation, curbs, final grading and sidewalks have been installed in Phase 3. All base paving has been completed and final paving has been completed on Rock Springs Church Cemetery Road and Lawton Row. All utility testing is complete and permit closeout documents have been submitted. The new procedure for documenting acceptance of utilities and roadways into the Town system has been implemented and Hydrostructures, P.A. has recommended that the Town accept the utilities. Final paving remains to be done on Millbrook Drive.

Powell Place Village Center

- Plans for Building 2, located on the south side of Powell Place Lane and opposite the entrance road to BB&T, have been reviewed by Hydrostructures and comments submitted to the Town. We are waiting for the engineer's response to our comments and resubmittal of plans for approval.

DAILY INSPECTION REPORT

Date: 10-1-08
 Project No. PT.04.2
 Project Site: Chatham Forest Phase 9
 Personnel: None

Inspector: Peter L. Domas
 Contractor: Voller Realty and Construction

Observations: There is an area on the east side of Belmont Road (where the sewer line running east to west between Park View Road and Lot #185 extends under Belmont Rd. to MH#9) which never had base paving applied to it. This area was backfilled with ABC stone to the top of the base paving but the north end has eroded and the ABC stone washed away. Over time the soil road base has become saturated with water to a point that a probe can easily be inserted 12". An inquiry was recently made by Samir Bahho about applying base paving to this area. To pave this area the north end would have to be excavated to firm soil and backfilled with compacted ABC stone to sub-grade of the road and the remaining unpaved area would have to have the stone backfill removed to subgrade. Excavating the north portion may reveal or cause some undermining of the existing base paving which would then have to be cut back so backfill can be installed. All back fill would need to be ABC stone. No concrete. This work would have to be done under the supervision of Hydrostructures and base paving applied as soon as the road base is repaired to prevent further washout.

Instructions/Directions Given:

Other Comments: No work to be done with supervision by Hydrostructures

Date: 10-14/15-08
 Project No. PT.04.2

Inspector: Peter L. Domas
 Contractor: Alexander Concrete Construction

Project Site: Chatham Forest Phase 9

Personnel: None

Observations: Contractor has completed replacing all damaged curbs which had been paint marked for replacement and work appears fine. In removing the old curbing some unavoidable damage was done to the base paving of the roads. I have inspected the roads and listed below what has to be repaired before the finish layer of asphalt is applied.

Bellemont Ridge Road

Curb to be installed across each end of road as per shown on Approved Plans and base pavement installed up to the curb.

One area on NW side of road (at paint marks) needs repair to base pavement.

Bellemont Road - West Side At Start Of Phase 9

Area at the start of Phase 9

V' two (2) catch basins need temporary drain holes bricked in and base pavement patched. Near MH #9. See 10-1-08 Inspection report. Copy attached.

Two (2) areas at gateway to "Chatham Forest Ridge".

Where previous repair had been made to base pavement the base asphalt is too high and will have to be milled down to allow for depth of finish pavement.

At vacant lot between the two existing homes.

Area about 40' south of fire hydrant.

Bellemont Road - East Side At Start Of Phase 9

Area at driveway to house #314

CB between houses #322 and #314 repair as noted above.

Area just south of driveway to house #322

Right road lane between homes #334 and #340. See Email of 6/12/08 attached. Area at driveway to house #340.

Area just south of driveway to house #356.

Area north of driveway to house #356.

Bellemont Road - General

Going north up the hill there are several shallow dips in the road. These dips can be leveled off by the paving contractor when doing final paving if he is made aware of them.

Park View Drive - North Side Starting At Bellemont Road

At start of road there is a broken valve box on the water main shut off valve which must be replaced. Area at end of lead in curve.

Area at end of road.

Park View Drive – South side Starting At Bellemont Road

Areas about 45' west of catch basin.

Instructions/Directions Given:

Other Comments: All repairs must be made prior to applying final paving.

Motion made by Commissioner Baldwin seconded by Commissioner Harrington to adjourn the meeting at 10:45 p.m.

Vote Aye-4 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk