

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
MONDAY, JANUARY 22, 2007
7:00 P.M.

Mayor Randolph Voller called the meeting to order and Rev. Hubert West of Healing Waters Christian Fellowship gave invocation.

ATTENDANCE

Members present: Mayor Randolph Voller, Commissioners Max G. Cotten, Pamela Baldwin, Gene T. Brooks and Chris Walker. Commissioner Bryan was absent due to illness.

Other staff present: Town Manager Sam Misenheimer, Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr., Planner David Monroe, Public Utilities Director John Poteat and Water Treatment ORC Frank Efird.

AGENDA APPROVAL

Motion made by Commissioner Cotten seconded by Commissioner Walker to approve the agenda as presented.

Vote Aye-4 Nay-0

CONSENT AGENDA

Motion made by Commissioner Walker seconded by Commissioner Baldwin to approve the consent agenda as presented.

1. Minutes of January 8, 2007 Board of Commissioners regular meeting.
2. Flood Damage Prevention Ordinance – Chapter 10.

Action required: Call for public hearing, Monday, February 26, 2007.

3. Ordinance amending 2006-2007 Operating Budget for SCADA System improvements approved at January 8, 2007 BOD meeting.

Vote Aye-4 Nay-0

CITIZENS MATTERS

None

The project will have impacts on traffic, sewer and water infrastructure, but we believe, based on the experience of Preston Development, that these impacts will be positive. He said they would be doing road improvements in the area. He said they would be mitigating the impacts on the adjacent properties and probably signalizing the intersection, which should be a benefit. He said they would expect to extend sewer and water service to this area at the developer's expense.

He said this is Preston's first project in Pittsboro, but it will not be the last. In addition, you can be sure that we are going to put our best foot forward in this project and we hope to come out with a project that is good for the town and good for the people of the town. He indicated a willingness to accept questions.

The Mayor said this is the beginning of a long train of events. He asked Mr. Culpepper to elaborate on why they feel this is the best site to locate this kind of development in Pittsboro.

Mr. Culpepper said that with the access to the 64 By-pass, the access to the Toll development to the north and to the proposed Preston Development (which many people refer to as the Goodnight development) to the south, there will be many homes in this area which will need the kinds of uses that could go in to this type of commercial development. He said that it was not appropriate to suggest the types of uses that could go in here, but he could tell the Commissioners what it won't be, and that is another strip shopping center where the biggest impact is the parking lot. A development such as this needs a sense of space and a sense of place, so that when you come in to it you are more impressed by the building and the character of it than by the size of the parking lot. This type of location goes away from the idea of strip corridor because it is lying between corridors. He said they did not want to impact 64 businesses but to create a presence around Eubanks Road. He said that, fortunately, this property has frontage on both sides of Eubanks Road and they can do that. They want to create a presence when you drive in to it that it is a place you can identify rather than just any place in town. The developments on the north and south will have great impact and easily access by Eubanks Road rather than the future road network.

The Mayor said that, obviously, we are at the very beginning of this process, but he asked what would be Mr. Culpepper's thought if they were developing this, regarding public transportation. He noted that TTA is looking at Chatham County, and the bus system from UNC is extending down, and as we get more residents and have more people that need to commute to these employment centers, how are you going to integrate that potentially, because this could be a big draw. Mr. Culpepper said he hadn't thought about that particular subject, he didn't know that TTA was looking that hard over here. He said he was a real advocate for their trains when he worked there, he thought it would have a great impact. He said he could see this as one of those destination sites where the TTA loops through and goes back out. They are typically looking for a loop. The Mayor said

that is kind of what he is alluding to. Mr. Culpepper said they had some other road improvements that they are going to be alluding to in the years to come in this area that he thinks would serve public transportation. Being able to have shopping out here in an area where people don't have to go in to town and then back out will not draw away from the town but enhance it to give you the larger box away from the center of town but in an area that serves a lot of people. He noted that none of this development is going to take place until there are rooftops out there. We are early in the timing, but rooftops are coming, and once we work out a lot of those issues we have talked about like facilities and capacity, this will be a good location between two large growth areas.

The Mayor asked if they have evaluated your distance and service core to fire service, police service and other emergency services that your shoppers and other people will need at some point.

Mr. Culpepper said they had not in this particular case but this is something that, with the size of the development that they are talking about on the Preston property to the south, they would roll all those issues into the consideration of the project. He said they could figure all those issues being rolled in to a police substation, fire stations and schools. That is certainly going to come in to future phases.

Commissioner Brooks said that, with all due respect, he did not know about these things that he is talking about. River Oaks is still sort of out there some where, and I here rumor and gossip around the restaurants and things. And that Dr. Goodnight and his associates are buying large tracts of land. He asked if Mr. Culpepper was alluding to all the growth occurring on the southeastern side of the town.

Mr. Culpepper said he had tried to sit in the Land Use Plan committee and to look at the existing land use plan because he wanted to see where growth was going. He said that Preston Development currently owns 2300 acres within the town's jurisdiction, and it is property that would have probably developed piecemeal over time that they hope to bring to the town in better form in a way that will work to the benefit of the town rather than against it, the Preston development is there and Toll Brothers is there and this would serve both those areas and others.

Commissioner Baldwin asked if they were looking at the impacts on the schools and what they could do to help that impact. Mr. Culpepper said that his group would come in with a full package in the future. He identified a property that was not contiguous to the development; it was a property that became available. He said they are going to put together a full package, and the reason you have seen him here attending your meetings is so that they can understand the needs of the town and to make sure that they can incorporate that into any project they put forward to the town. He said they have already identified a property which they think will be a perfect school site and they bought 170 acres for a school site.

The Mayor suggested that they might want to look at fire department and police sites as they proceed. Mr. Culpepper said they are planning on bringing a complete and comprehensive plan to the town as they proceed. He said he is looking forward to working with the town as they have to this point; and they are hoping to bring something wonderful to the town, that enhances it, because there is a lot here already that you have going for you and we think we can build on that and they look forward to being part of that, knowing that will be the trick.

John Anton, Pittsboro Place Partners, located at the corner of Pittsboro which is located at the corner of Industrial Drive and Business 64. He thanked the Board for the hearing tonight and wishes to discuss how the proposed rezoning on Eubanks Road impacts the proposal they are developing for Industrial Drive.

Currently, Pittsboro Place consists of three parcels which add up to a little over two under acres which are currently zoned C-2 and M-2. If they built at a normal suburban density, currently, we could build at a density of 2,000,000 square feet on the 200 acres which we already own in its' entirety.

The town, at this point, has asked Pittsboro Place to complete not only an Economic Impact Study, but also an Economic Impact Feasibility Study, as well as a Traffic Study. Realistically, these two projects will affect one another, not only from a traffic standpoint but also from an economic feasibility standpoint.

At this point it feels unusual to propose a 60 acre retail rezoning which could potentially have a roughly 600,000 square feet of retail prior to proposing a traffic system for the entire 2300 acres which Mr. Culpepper has stated, but also, from what I understand is really in the process of upwards of 5000 acres. It seems a bit unusual that you would rezone the Eubanks Road property without proposing a traffic system for the entire proposed Preston Development Group project as well as a master plan for the entire project.

Essentially, Pittsboro Place, myself and my two partners, feel that, at a minimum, the approval process for the request on Eubanks Road should probably be slowed down a month or two to make sure the impact for both of or projects should be measured against one another to include traffic, economic feasibility, economic impact, as well as what the impact will be on the future sewer capacity in the town of Pittsboro. Essentially, at this point, we feel a bit concerned that the premature timing of this rezoning request may be in direct result to Pittsboro Places' plan to submit an MUPD in the month of February. Currently we are scheduled for a courtesy review at the Planning Board. We are planning a courtesy review with the Planning Board in early February followed by a submittal in either February or March. Essentially, where we stand, we think it makes plenty of sense to delay this rezoning request until we have had a chance to make our submittal.

Our current zoning can handle, as far as a mixed use standpoint, between two and three million square feet and between 660 and 800 thousand square feet of retail. We were advised at the request of the town to consider before agreeing to add to our current density which we own the property and we currently have the zoning to build these uses, we would ask that the town consider to ask the Preston Development Group to come forward with a Master Plan for the entire 5000 acres as well as a transportation plan and Economic Feasibility Study to take into consideration our existing development. We want them to take in to consideration our existing zoning and the ability we have to build on our property and how that affects their plans to do a retail site on the Eubanks site property.

Because what we are proposing is to submit a mixed use site plan we feel this project is going to grow in a 15 years' time to grow to somewhere between 500,000 and 600,000 million dollars. We feel the town needs to take care to not undercut our project in order to approve a project which would probably be worth, on average, between ten and twenty percent of that project.

He said that in the past they have requested a meeting with the Preston group to discuss items like transportation issues and have been told the time is not yet to talk with them and here we are at a public hearing discussing a commercial rezoning site. We feel that we need to have meetings on joint transportation issues and these points need to be resolved before adding additional square footage to our project at a site which is only a few blocks away. We are neighbors with the Eubanks Road properties which are six to eight blocks away so it would seem to make sense that we should have some talks with these folks and how each project is going to impact one another before an approval is made that will essentially impact things like traffic in the area. And bottom line, we feel that Preston should be required to do the same types of studies that we are being asked to do. I understand that their rezoning request is from R-A to C-2 and that we will be submitting an MUPD, the point is that these projects are so close to one another and we are talking about rather large square footage numbers, that there will be an impact. We have been in Pittsboro for some time at this point; when we purchased the first 65 acres before the Preston Group was even in Pittsboro, I understand that. One last point that seems to be glaring in my mind, at this point, is that the new 64 by-pass, wherever it ends up, will handle a lot of the traffic from the Preston's Group project. It seems, again, a little bit premature to request a rezoning on a project where a large amount of the traffic will be handled by a road that currently doesn't exist. Though he admitted to not being a "traffic guy" that is just the way it feels to him. What Pittsboro Place is before the Board tonight is to request that the Board consider delaying the request for a month or two, but, practically, to considering delaying their rezoning request until the Preston Development Group has come forward with a master development plan and a transportation plan for their entire 5000 acres.

The Mayor asked if Mr. Anton meant the 15-501 by-pass rather than the 64 by-pass. Mr. Anton said that he did, and was sorry for the confusion. Mr. Anton said that his

understanding was that the by-pass would come from a location near the Toll Brothers site and would come down through and to the east of Pittsboro Place, to the east of his client. He said this was off the record, from his understanding, and that is where the Preston Development Group and the Toll Brothers would encourage the development to occur.

Commissioner Brooks said that he would say that we don't know where the by-pass would be built. Commissioner Cotten said that there was something like 15 routes the last time he saw a map. The Mayor said that it is all public record and is on display in the lobby but he sits on the RPO for DOT and right now that by-pass is not on the TIP for 2006-2013. Mr. Monroe or Mr. Misenheimer can attest to the fact that the project is no longer funded, but roads have a magical way of disappearing and re-appearing depending on whom is talking to who at DOT, but right now, it is not funded. Mr. Anton said he understood.

The Mayor said he is a little confused because they are being asked to do the Traffic Analysis and Economic Analysis and he can understand how onerous they can be but they are various analyses required for the MUPD. He asked Monroe if that was correct. Monroe said it was. He asked if these studies would be required if they were asking to do a straight rezoning. Monroe said they would not, that if a rezoning was approved, studies could be requested at site plan review, but with an MUPD, the studies are required at submittal.

The Mayor said that, in a sense, that is not an "apples to apples" comparison and he can understand why Mr. Anton feels that way, but if they were to come forward with an MUPD they would be required to do the same thing. Monroe said they would. The Mayor said he could see why Mr. Anton feels that way because he is looking at it from a regional planning perspective. The Mayor said that a lot of the points he made seem to have to do with a potential absorption rate and asked if they had done a study based on growth rate of Chatham or Pittsboro. Mr. Anton said he had been asked by Dave Monroe to complete that study for their MUPD application. The Mayor said that, being a developer himself, having tried to get people to sit down at these meetings can be a lot like herding cats, and he can't really comment on the fact that you have tried to meet with them and it has been difficult. Mr. Monroe has chaired a couple of stakeholder meetings with Mr. Misenheimer attending where we have tried to work on issues but we are not averse to doing that as a planning tool but we can't guarantee you that people are going to come. The Mayor asked if they had any property contiguous to Preston property. Mr. Anton said they did not. In summary, the main thing you seem to be saying is that you feel this application needs to have more study. Mr. Anton said that they feel that an approval for a commercial site a few blocks down the road would greatly impact the project that we have been working on for some time in the Town of Pittsboro. These projects will impact one another and it would seem to make sense to ask the Preston Development Group to do a feasibility study and an impact study based on our current zoning.

Commissioner Baldwin asked Monroe to respond to the question posed with regard to a master plan for 5000 acres and wondered if he could ask a developer for that. Monroe said that at the point when they are ready to make an application we would sit down and discuss the details of what needs to be a part of that application. Ms. Baldwin said we would not just ask for it. Monroe said that was correct. The Mayor said that, theoretically, they could sit on that land for twenty years and be the giant elephant in the room.

Mr. Anton said that part of their logic on that point is that they believe this is going to be the main commercial site between the Toll Brothers project and the Goodnight property that is currently being assembled. So the thought there is that for the impacts of this project knowing that the uses will be absorbed through the rooftops of the Toll Brothers and Goodnight projects.

The Mayor called William Jackson. He said he would prefer to wait to speak last.

Marsha Hester, 151 Prince Creek. She said she would like to yield to her spouse.

Horace Britt, 151 Prince Creek. He said they have concerns with the project. To begin with, my wife and I moved from downtown Cary to get away from all of that and now here it is covering us back up. He said he is very familiar with the things Board members have to go through because he served two terms on the Planning Board and a term on the Commissioners in Garner. He says the agenda says what we are talking about is between 64 and 64 by-pass, but actually the property goes to the north side of the by-pass so it looks like there is more property than we are thinking about. He said their concern is that everybody says “this is what we propose, and we are going to do this or do that” just like Toll Brothers said they are going to make road improvements and now these gentlemen are talking about road improvements but the only road improvement he said he had seen is from colored pencil. The road that is there now is a low grade secondary road which would not withstand any type of construction traffic whatsoever. At this point we are already getting holes in the asphalt due to the drilling and testing that Toll Brothers is doing back there. We just feel that we understand that normally the procedure is when a developer comes in to the area they find land they want to put together, they get options on it. And in this case, the way we understand it, there are no options, they just purchased it. This makes us residents feel like whatever we do, it is going to be regardless, and they are going to push it down us. It gives us an inferior complex knowing that this is taking place. Now, we understand that they own twenty-some hundred acres in the southeast part of town. But if you look at the plan, it also shows another twenty-some hundred acres and ties in to the south side of 64, and the neighbors have no idea what is going on. At this point it’s going to be one of those conditions where one day out of the clear blue, our neighbor’s going to be approached and told “we want your land, you have to move”. We feel like the people who own land in the area, the property owners, the residents are being by-passed due to the bureaucratic bureaucracy we feel like is coming down the line. We had a gathering at our house past Thursday night and, as far as I know, everyone on the north side of 64 whether it be the Business or By-pass do not want either Toll Brothers or this other place to go, we just want to be left alone and we hope you and the Planning Commission will take our concerns under consideration.

Marsha Hester 151 Prince Creek.

We have lived here after trying to find potential agricultural property. Most of our neighbors have done the same thing, they've lived here for many years, and most of them have developed it like we have, into a farm or just wanted their privacy kept. When Toll Brothers came in we were just suddenly told, they're here. We looked at a little meeting and we don't want to be a part of that. When I went to that meeting I had the feeling I am getting here tonight "why would you go buy the property (not option but buy) if you didn't know you were going to get the zoning you want?" They did that in Cary and they are doing it here. Toll Brothers did the same thing. But make the plan that you let everybody know, not just those few who are next to the property because the majority of the owners don't abut but it certainly is going to affect our subdivision, and every subdivision member is against it and they would not have known if we hadn't told them. I have a very strong feeling that I am losing my farm already. We contacted the sisters trying to buy their property but they had already heard about the possibility of making more money and, you know, that is their right, we have each tried to do our own thing in our area. Fine, we've lost it already to Toll Brothers, they have already offered to buy all of us out, they sent us their letter and Preston hasn't yet, but I'm sure they will. But they are going to have a fight on their hands with a few of us. I just wish things could be done a little bit different. This is the last place I ever intended to buy and I don't think this has been handled properly. I want Pittsboro to grow but in a well planned manner considerate of everyone and I don't feel like it is being done like I thought it was going to be.

William Jackson, Pittsboro Place.

He said he would like to clarify a couple of additional points. He said he very much appreciates that the town has normal procedures and that those are not to ask for an economic feasibility report for a rezoning, but it certainly is in your purview to do that if you choose to. The difficulty in all these systems is that they were not necessarily designed for unusual circumstances. We now have two very unusual circumstances going on in the town of Pittsboro. We've got a player out assembling 5000 acres and is here at this rezoning tonight without any information at all of how it fits in to a road system that will service that 5000 acres, that fits in with a master plan for that 5000 acres. What they are going to ask you to do is simply take it on faith that this project which, by the way does not have an interchange on the by-pass, simply an overpass. In his mind it is not necessarily the obvious place for additional retail in that 5000 acres; it may be, but without the benefit of a site plan and a transportation plan, how in the world do you know. So, he said he wants to suggest that, although he appreciates that the normal procedure is not to ask for an impact study, in this particular case, we have come in to this town and put five million dollars in the ground and we are deep in the process of preparing a wealth of mixed use project which we believe will have as much or more economic potential for this town as bringing Dell Computer had for Winston-Salem.

We're talking five or six hundred million dollars over fifteen years; it is designed to add on to and add on to. And, the zoning is in place; the zoning allows many retail uses with the existing zoning without the plan we are currently asking be approved. So from a practical standpoint, if you came to my desk right this minute you would see a \$45000 proposal for an economic impact study, which I am prepared to sign by the way, and you would also see a \$45000 feasibility study, which I think I am getting ready to sign. But it simply defies logic to ask us to spend \$45000 to do an economic study for a property that is already zoned for the most part and turn around and rezone another 60 acres that can easily handle 500,000 to 600,000 square feet of development, that directly impacts my property and have us finish the impact study as if the other doesn't exist and was not going to be approved. How in the world does that make any sense?

So he suggests, although he appreciates very much that it is not typically what is done, you might not normally ask for a master plan before you approve this rezoning, there is nothing that says you can't do that if you choose to; in fact, in most places where we do business, it is commonly done. So don't be confused about if you have a right to do that, in this particular circumstance, it is the most appropriate way. And by the way, when I found out that Preston was the buyer out there, I was a happy man. He noted that he is not adjacent to the 60 acre property, but they are adjacent to the 2300 acres because he sold them 600 acres between their original 1800 acres and his. He said they are absolutely adjacent to their development at Industrial Drive. From a practical standpoint, he doesn't mean any disrespect for your normal process, but I sit here getting ready to write a \$45000 check for a feasibility study that he just has to wonder doesn't common sense say that you would also want to see the feasibility of additional zoning after using the zones that already exist.

The Mayor said he is not going to say he would argue with that. Mr. Jackson said the system needs to make sense where he is being asked to do these studies in order to demonstrate to the town that our proposed MUPD project makes sense why in the world (with Preston Development being well funded) wouldn't the town exercise their prerogative, which they've got the right to do, and say fine let's look at the feasibility of Pittsboro Place and add all this to it. Go do the study and come back to us and, by the way, you should show us how this fits in to the overall transportation plan for the whole region, and it is really at that point that these types of decisions are best made. Failing all of that he would simply ask please slow it down enough so we can get our reports filed and you can look at both of them at the same time. This is a transparent effort to slide in and get approval immediately before we file our project.

Monroe said that the reasons that Mr. Jackson is being asked to prepare all the studies is that they are requirements of the Mixed Use Planned Development standards. They are not required of the C-2 zoning district and if Mr. Culpepper had requested an MUPD he would have been expected to do the same studies.

Commissioner Brooks said he had seen a movie last weekend called the Sunshine State; it was about what happened to the people in Florida. He said he didn't even remember when we started the Industrial Drive thing but it was before he was on the Board. But we have been trying to get something on Industrial Drive probably more than 30 years. You know when I go to a cafeteria I don't expect somebody to get in front of me when I am trying to get my plate.

AMENDMENT TO ZONING ORDINANCE

A request by Bradshaw & Robinson to amend Section 5.3.3.37C of the Zoning Ordinance pertaining to Planned Unit Developments.

Patrick Bradshaw, Attorney, 128 Hillsboro Street.

He indicated that he had requested an amendment to Section 5.3.3.37C of the Zoning Ordinance to provide that in a Planned Unit Development the area, yard and height requirements in section 5.4 may be varied in the Special Use Permit for the PUD approved by the town. Currently, although the first sentence of that section says that PUD's will be "exempt from lot sizes specified in this zoning ordinance except as specified below," it goes on in the next two sentences to provide that lot sizes cannot be reduced more than 25% and all of the other dimensional requirements in the ordinance will apply as usual. The exception entirely swallows the rule.

The purpose of the PUD, according to the zoning ordinance, is "To provide desirable open space, tree cover, recreation areas, scenic vistas and variety in residential properties..." The current provisions of the zoning ordinance make it very difficult to accomplish those purposes because they only allow a maximum 25% reduction in the minimum lot size for the zoning district and no variations in setback and height requirements. Although a PUD is subjected to additional recreational space, access, parking and site plan requirements, the flexibility granted is not enough to allow real creativity or variety and not enough to justify the expense of complying with the additional requirements.

Under the current ordinance, the only way to accomplish real design variety and create significant open space in a residential development without creating mixed uses in a Mixed Use Planned Development is to zone the property up to a density level that is far more than necessary in order to get smaller lot sizes and then to request a variance for the yard and height requirements. That is a cumbersome process and the increase in the density is unnecessarily alarming to the neighbors because you are requesting a density that you don't really intend to use, and the process is cumbersome and confusing and the town ultimately could lose control over the density on the property that it otherwise could retain through the Special Use Permit process for a PUD.

The proposed amendment would do no harm to property owners near a PUD or to the community at large. Overall density of dwelling units will still be limited by the applicable requirements of the zoning district in which the PUD is located. A PUD can only be approved pursuant to a Special Use Permit, which carries all of the procedural protections described in Section 5.3.2 of the zoning ordinance, including a public hearing, Planning Board review and ultimate action by this Board of Commissioners. A PUD can be denied if the Board of Commissioners finds that it will materially endanger the public health or safety, will substantially injure the value of adjoining or abutting property, will not be in harmony with the area in which it is to be located or will not be in conformity with the land development plan or other plans officially adopted by the Board of Commissioners.

The specific language of the proposed amendment is substantially similar to a corresponding provision in the MUPD District portion of the ordinance, specifically 5.6.6A(2). This type of flexibility was found to be appropriate in the MUPD District and I submit to you that it is appropriate for residential PUD's for the same reasons.

The amendment proposes flexibility in lot sizes and dimensions that is also allowed in PUD's under the Chatham County Zoning Ordinance and Subdivision Regulations and under the ordinances of many other jurisdictions.

He said he had brought four or five examples which he was intending to read, but unless the Board is particularly interested in that, he said he would leave them with the Clerk, but needless to say this is a principal that is generally applied to most PUD's in his experience.

He said he believes this change is necessary in the town's ordinance to accomplish its stated objectives. He appreciates their consideration.

The Mayor said he agreed that our process is a little cumbersome and he is glad he brought that to our attention. He asked if you are going to vary the height, how would you conceive, if this was approved and comes back, that we can manage the process vis-à-vis our fire department to make sure that heights of buildings would be serviceable by what we currently have in our fleet. Mr. Bradshaw said that the way he would see that working is exactly the way it does under your MUPD ordinance right now, which is that all of the requirements of the zoning ordinance for that zoning district would apply just as they always do unless they are specifically varied in the Special Use Permit for the PUD. In that case, the developer would have to propose a variance, the town, the planner, the Planning Board would have an opportunity to examine that, confer with the fire department and to be sure that the proposed change is appropriate and that it can be serviced with emergency vehicles.

The Mayor said that he agrees with Mr. Bradshaw, those standards have been in the ordinance since 1994 and have not been used. He did a cluster development because of what was just said, because the developer gets no benefit, so the town is not getting the open space that it should have gotten. He said he agrees that this kind of change needs to

be required to come up with the money so that we can run a big ad in the paper to notify the public so that we may get more input from the public.

Mayor Voller stated that is something they were discussing today about getting more people using the Chatham Chat list in addition to the newspaper because you have to use more than one form of media to get it out to everyone.

Commissioner Brooks stated he would like for this to go to the Planning Board to receive feed back from them regarding requiring a larger ad.

Manager Misenheimer stated what we would do is increase the cost to the petitioner so that the down would not have to incur any additional costs.

Commissioner Brooks asked that it be made a part of the motion if there is no objection. There was not.

Commissioner Cotten and Commissioner Walker amended their motion to include the planning board consider requiring developers pay for a larger newspaper ad and that other forms of media be used to get the word out. Vote Aye-4 Nay-0

ABC COMMISSION APPOINTMENTS

Resolution to appoint members to ABC Commission.

Commissioner Brooks asked to be excuse on this matter because his wife is on this board.

Motion made by Commissioner Walker seconded by Commissioner Baldwin to excuse Commissioner Brooks from the vote.

Vote Aye-3 Nay-0

Motion made by Commissioner Cotten seconded by Commissioner Walker to approve the following resolution:

A RESOLUTION RE-APPOINTING MEMBERS OF PITTSBORO ABC BOARD

WHEREAS, the terms of all three current members have expired, and

WHEREAS, all three have indicated a willingness to continue serving, and

WHEREAS, The Pittsboro Board of Commissioners appreciates their past performance and desires they continue to serve.

NOW, THEREFORE BE IT RESOLVED that the following members be reappointed to the Pittsboro ABC Board, Dr. Karen Allen, Ellen Brooks and Harry Sugg; and

BE IF FURTHER RESOLVED that their appointments are as follows:
Harry Sugg (one year) – 12/31/07; Ellen Brooks (two years) – 12/31/08 and Karen Allen
(three years) 12/31/09.

RESOLVE this 22nd day of January, 2007.

Vote Aye-3 Nay-0

**A RESOLUTION REAPPOINTING MEMBERS OF PITTSBORO ABC BOARD
IS RECORDED IN THE BOOK OF RESOLUTIONS, NUMBER ONE, PAGE**

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to readmit
Commissioner Brooks. Vote Aye-3 Nay-0

Mayor Voller stated he had mentioned this the last time and suggested that we ask the
delegation which is essentially Joe Hackney and Bob Atwater to enlarge this board
(because the town is changing with demography and people) in the future, it can be after
he is set to start (As speaker) or next year it does not have to be tomorrow.

Motion made by Commissioner Baldwin seconded by Commissioner Walker to authorize
that Mr. Messick or Mr. Misenheimer send a letter to our delegation requesting the board
be enlarged.

Commissioner Brooks asked if they had a date in mind.

Mayor Voller asked Attorney Messick about a date.

Attorney Messick stated the board needs to decide how many additional seats you are
requesting.

Mayor Voller said two, to make it a 5-member board.

Attorney Messick said it would be up to the legislature when it would be done.

Vote Aye-2

Mayor Voller asked Commissioner Cotten about his vote. Commissioner Cotten said he
has misgivings about it at this time; he was caught a little off guard. He would like for it
to be tabled and discussed at another meeting.

Mayor Voller asked Commissioner Brooks about his vote. Commissioner Brooks stated
he does not feel comfortable voting on this matter. Attorney Messick stated if he did not
vote it would be counted as a yes. Commissioner Brooks stated he would abstain from
voting.

Commissioner Baldwin withdrew her motion and Commissioner Walker withdrew his second.

Motion was made by Commissioner Baldwin seconded by Commissioner Walker to table this until the next meeting. Vote Aye-4 Nay-0

DRUG/ALCOHOL TESTING POLICIES

Proposed Drug and Alcohol Testing Policies and Procedures Manual.

Manager Misenheimer stated this is the first draft presented to the board for their consideration. You do not have to act on it tonight. He stated it gives us the ability to require testing for new employees. The Police department currently have to do a background and drug/alcohol testing pre-employment, this would make the process consistent.

Motion made by Commissioner Cotten seconded by Commissioner Brooks to table this until the next meeting because he did not get it until Saturday around noon and has not had time to examine it completely.

Vote Aye-4 Nay-0

NCDOT – THOMPSON STREET

Letter from NCDOT regarding crossline drainage review for Thompson Street – Reuben Blakley, PE, District Engineer

The following memorandum was sent from Mr. Timothy Johnson, P.E., Division Engineer:

Enclosed please find a county map showing the locations of two crossline structures. Please note the dashed line is the city maintained section of Thompson Street. The 36" x 36" concrete box culvert is approximately 120' west of the intersection of SR 1701 and SR 1702. The 30" RCP is approximately 559' west of the intersection of SR 1701 and SR 1702. The second structure mentioned (30" RCP) is underneath a section of Thompson Street that is maintained by the City of Pittsboro. The City of Pittsboro has requested a review of these structures since the city maintained portion of Thompson Street has overtopped during recent rain events. The possible cause of this overtopping could be water backing up from the 36" Concrete Box Culvert. Recently the Town of Pittsboro has removed debris from the inlet of the 36" Concrete Box Culvert that obviously helped the flow, however water still seems to be backing up. Our concern is that upstream development has increased the runoff in this area. Please review this drainage area and provide recommendations for improving cross drainage of Thompson Street.

Please send any comments directly to Mr. Reuben Blakley, PE District Engineer, PO Box 1164, Asheboro, NC 27204 C.S. No. 13-62-07. If you have any questions or need further information please feel free to contact Reuben Blakley, PE in that office at (336)629-1423.

As always thank you for your thorough review and comprehensive recommendations.

Manager Misenheimer stated this memo is for the board's information. It is an update on the previous issue that Mrs. Farrell addressed the board about and he should have a report of NCDOT findings here for the next meeting.

Commissioner Brooks stated on another DOT matter; Mr. Devinney and Chief Griffin reminded him tonight coming into the building and he has noticed it several times himself. When are they going to do something out there at Lowes before someone gets killed or seriously injured? He doesn't know what the problem is but is there anything we can do to get the stakeholders to put the lights up.

Mayor Voller stated this is exactly what is going on. From their last meeting with the RPO & TARPO (Rural Planning Organization for the four counties) he asks that question every time and right now from what has been told – you've got Powell Place and then you have Lowes and then you the heir to Hydro Tube (because the gentlemen who owned it passed away) and there is some difficulty with the right-of-way from Hydro Tube and they are not cooperating. Mayor Voller stated his question was this should have been done up front and it wasn't and can't they escalate the process before a citizens gets hurt due to some foolishness in negotiations. That light should have been put out for bid in November.

Commissioner Brooks stated that is what he thought.

Mayor Voller said he has been asking that question and pressuring them, essentially it is a function of three different parties not related to DOT all pointing the finger at each other with no one getting it done, and he is not sure what we can do.

Manager Misenheimer said he has an update. Mr. Blakley shared it with him, he believes they have gotten the negotiations with Hydro Tube settled and he indicated it should be in March that they have everything settled and the light installed in the spring. He will ask Mr. Blakley for a follow up on this as well. Manager Misenheimer stated the Town has a monthly meeting with DOT.

Mayor Voller said in the past DOT has not been involved in the process until way late in the game and Mr. Monroe and Mr. Misenheimer have worked really hard to get them in here to meeting with them monthly.

Commissioner Brooks stated he is not an engineer, but part of the problem is most of the time if you are in the right lane you stay in the right lane but there you have to get in the left lane because the right lane ends then you have folks trying to get in the highway – it’s just a nightmare.

Commissioner Cotten stated people coming in from Chapel Hill come up the hill on the bridge going 60-70 mph. He said we need to try to get that speed limit dropped.

Commissioner Brooks stated he wondered if there is some type temporary warning signage that DOT can put out there until they can get the light up.

Mayor Voller said why we don’t request that Mr. Misenheimer send a correspondence to Mr. Sloan and Mr. Blakley about doing some type of warning. That is a serious concern that he has also.

Commissioner Cotten said there is another related item too. He had not noticed it until some one called it to his attention and he went out there this weekend. The exit lane coming from Pittsboro going into Lowes there is not one there – you have to make a sharp turn back to the right it’s not paved or anything it’s just not there.

Planner Monroe stated that it is a part of the improvements with the installation of the traffic light.

Mayor Voller directed Manager Misenheimer to convey that the board and citizens are very eager to see it done, the sooner the better.

A COPY OF THE MEMORANDUM IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

Commissioner Walker asked to be excused from the meeting to take care of some work matters (his bank was robbed earlier today).

Motion made by Commissioner Brooks seconded by Commissioner Cotten to excuse Commissioner Walker from the remainder of the meeting.

Vote Aye-3 Nay-0

NEW BUSINESS

R-O-W ORDINANCE

Model Right-of -Way Ordinance.

Manager Misenheimer said this is the first draft before you this evening and it may take further review. This is a follow up from working with our cable consortium. It gives the

authority for public r-o-w to be held. For any public utilities that would be interested in coming in doing business, they can't just assume that there is r-o-w that they can use without notifying or getting approval and/or easements from the local jurisdictions.

Mayor Voller asked how this will address the problem when we have Time Warner Cable contractor coming out here drilling into gas lines and requiring expensive repairs.

Manager Misenheimer stated that is already covered by our ordinance they have to pay the expense for the repair, they are liable. It could also be filed with their insurance.

Mayor Voller asked would this require that they register with us so we know who is here.

Manager Misenheimer said it does require that they come and register with the Town.

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to set a public hearing on February 26, 2007 at 7:00 pm

Vote Aye-3 Nay-0

PARK AND RECREATION ADVISORY BOARD RESIGNATIONS

Acceptance of resignations from Town Parks and Recreation Advisory Board members – Sarah Carr and Julie Cummins.

Motion made by Commissioner Cotten seconded by Commissioner Brooks to regretfully accept the resignations of Sarah Carr and Julie Cummins and that we advertise to full the positions and that a letter of appreciation be prepared for each of them.

Manager Misenheimer stated they have done an outstanding job.

Vote Aye-3 Nay-0

2007 PARTF GRANT APPLICATIONS

2007 PARTF Grant Applications approval.

- 1. Pittsboro Town Park location.**
- 2. Pittsboro Recreation Complex location.**
- 3. Capital Improvement Plan**

Commissioner Baldwin wanted to thank everyone who worked on this project.

Manager Misenheimer stated Bill Lester and Sharon McDuffie are present along with members of the Parks & Recreation Advisory Committee. Mr. Lester & Ms. McDuffie will go over the Grant Application we have prepared for the 2006-2007 funding cycle with a January 31, 2007 deadline for submittal. There is no guarantee the grant will be approved. Bryson Powell with Powell Place is also present. The PARTF Commission will review all application and we should hear something by May or June 2007 so we would be able to include any items in the budget.

Commissioner Cotten stated while they are setting up we need to add a 3rd item to this the Master Plan is not listed and he thinks we should talk about the Master Plan a little bit.

Manager Misenheimer stated the Master Plan is a part of the whole application process.

Mr. Lester stated there has been a lot of work involved in pulling this together from staff and the Parks and Recreation Committee and a great deal of input from the citizens. They probably received a 10% response on the survey, which may not sound great for some things but it is for this. There are two projects included Pittsboro Recreation Complex (names may change as the projects develop) the other project is Pittsboro Town Park which is adjacent to Powell Place Development. The two projects are both requesting \$500,000 from the North Carolina Parks and Recreation Trust Fund. Those funds are made available – they are very competitive program but he thinks we have two very good projects. It is not unheard of for areas to get more than one project. They have worked closely with Bryson Powell to get this together, to develop Master Plan to bring both projects along in the point rating system. We are to a point that we had two good applications to move forward if the Board so agrees to submit.

He wanted to talk a little about Pittsboro Recreation Complex that is where they have done most all the leg work on, working with staff. They are working with a piece of land north and west of the 3M property and the potential land donation there. The key to the land donation is that can be used for your match money, so the town does not have to come up with out of pocket money to begin developing a park. The property total is 60 acres, the first phase is about 25 acres or so. When developing a master plan you develop it in phases and the purpose of breaking it into phases is so we can have land donated along with each phase to act as local match in future grant applications. What they tried to do with Pittsboro Recreation Complex was take the citizens comments based on surveys, we have had a community forum with the parks committee, and look at what the citizens wanted. The survey indicated the new facilities the citizens wanted to see were bike lane, amphitheater, open space greenways, open pools, playground, picnic shelters and paved and unpaved trails to walk on and do outdoor activities on. They have tried to get the most requested items in the projects. The Master Plan includes outdoor space and multi-field complex for baseball and softball and multi field use area for soccer football and those things. But what they are choosing to submit as phase I based on citizens surveys and the recreation committee is walking trails and outdoor amphitheater theater, picnic shelters they feel like they have covered most of these top citizen requests.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to approve the submission of the 2007 PARTF Grant Applications to include a Parks and Recreation Master Plan and 5 year Capital Improvement Plan, Pittsboro Town Park location and Pittsboro Recreation Complex location.

Billy Hughes stated the multi-use fields will not work and that we should rework the plan after we receive the grant.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to approve the 2007 PARTF Grant Applications to include a Parks and Recreation Master Plan and 5 year Capital Improvement Plan, Pittsboro Town Park location and Pittsboro Recreation Complex location and that the grant applications be submitted for funding.

Vote Aye-3 Nay-0

CORRIDOR TASK FORCE

Appointment of Town Board member to serve on Chatham County Corridor Task Force.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to appoint Mayor Voller and Chris Walker as the alternate.

Vote Aye-3 Nay-0

Mayor Voller asked if we have had a member on the Solid Waste Committee since Commissioner Cotten stepped down. Commissioner Cotten said we have not. Mayor Voller asked if there was anyway it could be a member of the community and not a town board member. Commissioner Cotten stated in his opinion it should be a Town Board member. It has to be someone that can speak for the board or at least to give the ideas of the board. Commissioner Cotten stated neither Goldston nor Siler City uses a board member both of theirs are citizens.

Mayor Voller stated we need somebody on this committee and that it should come back to the next meeting. Mayor Voller stated he does not have a problem finding someone of the general public or a board member.

Mayor Voller asked Manager Misenheimer to write a letter to Representative Joe Hackney and Bob Atwater in reference to the letter we received from NCDENR and letting them know we have submitted 2007 PARTF Grant Applications.

Staff Reports/Manager updates

- Monthly status report on wastewater projects updates – Hobbs, Upchurch, and Associates – The following report was submitted – Adam Kiker was present and went over it:

January 22, 2007

Mr. Sam Misenheimer
Manager, Town of Pittsboro
635 East Street
Pittsboro, NC 27312

RE: Town of Pittsboro Wastewater Projects
Project Updates

Dear Mr. Misenheimer,

This letter is to inform the Town of Pittsboro about the progress on the wastewater projects currently underway. As Pittsboro continues experience an increase in wastewater demand, we are working hard to keep your wastewater systems up to speed.

REUSE LINE AND STORAGE TANK TO SERVE 3M

A second round of comments was received from the NC Construction Grants and Loans Section (December 19th) regarding the Amendment to the Engineering report for the 3M reuse project. A response to these comments was issued on January 12, 2006. (They are pleased with our response at this time)

A revised cost estimate was included in the most recent package. The current estimates are \$120,000 for the pump station, \$1,164,670 for the reclaimed water main, and \$351,225 for the 500,000-gallon storage tank totaling \$1,635,895 for the entire system.

An update meeting was held with representatives of 3M on Wednesday, January 17, 2007 to discuss project specifics. Hobbs, Upchurch & Associates is coordinating the final project design with 3M to insure their satisfaction with the system operations. This will require effluent monitoring at the waste water plant to prevent contaminated water from being delivered to 3M.

WWTP MODIFICATIONS

As discussed in previous meetings, the NC Construction Grants and Loans Section will be the lead review agency for the new wastewater treatment facility. The original intent was for plans and specifications to be delivered to CG&L by mid-December; however, set-backs in design time due to complications with developers' negotiations have pushed this date to mid-February. The final details are being incorporated into the design at this time.

The only increase in flow capacity that will be applied for is the volume being sent to 3M. Any other irrigation systems (golf courses, etc.) will be added to the permit at a later date. Once the Environmental Impact Statement is approved and a discharge permit is issued, further expansions of the wastewater plant can be planned and strategically timed to coincide with the increased demand of the system.

ENVIRONMENTAL IMPACT STATEMENT

Ms. Morella King, P.E. with our environmental division is preparing the first draft of the EIS. An ecological survey is currently being prepared by a local Southern Pines biologist. Contact has been made with the Corps of Engineers to obtain access for the biologist to the Jordan Lake discharge location. The Corps' response to this request will weigh heavily on the final choice for the discharge. As soon as the ecological survey's findings can be incorporated in the document, a first draft will be delivered to NC DENR.

We appreciate the opportunity to be of service to the Town of Pittsboro. If there are any questions or if you require any additional information, please do not hesitate to call me at this office.

Adam Kiker

- Monthly status report on town projects – HydroStructures, Inc. as follows:

MEMORANDUM

To: Town of Pittsboro

From: Hydrostructures

Date: January 17, 2007

Subject: Multiple Project Status Report

3M Reclaimed Water Project

- Hydrostructures' submitted revisions for Contract 2&3 (transmission and tank) to CG&L on August 22, 2006. The CG&L review is ongoing.
- If the project is approved in its current form, certain easements will be required for the project. Responsibility for easements lies outside of Hydrostructures' scope of services. However, we can pursue these easements if requested.

BB&T (Powell Commons)

- Plans have been approved for Construction. As we understand it at this time, construction will be coordinated with adjacent commercial development.
- H.B. West, the utility contractor is almost ready to start work. However, there has been some feedback that construction may be delayed until near year's end.
- Several abandoned utility lines (gas, sewer, telephone, water) were discovered well inside of the property boundaries. NCDOT confirmed that 15/501 was formerly located 20' – 40' to the west before the Hwy 64 bypass project was performed. This would place these old utilities in the road right-of-way at the time when they were still active. When the pipes were confirmed to be inactive, the pipes were dug up and removed without complaint by the contractor.

Chapel Ridge

- As we understand it, the Town recently communicated the requirement that a check valve be installed to isolate the Town system from the Chapel Ridge system. Also there appears to be a continued dialog to bring about better control of Chapel Ridge's water tank level and pumping schedule. Action on these items is being requested in writing by Town staff.
- Hydrostructures, PA recently requested and received hydraulic data relating to the Chapel Ridge water system. This information will be input into water system model, currently under development by Hydrostructures.

Chatham County Department of Social Services

- The Town Board of Adjustments has approved a dry pond BMP for stormwater control at this site. We await the engineer's plan resubmittal.

Chatham Forest

- Erosion and sedimentation: The erosion runoff is somewhat improved but should continue to be monitored. NCDOT has agreed to perform a drainage study in this area which may provide some useful recommendations.
- Pavement failures: an acceptable action plan has been proposed for repairing these failures. The schedule for making these repairs revolves around home building – once the home construction is complete, the streets will be repaired and the top course of asphalt will be placed. It is our understanding that the warranty and bond for this section has been extended to accommodate this effort.
- Runoff on Bellemont Ridge: This situation has improved somewhat due to a cessation of heavy equipment traffic. Planning for development and roadway improvements in this vicinity is ongoing as we understand it.
- Malfunctioning Pressure Reducing Valve (PRV): to work toward a solution to this matter, Hydrostructures requested and obtained detailed plans, specifications, cut sheets, and a copy of the permit allowing the system addition. We reviewed the information that was furnished to us by Samir Bahho and in our letter of December 12, 2006 expressed our concerns and made our recommendations on how to proceed. The Town passed these recommendations on to the developer and his engineer so that they would be addressed. The effort to date does not appear any different or any more affective toward resolving the matter. Town staff has stated that they would address the issue again with the developer.
- Access Road: Inspection of the Park Access Road and water main extension is ongoing. The road subgrade has been proof rolled and several improvements made to bring the subgrade up to standards. The first layer of stone has been applied and we are waiting for the contractor to schedule a proof roll. A gate valve remains to be installed to complete the water main extension.

Collection System Rehabilitation

- Hydrostructures is in the design phase of the Credle basin rehabilitation which will be followed by bidding and construction. Construction could begin in early spring.

Lowe's

- We recently received Final surveyed as-built drawings which Hydrostructures reviewed and furnished three (3) copies along with a CDROM to the Town.

Potterstone Village

- Utility testing is complete on Phase 2B & 3 of this project and the As Built Survey has been received. Several close out items remain to be done including final inspection.
- The developer, Larry Witek, has completed miscellaneous repairs in Phase 2A and requested termination of the warranty period. We have performed an inspection and reported to the Town that Phase 2A can be considered complete and approved.
- The Town has informed us that the warranty period expired on August 4, 2006.
- A recent concern over the termination of a road abutting the former railroad grade has been addressed through the addition of a steel guardrail.

Powell Place Phase 2

- Utility construction and testing of Phase 2A are complete and bact. sampling has been successfully completed. Base course of stone has been proof rolled and all curb and gutter is installed. The contractor is finish grading the roads and hopes to apply the base course of paving by the end of next week.
- Phase 2A is under consideration by Town for final plat approval.
- The sewer mains have been installed in Phase 2C.
- Work has started on the Pond "A " Improvements.

Powell Place Pump Station

- The phone line from outside the fence to the pull box inside the fence has still not been buried by Madison River and the engineer has been informed of this.
- After the recent work the Pump Station appears to be working properly with minor kinks to be resolved, such as occasional false power failure alarms.

Powell Place Village Center

- Site clearing and grading ongoing. A site utility plan has been approved for Construction by Hydrostructures. Construction at this site is supposed to be coordinated with the BB&T and Holmes Oil site. The DENR Public Water Supply Permit has not been received.
- See comments regarding abandoned utilities under BB&T heading.

River Oaks

- John R. McAdams has prepared a water system hydraulic model demonstrating the theoretical impact of the addition of the River Oaks subdivision. Hydrostructures is reviewing this work.
- John R. McAdams has requested Hydrostructures to look at the option of pipe bursting the existing collection pipe that runs to the west of Town Hall instead of paralleling the existing line with a new pipe. We will review this work.

Spoon Commercial Project (Bellemont Station)

- This plan was approved for construction and construction is underway.

Spoon Capacity Analysis

- We are meeting with Mr. Spoon's engineer for review of long-term plans for his properties. This information will be incorporated into water and sewer system planning.

Standard Specifications

- Hydrostructures has submitted the revised Standard Specifications, which have been approved by the Board and became effective January 1, 2007.
- Digital PDF files are being provided.

Water Distribution System Modeling

- Water system modeling efforts are underway. We plan to meet with Mr. Monroe to review planning data and develop build out flow scenarios.

Sewer System Master Plan

- Sewer system modeling efforts are underway. We plan to meet with Mr. Monroe to review planning data and develop build out flow scenarios.

Water and Sewer System Mapping

- This project is under way and we anticipate delivering in the spring.

Evaluation of Plan Review/Inspection Costs and Fee Recovery

We are working with Mr. Misenheimer to evaluate review and inspection costs and to propose fee reimbursement revisions.

- Chatham County Affordable Housing Task Force recommendations
- Response letter to public water supply/TTHM violations
- Copy of letter to U. S. Army Corps of Engineers – WWTP outfall surveys
- Copy of letter on reclaimed water system to serve 3M amendment to Engineering Report HUA No: PI0604

COMMISSIONER CONCERNS

Mayor Voller request that a list of all the things the town has done towards improving the water quality be compiled and placed on the web site so that citizens will now that we are working to solve the problem. He also stated we should like them know that some of the results are because of tightening restrictions from the state and federal level.

Commissioner Baldwin asked where the property owners not notified of the rezoning request. Planner Monroe stated the laws states that "adjoining property owners" must be notified, and all of the adjoining property owners were notified.

Mayor Voller asked about the signs that we placed on the property were zoning matters have been requested. Planner Monroe stated that signs have been stolen and we have to order new ones.

FYI

- Planning Board meeting schedule 2007
- Updated Town Board meeting schedule 2007
- Economic Indicator's - January 2007 – Chatham County Economic Development Corporation.

CLOSED SESSION

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to go into closed session for Attorney/Client privilege – pursuant to NCGS 143-318.11(a)(3) to consult with the attorney.

Vote Aye-3 Nay-0

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to go out of closed session.

Vote Aye-3 Nay-0

ADJOURNMENT

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

Vote Aye-3 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk