

MINUTES
TOWN OF PITTSBORO
BOARD OF COMMISSIONERS
MONDAY, AUGUST 27, 2007
7:00 P.M.

Mayor Randolph Voller called the meeting to order and asked for a moment of silence.

ATTENDANCE

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

Other staff present: Clerk Alice F. Lloyd, Attorney Paul S. Messick, Jr. and Planner David Monroe.

CONSENT AGENDA

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

- Minutes of August 13, 2007 regular meeting.
Vote Aye-5 Nay-0

AGENDA APPROVAL

Motion made by Commissioner Baldwin to table items #5 and 6 under Old Business for the following reasons (Consideration of Request by Pittsboro Place Partners I to rezone parcels 7317, Tract 1; 83078, Tract 2; 83080, Tract 4; 83081, Tract 5; 83084, Tract 9; and 3.99 acres of 81979 from C-2 and M-2 to MUPD.(TRACT A). Consideration of Request by Pittsboro Place Partners IV to rezone parcels 85076, Tract 6A; 60741, Tract 6B; 73513; and .98 acres of 81979 from C-2 and M-2 to MUPD(TRACT B)

Whereas:

1. The Board has no time requirement to take a vote on items 5 and 6 under Old Business on tonight's agenda inasmuch as this is a legislative process, and

Whereas:

2. The Board should be prudent in taking all the time necessary to render a fully informed decision given the magnitude and the long term effects of this request, and

Whereas:

3. The Board should receive a peer review of the project and its documents, and

Whereas:

4. The Board should request a full technical review of the project, and

Whereas:

5. Citizens and their elected representatives have the right to full disclosure of all the parties comprising Pittsboro Place Partners, LLC , and yet Pittsboro Place Partners, LLC has repeatedly failed to provide such full disclosure, and

Whereas:

6. The full Board has not had the opportunity to read and assess all public input, and

Whereas:

7. Neither the public nor the Board has yet reviewed the preliminary report from the land use plan for which \$50,000 was spent to serve as a basis for determining future growth, and

Whereas:

8. The Board has not yet held its infrastructure work session to evaluate current water and sewer projects, and

Whereas:

9. The Board has not yet evaluated this proposal in the context of the many other proposals that will soon come before the Board, and

Therefore:

I move we table items 5 and 6 from Old Business for at least six (6) months.

Motion died due to the lack of a second.

Motion made by Commissioner Walker seconded by Commissioner Cotten to approve the agenda with a modification to move item #4 under New Business in front of Citizens Matters. (Closed session pursuant to GS 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of the Manager for the Town of Pittsboro.)

Vote Aye-5 Nay-0

Attorney Messick stated it could be handled in open session. And that someone should appoint the new Town Manager.

Motion made by Commissioner Walker seconded by Commissioner Baldwin to appoint Bill Terry as the new Town Manager and to approve the contract.

Vote Aye-5 Nay-0

A COPY OF THE CONTRACT WITH BILL TERRY IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

Mr. Terry thanked the board for the confidence they placed in him and said he would try not to disappoint them. His wife was present with him for moral support. They are looking forward to becoming citizens of this community.

Numerous emails were received requesting that the meeting be moved to the Superior Courtroom.

**A COPY OF THE EMAILS ARE RECORDED IN THE BOOK TITLED
“PITTSBORO PLACE PARTNERS”**

CITIZENS MATTERS

Jeffery Starkweather – 590 Old Goldston Road, Pittsboro. He is here to talk about the Land Use Planning process. The Town approved a \$50,000 contract to do a land use plan. They held a three day workshop for the Town. He was really glad to work with someone who grew up here and came back here to work (Megan Bolejack). The Town advertised for the workshop, the brochure said “the Town of Pittsboro seeks guidance on how to shape future growth in and around the Town. A three day public workshop will help frame the desires of the town and create a policy document that will shape the town for years to come.” A great deal of people came to the workshop. There was a lot of excitement that the citizens would be working with the professionals to design the future of their town in terms of land use. During the meeting they drew up a model land use plan. There were four purpose groups after that. Some of these workshops also came up with models for a land use plan. He was in the one with the development plan and he remembers saying at that time they welcome outside development as long as it fits into what the citizens have planned for the land use. He worked a little with Paul Black (Consultant). They were supposed to be coming back to the town with what the citizen’s input was and what the professional development was. And there would be a design for Pittsboro. Originally that was supposed to be in June, he doesn’t know when it is now.

He stated given that we are in the middle of one development possibly being decided tonight, another one coming in a couple of weeks, one across from Northwood being proposed. His question to the board is, were you actually serious when you wanted citizen’s inputs? If so, what is going to be the importance of this plan if you have already planned for Pittsboro? He would like to know if you are seriously going to have a Land Use Plan that we are going to follow or are we going to let a series of developments come in make what their plans are and then we follow that.

Mayor Voller asked where the process was.

Planner Monroe stated the County’s Corridor Committee placed a little strain on Mr. Black’s schedule. That is why our Land Use Plan is running behind schedule. They are putting together a meeting in 30 days to present it to the advisory committee for the land use plan.

Mayor Voller stated you told the board September, are you still on schedule for September.

Planner Monroe said yes.

Tom E. Dwyer, 105 Boulder Lane. Mr. Dwyer stated he is a resident of Orange County where he serves on a committee for the environment in Orange County. Sustainability means a balanced decision that we make that will impact our environment, the impact on society and the economic gain of Pittsboro (it is for the people that live in that community). That paradigm has been adopted world wide in order to try to repair what has been going on. You don't pay someone \$75,000 for a sustainability report and it goes in your file drawer. You have professionals who can communicate to you the impact of all these things of your citizenry on air quality and future society. If it doesn't serve the future for our children, are they going to be doing a trade or stocking shelves? There is a whole new gold mine for our economy not someone else. It is happening all of the United States and there is a trickle of it here. We have to be ready for change and listen to the advice of our peers. We are your peers. He honors your responsibility and he thanks you for your time.

Melissa Frey – 104 Hawk Nest Trail. She wanted to thank Ms. Baldwin for her motion. To the rest of you it is despicable; she has never wanted to spit so much in her life, she is so angry. She wanted to know why, there are two hundred people in the parking lot that were not invited to sign the paper (sign up sheet for public expression) even the people in the next room don't understand they have the opportunity to sign the paper. Why are you here when 200 people want to participate in this meeting that is supposed to be opened?

Mayor Voller asked Commissioner Cotten to respond.

Commissioner Cotten stated we are in this meeting room because without proper notification to people on the agenda it is against the law to move the meeting; it is that simple and he tried to tell that to the ones that called him.

Mayor Voller asked Planner Monroe when the notices went out for the public hearing.

Planner Monroe stated the day after our last meeting.

Mayor Voller said so we could have moved the venue.

Planner Monroe said yes if it were done in an open meeting.

Mayor Voller said we had the opportunity; there was a discussion at the end of the last meeting. So that is not really the answer. He said then we would end up with 400 people because we had 400-500 (at two meetings) it is not fair to any of the participants. It is ridiculous.

Melissa Frey said they have a right to participate. It is a public meeting.

Mayor Voller said we could have it in a venue that can handle the people.

Commissioner Baldwin said she certainly doesn't mind moving.

Commissioner Walker said he would go along with the majority.

Commissioner Bryan said it makes no difference with him either way.

Commissioner Cotten said he will not vote to move. We have rules to follow, he reads the law frequently.

Melissa Frey asked him to state the law.

Commissioner Cotten said he can't state it specifically, but he know its there.

Commissioner Cotten stated we have rules no one is supposed to speak except those on the agenda, except for citizens matters and they are not supposed to be speaking about anything that is on the agenda.

Mayor Voller said if we were going by those rules we would still be in a cave and no one would have walked out to see what was outside and we wouldn't have changed our Constitution 27 times.

Motion made by Commissioner Cotten not to move the meeting seconded by Commissioner Brooks to get it on the floor.

Commissioner Brooks said you advertised it in the paper that the meeting would be held here, you have to deal with it here. If you want to move after the public hearing is held that is another thing as he understands the law. You can't have a public hearing that was called for a daycare center at this location and then have it some place else. That is what the law says.

Interim Manager Messick stated the Pittsboro Town Hall is your regular meeting place unless you choose to move somewhere else. This is where Town Board meetings are held.

Mayor Voller asked if Public Hearing speakers are here and if they don't have objections he doesn't see why you can't move the meeting.

Commissioner Cotten called for a vote.

Vote Aye-4 Brooks/Cotten/Bryan/Walker
Nay-1 Baldwin

Commissioner Walker asked Attorney Messick – the comments we have heard so far even though they are not directly in regard to the subsequent rezoning, they are surely

getting close. Are there any legal issues in there? Personally, he thinks they are on a borderline of continuing the public hearing and he is against that.

Attorney Messick stated concerning Public Expression the policy states a 30 minute time limit and #7 says “speakers shall not speak on any topic that is the subject of a public hearing on the same agenda”. You can continue public expression but we have other items for discussion.

Melissa Frey asked if you are saying they can’t speak on the mall.

Mayor Voller stated the public hearing on the July 23rd and July 30th were actually input sessions on that request. However you are allowed during citizen matters to speak on any matter not on the agenda.

Commissioner Cotten said we should follow the agenda as previously adopted and move on.

Motion made by Commissioner Cotten seconded by Commissioner Walker to go into Public Hearing.

Mayor Voller asked how we can do that when you have haven’t even received written documentation from the public hearing (the transcript).

Commissioner Baldwin said the time allocated for public expression is 30 minutes. If we have not used the 30 minutes the citizens should be allowed to speak.

Commissioner Cotten called for the vote.

Vote Aye-4 Bryan/Brooks/Walker/Cotten
Nay-1 Baldwin

Attorney Messick said it is 7:45 p.m.

PUBLIC HEARINGS

SPECIAL USE PERMIT REQUEST FROM MORTON MATHENY

Request for a Special Use Permit by Morton Matheny at 243 Ross Drive for accessory dwelling unit over detached garage.

Planner Monroe stated Mr. Matheny has asked for a special use permit for the construction of an accessory residence on the second floor of the garage on his property. He has presented full documentation. He would ask that the application with a picture of the garage be made a part of the record of review.

Mayor Voller asked that it be submitted to the records.

Mayor Voller swore in Mr. Matheny.

Morton Matheny – 243 Ross Drive. Mr. Matheny stated about a year ago he built a house with 2 bedrooms. In hind sight, he has 11 grandchildren and sometimes two of them want to stay at the same time. The restrictive covenant of Ross Ridge will only allow him to have one building besides his house. He built a detached garage so then he thought he could put something over the garage.

Commissioner Cotten asked Planner Monroe if it complied with our regulations.

Planner Monroe said yes.

Commissioner Brooks wanted the citizens to know the procedures for public hearing. He wanted them to know they don't take action until they come out of public hearing.

Planner Monroe stated the only action for both SUP requests are to refer them to the Planning Board for recommendation.

**SPECIAL USE PERMIT REQUEST FROM
JUAN ECHEVERRY**

Request for a Special Use Permit by Juan Echeverry to operate a Day Care facility at 280 Hwy 902.

Planner Monroe stated Mr. Echeverry has asked the town to issue a SUP to operate a daycare center at 280 NC Hwy 902. He has identified the proper parking spaces, identified fenced area and he has identified on the application the hours of operation which is required by the zoning ordinance.

Mr. Echeverry had a translator present.

Mayor Voller administered the oath to Mr. Echeverry.

PUBLIC COMMENTS:

Mr. Echeverry said my wife and I would like to offer to the community of Pittsboro the possibility to have a Spanish/American daycare for the population of Pittsboro. They have seen a very long list at daycares around so they decided to open another opportunity. My wife is a professional and resident of the United States. She has twenty years working with Spanish/American schools so this would be a good option for the citizens of Pittsboro. The facilities are great to begin.

Commissioner Walker asked the amount of children he would be allowed to have.

Mr. Echeverry said twenty five.

Commissioner Brooks he did not know the process on the procedure. But he does know day care centers have to be licensed by the state. He asked if he had begun that process or are you wanting for this zoning matter to be resolved before you do.

Mr. Echeverry said his wife has all the requirements to do that, they are in the process. They have had their first sanitation inspection and everything is okay.

Ms. Adrianna Espinosa was administered the oath.

She had a day care in Columbia. She came here six years ago. She has been working about six years at a daycare in Chapel Hill. That daycare is Spanish/American. She is a teacher and the principal assistant. She has all the requirements complete and she is just waiting the decision. Thank you.

**REZONING REQUEST FROM CHATHAM HABITAT
FOR HUMANITY**

Request by Chatham Habitat for Humanity to rezone 425 West Street from O&I to C-2.

Planner Monroe stated Chatham County Habitat for Humanity with the permission of the owner has requested the property at 425 West Street (currently Pittsboro Family Eye Center) be rezoned from O & I to C-2. The Planning Board reviewed the application and found that the application satisfied the ordinance requirements and passed a resolution recommending approval.

**PLANNING BOARD RESOLUTION OF APPROVAL
TOWN OF PITTSBORO, NORTH CAROLINA**

Applicant:	Chatham Habitat for Humanity
Location:	425 West Street (southwest corner Farrell and West Sts.)
Parcel ID:	#62526
Lot Size:	.77 acres
District:	O&I
Meeting Date:	16July2007
Request:	Rezone from O&I to C-2

WHEREAS, the applicant has submitted a request to rezone the above referenced property to C-2, pursuant to the provisions of N.C.S.S. 160A-385 and Article X of the Town of Pittsboro Zoning Ordinance; and

WHEREAS, the Planning Board convened to consider and prepare a recommendation on the application on 16July2007 at which time the applicant was given the opportunity to present arguments and the Town Staff was given the opportunity to comment on the application; and,

WHEREAS, the applicant appeared and addressed the Board as more fully set forth on the record; and,

WHEREAS, the Board made the following findings and conclusions:

1. The subject parcel portion located in an area that adjacent to areas zoned O&I and C-2.
2. The request is consistent with Land Use Plan Map.
3. The proposed rezoning is reasonable considering the relationship to the adjoining uses.

NOW, THEREFORE, BE IT RESOLVED, on the basis of the foregoing findings and conclusions, that the Planning Board does hereby recommend to the Board of Commissioners that the request for rezoning be APPROVED.

PUBLIC COMMENTS:

Robert Gabor – 29 Crosswind Estates Drive. He is here representing Chatham Habitat for Humanity. He volunteers with Habitat and currently has the role of special projects manager and the use of that land will be one of his special projects.

ZONE TEXT AMENDMENT TO PUD FROM CHATHAM HABITAT FOR HUMANITY

Request by Chatham Habitat for Humanity for Zone Text Amendment to PUD Sections.

Patrick Bradshaw, law office at 128 Hillsboro Street. He supports the proposed to the PUD portions of the zoning ordinance and encourages you to adopt them. The amendment will encourage better and more creative designs and preservation of open space while preserving the ability of the Town to protect the public health and safety the values of nearby properties and the orderly development through the special use process. He would like to suggest a few minor revisions to the proposal that has been passed on to you by the Planning Board. In a couple places specifically Section B & F6 there are references to mixed uses that could be interpreted to require every PUD to have more than one type use such as single family attached dwellings, duplexes or multi-family residences. Particularly in town where tracts of land will tend to be smaller over time. There will certainly be circumstances in which the design flexibility offered by PUD would be beneficial for the landowner as well as the Town. Though requiring a mix of various uses could be unreasonable for that particular project. He would suggest that you delete the words “a mix of” in the second sentence in Section B and “mix of” in Section F6. The proposed section C2 appears to require every planned unit development have a community building or clubhouse. While many projects will have such facilities it is not practical to require it in all instances. There is no minimum size for planned unit development under your zoning ordinance. So you could have proposals for PUD’s that are quite small and the requirement of a community building or club house could make the project economically unfeasible. It would not be a wise policy in his opinion to foreclose the proposed design of open space offered by a planned unit development

because the community is not large enough to justify construction of a separate community building. He would suggest that Section 2 under Section C be deleted.

(Tom Bender, Chatham County Fire Marshall asked that as people speak that they leave because the room is temporarily overcrowded and that no one else be allowed to enter. He apologized for the inconvenience.)

Fred Royal – 295 Hillsboro Street – he wanted to clarify what he could speak about.

Mayor Voller advised him that he had signed up to speak on the Zone Text Amendment request from Habitat for Humanity.

Mr. Royal said that was in error. He just wanted to speak about a water issue in Town related TTHM's. He wanted to ask about a committee meeting on the issue. He wanted to know if there had been any further discussion since a month ago.

Mayor Voller stated a public meeting has been set with Hobbs and Upchurch on Wednesday, August 29, 2007 here at Town Hall.

Motion made by Commissioner Walker seconded by Commissioner Baldwin to go out of public hearing. Vote Aye-5 Nay-0

OLD BUSINESS

**SPECIAL USE PERMIT REQUEST
MORTON MATHEY**

Consideration of Request for a Special Use Permit by Morton Matheny at 243 Ross Drive for accessory dwelling unit over detached garage.

Motion made by Commissioner Walker seconded by Commissioner Brooks to send the request to the Planning Board for recommendation.

Vote Aye-5 Nay-0

**SPECIAL USE PERMIT REQUEST
JUAN ECHEVERRY**

Consideration of Request for a Special Use Permit by Juan Echeverry to operate a Day Care facility at 280 Hwy 902.

Motion made by Commissioner Brooks seconded by Commissioner Cotten to send the request to the Planning Board for recommendation.

Vote Aye-5 Nay-0

**REZONING REQUEST
CHATHAM HABITAT FOR HUMANITY**

Consideration of Request by Chatham Habitat for Humanity to rezone 425 West Street from O&I to C-2.

Motion made by Commissioner Brooks seconded by Commissioner Bryan to approve the rezoning request from Chatham Habitat for Humanity to rezone 425 West Street from O & I to C-2. Vote Aye-5 Nay-0

**ZONE TEXT AMENDEMNT – PUD
HABITAT FOR HUMANITY**

Consideration of Request by Chatham Habitat for Humanity for Zone Text Amendment to PUD Sections.

Mayor Voller asked about the minor changes made by Patrick Bradshaw, if they wanted to entertain those changes of the changes.

Planner Monroe stated he had a conversation with Mr. Bradshaw this afternoon regarding these two points and they both concurred that the changes would not adversely affect the document. The Town would still have control and the applicant would have flexibility.

Motion made by Commissioner Baldwin to approve the zone text amendment to PUD sections as proposed by Chatham Habitat for Humanity with the changes requested by Patrick Bradshaw. Vote Aye-5 Nay-0

**REZONING REQUEST
PITTSBORO PLACE PARTNERS IV**

Consideration of Request by Pittsboro Place Partners IV to rezone parcels 85076, Tract 6A; 60741, Tract 6B; 73513; and .98 acres of 81979 from C-2 and M-2 to MUPD.(TRACT B)

The following information was received regarding Pittsboro Place Partners after the public hearing was held:

Unresolved questions about Pittsboro Place MUPD rezoning request *Liz Cullington, 390 Rocky Hills Road, Pittsboro NC. August 9, 2007*

Questionable assumptions for success

1. Pittsboro Place Partners have stated that their development would be typical of that in Atlanta, Raleigh, and Charlotte. Those are state or regional capitals. Where's the evidence that tenants, shoppers or residents would want to commute to a rural area for a few acres of dense city-scale development that is missing the city and where other city amenities are lacking?
2. Where's the evidence that mega-shopping projects attract office relocations in a

market/location like Pittsboro? Similar scale developments in Charlotte, Atlanta or Raleigh are not relevant to this project. Chapel Hill mixed use areas are not comparable either because of larger population and other business "attractors" that Pittsboro lacks.

3. The more commercial space that the town and county approve on top of whatever is approved, the less retail we are going to attract because tenants would face so much potential unknown competition and would be looking at many small subdivided markets. With the map of current approvals, many potential retail tenants could dither for decades waiting to see which particular area develops as the most successful commercial area, or the densest residential area, or which retail area attracts other anchor tenants. What rationale has the developer provided to continue scattering empty commercial sites around town, and the county?

4. It is arguable that it's easier to acquire needed commercial or other development through stand-alone projects that are not dependent on either a residential portion being built or on other commercial tenants locating there first (or interlinked infrastructure delays). The problem with a plan like Pittsboro Place is that what the developers suggest is that A attracts B and B attracts C. But in effect nothing could happen for years while commercial and other tenants play a game of "you first, no you first." Is the town willing to gamble on such an iffy proposition?

Financial and other benefits over-stated

5. What else was changed in the financial analysis when the bowling alley wage data was changed that final overall figures have not changed from earlier version?

6. Local spending is exaggerated or flat wrong, e.g. includes as local spending such items as electricity etc. which are not local, assumes all tenants would use all professional services locally and so on and so on. (These developers used nearly out of town professional services.) Construction supplies are not necessarily all bought local or local at all (steel for instance), nor are office supplies for business, inventory for stores, food supplies for restaurants not local, etc. Is Pittsboro Partners willing to completely redo its financial analysis to remove all these bogus "benefits"?

7. No matter how many jobs actually created, there can be no guarantee or requirement that local workers get preference. The lowest paid jobs may be less attractive than those offered in Chapel Hill, Sanford, RTP etc. Is the Town ready for all the water and sewer demand, and traffic impacts if NONE of the jobs go to local or Chatham employees?

8. If the office portion of the development actually succeeded and involved business relocations, most or all of the higher paid employees would move here, rather than these relocations hiring new local people. (Such relocations are unlikely unless all the key personnel want to move here, which would require Pittsboro being in all key

respects not just equal but better than the old area, schools, housing, local amenities etc.) The figures for wages for jobs should have reflected only the actual possibility of new local job openings, (and separated out those job openings that are not replacements for job closings elsewhere).

Traffic impacts and traffic impact analysis

9. Traffic impact analysis maps: Maps omit Hanks Chapel Road so the analysis is flawed and needs to be redone. No light or road improvement is planned to allow drivers to access 64 from the Hanks Chapel Road fork. Why was Hanks Chapel ignored and omitted?

(Traffic on Hanks Chapel cannot be dismissed as insignificant when future growth, such as the Preston Development 2,300 acres (or more) would increase the traffic on this road. In addition, more traffic on 64 to the development could make this intersection extremely dangerous.)

10. No truly alternative access point: Much smaller developments have been questioned or denied at the town or county level because they were served by a single access point. This development only has two adjacent access points on 64. If Industrial Drive is going to be extended to provide emergency access to this project, affected landowners need to know now. Such an extension south also would not provide such timely access if 64 access roads are blocked.

11. Currently traffic is only heavy on 64 and the circle during am and pm rush hours, but a large increase in traffic to the development could require stoplights at many points along 64 and parallel streets (the alternate routes the developers admit that drivers will use). Who pays for getting these lights installed and how many years will it take?

Master Plan Approval required prior to rezoning

12. Master plan approval is required prior to rezoning in Pittsboro zoning ordinance Sections 5.6.5 (A) and 14.4

Section 5.6.5 (A) states: "A Mixed Use Planned Development District shall constitute an amendment to the Official Zone District Map. It shall be controlled by a MUPD Plan that is approved as part of the MUPD zone district designation. The procedure requires review and recommendations of approval, approval with conditions or disapproval by the Planning Board and approval, approval with conditions or disapproval by the Town Board.:"

Section 14.4 states "No development, rezoning, or site improvement activity shall occur within the district and no building permit shall be issued for construction or other activity within the district prior to the approval of a site plan or a MUPD plan for

the subject property. The MUPD plan must conform to the standards for MTC set forth in Section 5.6.6 H."

Why does the developer think they aren't bound by this?

13. The Master plan is supposed to provide assurance of sewer service and capacity to the development (Section 5.6.6.E(3)). Doesn't this mean that no master plan for the entire submitted tracts can be approved at this time, so no possible rezoning?

14. The developers have stated that they can't get letters of intent from potential tenants without the zoning in hand first, even though the current zoning would allow these uses. In addition, other developers have been willing to comply with town or county rules and zoning procedures. What, if anything is different in this case?

Sewage capacity issues

15. Was the 20,000 sewage allocation to the PPP tract near Horton typical for the acreage, did it come with the tract, or was it made for the Pittsboro Fire Department? Shouldn't this allocation be reserved for their future use? Since the Horton site is not built on or occupied, how can the Pittsboro Board be assured that 5,000 gallons is adequate to that site?

16. Pittsboro Place Partners has talked about selling off some of the "outparcels", doing this "under minor subdivision" and thus obtaining an additional 18,000 gallons a day sewage allocation. This raises a number of questions.

a) I cannot find the term minor subdivision in the Pittsboro Zoning ordinance. If some small development is exempt from the moratorium isn't this minor residential subdivision?

b) How can separating off a portion of a site without a sewage allocation magically obtain an additional allocation?

c) MUPD rules require an MUPD district to be a minimum of 25 acres, and to have a unified ownership/control. To sell off "outparcels" the developers would have to submit a revised rezoning request for a different zoning configuration

d) Outparcels completely destroy the whole point of an MUPD, since the master plan would have no control over the uses or design of, or road access to those outparcels. It would also make impossible the "unified entrance" and design features that were supposed to be such a major feature of the proposal and supposed to be so much better than current zoning!!

17. What's to prevent PPP from selling off a large sewage capacity allocation if they were to get it in future?

Rezoning maps are of questionable legality

18. Rezoning application map omits a tiny strip at the south of Tract B (east), possibly to try to get around legal status of Piedmont Biofuels as adjoiner. Buffer area would need to be part of the MUPD on the zoning map. There is no legitimate reason for omitting this tiny portion of the tract submitted for rezoning.

Rezoning not necessary

19. All the proposed uses of the tracts submitted for rezoning are allowed under the current zoning, C-2 or M-2. The developer has not provided a sufficient rationale for rezoning. The only "misplaced" use is having the movie theater at the back, rather than the front. Couldn't this be handled by a variance rather than rezoning a much larger area?

The submitted plan and uses are too vague

20. No total square footage is given for the 20 apartments in office and/or retail area, nor any indication of square footage each, affordability etc. April 2, 2007 Memo from Gray Styers mentions "multifamily residences" (p.1) which usually means apartment buildings, though these are not mentioned on the submitted plan. Is the plan "flexible" because the developers want to build 20 apartment buildings? Is the town willing to accept a largely residential development if the market for retailers or offices doesn't develop? (This is what the site could be used for under MUPD zoning, if approved.)

21. Pittsboro planner Mr. Monroe has noted earlier that new storm water standards come into force July 2007, so the submitted plan should have already complied with those new standards.

Developer's statements are inconsistent

22. Inconsistencies in the application and developers statements are numerous. For instance, to Feb 5 07 Planning Board, John Anton stated "they have a very strong financial backer that allows them to wait a little longer for the project to develop" but William Jackson told 7/30/07 Pittsboro Town Board Meeting (public hearing) that they were paying interest on a loan, implied clock ticking, time was money.

23. PPP team tend to refer to plan as "conceptual" when it suits them (such as in reference to concerns from Robeson Creek Watershed Council, HRA etc.) or to the plan as a "master plan" when it suits them, which Gray Styers for PPP did at the public hearing.

What is the experience and role of Pittsboro Partners?

24. When is Pittsboro Partners going to let us know who they are fronting for or plan to sell to? Someone has to take on the leasing and upkeep of the project long-term.

25. Has John Anton provided information on other projects he has been connected with as he was asked several months ago?

26. The water line improvements in the plan have been shown to be erroneous and this raises the question as to how thorough the planning has been, how predictable the submitted "flexible" plan is, and how experienced the developers and their team are. (March 16 memo from Hydrostructures, referenced by Mr. Monroe, access at wrong point, increased costs to town....)

Town liability for future maintenance

27. Once the streets are finished and dedicated to the town as public streets the town would be responsible for maintaining the streets, the sidewalks and the trees, and replacement trees. Curiously the die off of initial trees is the one and only negative outcome that has been planned for. Who will own the tree nursery/arboretum and wouldn't the town be in the position of having to buy and pay for planting replacement trees to some separate Pittsboro Place financial entity or to the development's leasing company?

28. Plans as submitted are very misleading. If building setbacks if submitted are 10 ft from Industrial Park Drive, there is not room for an adequate sidewalk width and healthy growth of mature shade trees. Trees require water from exposed roots in a circumference roughly equal to edge of their branches.

29. There has also been a lot of confusing talk from Mr. Jackson about creating greenways. First the greenway was going to extend to the "Goodnight" property (i.e. Preston Development via Chatham Park Investors, LLC). Then there was talk about creating a greenway along the Blast sewer easement and "looping back to the courthouse." However, if greenways are actually constructed, and the public is allowed access along previously private property, it would be the Town that would have to pay for the maintenance, as it would for sidewalks extended to the project. Would the developer provide projected costs to the town for these expenses?

WalMart store would require its own financial analysis

30. "A discount store" -- what does this mean? It's one of the possible retailers that PPP mentioned. Pittsboro has two dollar stores near the site and doesn't need another. Could this be WalMart? While some Pittsboro residents may drive to WalMart in Slier City for some shopping needs, if WalMart locates a store in Pittsboro it would certainly have a huge negative impact on some locally owned business. This is a well documented phenomenon.

It should be also noted that WalMart has been frequently cited for abusive labor practices, provides no medical benefits, and that these new jobs are less desirable than if we could attract some light manufacturing to the site. Pittsboro represents a hole in WalMart's territory (stores are currently Sanford, Hillsborough, Cary, and Slier City) Given the failed effort to locate on the Orange/Chatham line which was also done indirectly, one would expect WalMart to locate in Pittsboro, if it does, under circumstances where it can't be stopped.

Pittsboro could find itself with many empty storefronts and retail space if WalMart did locate here. A WalMart store in Pittsboro would require its own separate fiscal impact analysis.

31. Would the developers be willing to accept a condition that WalMart cannot locate on the site (nor any other all retail uses and services store)? (If not, that should be considered revealing.)

Liz Cullington

Please listen to the voices of Pittsboro's concerned citizenry! People are moving here because of what our town and surroundings have to offer. A peaceful, friendly neighborhood environment that is hard to find in today's overcrowded world. There are numerous malls and shopping centers galore in every direction. We don't need them on our doorstep. The malls are cookie cutter, impersonal monuments to merchandise with crowds of people and ever-increasing traffic. Once we lose our Pittsboro way of life it's gone forever. Don't allow the developers to destroy our heritage.
Anne and Carl Granath, 115 Ferrington Post, Pittsboro

I am writing against the proposed Pittsboro Place. At the initial meeting, I can honestly say I came with a totally open mind. I'd read the literature from the developers and it sounded good. However, after listening at the meeting and realizing the implications of this giant shopping center, I am totally against this proposal.

The Town of Pittsboro is filled with delightful small businesses that are symbiotic and compatible with the neighborhood. The traffic is manageable, the businesses do well and more are coming to fill any vacant stores. We need good jobs in this area and bringing in bio-tech or high-tech firms to the industrial park would provide high quality work for our citizens.

The reasons against Pittsboro Place:

1. It's too big/out of scale for this town.
2. The traffic would be horrendous.
3. It would not be walkable or enhance the current downtown - it is too far away and too big. Look at downtowns like Martinsville, VA that all but closed down when the big shopping center came a few streets away. Let's not have that happen to Pittsboro.
4. The EDC is against this as they have viable prospects from RTP and surrounding

area that will bring in bio-tech and high-tech jobs that are higher paying than store and restaurant workers.

5. Compatibility with the existing neighborhood. Piedmont Biofuels is an excellent business and other industry would be compatible with them. There are large trucks coming in and out of that business to deliver raw materials and then fuel. Pittsboro Place as described is not suitable next to an existing industrial park.

Having some new stores to keep the spending dollars in Chatham County would be wonderful. Adding a few larger stores with the new Lowes/Carolina Brewery complex would be very compatible. As would more conversions of the downtown buildings in Pittsboro.

Please share my concerns with the Pittsboro Town Board and ask them to vote against the rezoning of the property for this shopping center.

Thank you,

Bronwyn Watson – 396 Tick Creek Preserve Lane, Siler City, NC 27344

Dear Board Members:

We can all be certain that Pittsboro will not look the same after the next ten to fifteen years. Residential. Commercial. Political. Economic. Change will be happening.

But there is no good reason to jump down the development road right now as far as the new proposal would go. Even if the plan would only progress slowly, it imposes the geography on our town, and it is hard to anticipate the pressures and possibilities that will come with steady growth and development. A commitment to this plan now takes away the flexibility that we will probably need. To what advantage? There is certainly a great deal of profit to be made for a few, but a more thoughtful, gradual plan for Pittsboro's future, reflecting inputs from the people, could lead to the town we can all respect.

Please withhold approval for this project, and start on the work to build a better, more inclusive vision. Pittsboro can remain and become a remarkable place. We should definitely not give so much control of the future to the few.

Respectfully,

Allen Smith – 594-B Ferrington Post

I can readily understand the conflict that is emerging with respect to the possible development of Pittsboro Place. The first time I came through Pittsboro was in 1959, on my way to Pinehurst, and I have done that same trip many, many times since. We owned a condo in Pinehurst for almost twenty years, and then when the time was right, we retired to North Carolina, and picked Ferrington Village (and the environs of Pittsboro) over the Pinehurst lifestyle.

We have seen many changes in North Carolina over the years, and I'm sad to say that all of them are not beneficial. Raleigh, the City of Oaks, has been pretty much paved over, and I had great concern that a four lane 15-501 would totally destroy that wonderful down home feeling of Pittsboro, but fortunately, ending the four lanes at the by-pass north of town protected the character of Pittsboro. Long before consideration should be given to a "Pittsboro Place", long range planning should be applied to the problems of schools, clean water availability, and sewer capacity -- and whether such an ambitious undertaking as Pittsboro even belongs here. I see no evidence of that any such planning is in the works. I pray the powers that be do not make the decisions which will lead Pittsboro to the fate of places like Raleigh.

Roy Fougere, Galloway Ridge, Ferrington Village

I am writing to state my opposition to the proposed Pittsboro Place development in Pittsboro. I am a Chatham County citizen and I do NOT want such a monstrosity in Pittsboro--that is not the place for such a large development. It will create more harm than do good. I hope you will listen to the citizens and NOT approve the plans.

Thank you for taking my opinion into account.

All the best,
Bev Sizemore

While I am not a resident of Pittsboro, I am a Chatham County resident. I cannot attend the public hearings because of work conflicts. But if I was to attend, I would ask Mr. Jackson about his track record as a developer. He has one; he should reveal it; it will be very revealing, trust me! I cannot identify myself because of past transactions with Mr. Jackson; but someone can simply ask the question: what have you done before? How much "skin" do you have in the game at Pittsboro Place? Have you ever abandoned a development project in the past, leaving lenders looking for their money? How many LLC's (Limited Liability Companies) have you created and then abandoned when the project didn't go the way you expected, leaving people holding the bag, so to speak? In short, Mr. Jackson's reputation precedes him and it should be revealed.

Tginra11@aol.com

Sirs:

I am a 24-year resident of Chatham County. The CCEC is at it again. I'm very sorry to admit that some of the senior comrades are among my neighbors in Ferrington Village. This organization is obviously anti-capitalist - I think they are Socialists . They have put out a screed against Pittsboro Place, and - as Socialists always do - they accuse their opponents of "deception and half truths" which their screed is full of. They do not deign to explain to us - the proletariat - what they (the Central Committee) mean by the industrial, greenways and arts complex that they consider the only acceptable use of the land proposed for Pittsboro Place. I will bet any reasonable amount of money that

as soon as any industrial use of that property is proposed, these Socialists will bitterly oppose it. It would be OK, of course, for our county to build its own Teapot Museum there. Nobody would make a "profit" (bad word) out of that.

Please do not believe that these Socialists represent the true feelings of the people of Chatham County. They operate by fooling people. Don't become their fools.

John E. Williams – 68 Ferrington Post

Don't follow in the footsteps of Bunkey and the boys. Don't let YOUR legacy be that you mined this town like they have set in motion the ruination of the county. Please don't allow these carpet baggers to win again. They care about ONE thing...and it's not the quality of your water, air or life.

If you approve Pittsboro Place, you will truly put the nail in downtown Pittsboro's coffin. Just say "no".

The Oakley Family Chatham County

Dear Mayor Voller and the Pittsboro Town Board,

Pittsboro Place sounds like a plan that we would all regret. It's too big for our infrastructure; the planners don't appear to be sensitive to Pittsboro and area residents; and there are plenty of other options to bring shopping into our area.

This property has great potential to offer a clean sustainable high tech industry, along with recreational and arts possibilities.

My hope is that we keep downtown Pittsboro as the hub of activity in east Chatham. This is what we enjoy about living here.

Please don't let these developers spoil our delightful downtown and stress our capacity to provide water and sewer for more worthy needs.

Thanks,
Ann & John Deupree
356 Ferrington Post
Pittsboro, NC 27312

How in the world can the Pittsboro Town Board even consider allowing Pittsboro Place to be built without having a supply of water or a plan for the sewage that a development of that size requires. It is beyond my comprehension.
John Zollinger – 28 Speyside Circle, Pittsboro, NC

Ms. Lloyd, I am writing to voice my opposition to the proposed Pittsboro Place and urge that no decision be made on this issue for at least a year. Too many issues

remain unanswered, especially the issue of water, water use, gray and waste water management. If this project is a good one then waiting another year for all of this to be settled certainly won't hurt its viability.

Thank you for your consideration.

Karen L. Shectman, Ph.D. 828 Fearington Post

To whom it may concern,

I need to add my voice to the opinions being expressed about the proposed Pittsboro Place.

Please, please have the vision to see that the spot being proposed for this type of development is not where it should be. Right now downtown Pittsboro still has such a charm. It still feels like a true community. That sense of community is too important to so many of its' residents. Please value that and do not turn our special place into strip malls without character. If this type of growth needs to happen.....hide it or cluster it together out on the bypass.

Thanks for your consideration,
Cathy Holt, 680 Providence Church Rd., Pittsboro

Dear Sir,

I am writing to voice my opinion against any mega mall of the type proposed by the developers of Pittsboro Place. The smoozing and seductive methods of fast talking lawyers and people used to getting their way is not the way to take care of a rare jewel of the Piedmont that Pittsboro is. What a treasure it is. It can only get better a little bit at the time. It is a destination now, not just another overdeveloped urbanized strip. One of the things people look for when they look for a place to live is quality of life. One of those measures is a strong arts community which Pittsboro has. I *was* talking to a lady from New Jersey the other day and she said this is heaven compared to where she came from. Look at Cary and Raleigh, do we want to look like that? Let's hope not. Don't let these people sweet talk you.

Some have said they have to drive a long ways to shop. I too like to get away from my surroundings and see something *a* little different once in a while and enjoy visiting a mall somewhere else. When I'm done I can't wait to get back to the trees and fresh air of Chatham County. Let the malls stay where they are with their congestion and pollution.

The same folks who said they have to drive a long ways to shop probably already drive a long ways to work and they could do their shopping while they are out. There are not good paying jobs at malls. The seduction of a spending utopia waved under the noses of the people to lure them into a false sense of spiritual meaning as if having more can mean a better life. If that is true then **we** might as well close all the churches and go whole

hog into consumerism and adopt it as the new religion of the 21st century. Thank you for your time,

Walton Haywood
501 Oak Island
Chapel Hill, NC 27516
Chatham County

My concerns about Pittsboro Place are:

1. there is not enough water to supply the full build out of the development.
2. There is not adequate waste water treatment for the development.
3. Nor is there the ability to discharge same into Robeson Creek, so it would have to be sprayed onto land -- is there land available to support that?
4. The infrastructure of Pittsboro is delicate as shown by the water line breaks downtown last year.

I spoke with Mr. Jackson, Manager of the Development Corporation, after last week's public hearing and expressed these concerns. He said they may be writing some checks for these. Some of this cannot be resolved by writing a check.

Margaret E. Frantz – 1079 Bynum Road

I am writing against the proposed Pittsboro Place. At the initial meeting, I can honestly say I came with a totally open mind. I'd read the literature from the developers and it sounded good. However, after listening at the meeting and realizing the implications of this giant shopping center, I am totally against this proposal.

The Town of Pittsboro is filled with delightful small businesses that are symbiotic and compatible with the neighborhood. The traffic is manageable, the businesses do well and more are coming to fill any vacant stores. We need good jobs in this area and bringing in bio-tech or high-tech firms to the industrial park would provide high quality work for our citizens.

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Please share my concerns with the Pittsboro Town Board and ask them to vote against the rezoning of the property for this shopping center.

Thank you Judy Sharman
Judy Sharman
Harrelson's Home Improvement
"Energy efficient construction and remodeling"
118 Greentree Lane Slier City, NC 27344

Dear Pittsboro Town Commissioners and Mayor Randy Voller:

I have been quite dismayed by the prospect of a huge mall coming to the outskirts of my main shopping town of Pittsboro. I live in Moncure and drive up once a week to shop at Food Lion, Kerr Drug, Chatham Marketplace, and sometimes I hit the PTA Thrift Store. I always go to the library. I also sell my eggs to Our Neighborhood School Pizzeria. Recently, this summer I took my grandchildren on a tour of Pittsboro. We visited Chatham Arts and their gallery, the Pizzeria, the Thrift Store, the library, and ice cream shop (the way soda fountains used to be). I saw the Sheriff and some of his deputies in the ice cream shop having lunch. The kids especially enjoyed the summer library program and the Thrift Shop. They are used to malls, but this was a new experience for them.

I really value the vision of Mayor Randy Voller, Entrepreneur Lyle Estill, the Chatham Marketplace folks, the CCCC program in sustainability (which puts Pittsboro on the national map, by the way), and many, many others in Pittsboro, who are keeping Pittsboro a real small town. If I want a mall store, I have no problem with taking in one a trip to Durham or Chapel Hill. But Chatham County already has serious problems with too much development too soon, with the infrastructure way behind what has been approved in the way of residential and other growth. I worked hard to elect good county commissioners who think of our future. From what I understand, there are folks on the Pittsboro board who can't see into the future very well.

I would think the heat indices this week and the terribly bad air we're dealing with in Chatham County already, plus the mud flowing into Jordan Lake from new residential development in the northeast (affecting our drinking water—near the Pittsboro intake, I understand), would cause any sensible person to think about their acts and choices

and try to choose very carefully. We need to empower those in our county who understand the difficult climate change period we have already entered and have the vision to help us live more sustainable, with emphasis on small, local, high tech businesses, and we need to work together for the best possible life for us all. I beg you not to rush, but to talk with and listen to your fellow citizens. If people need big malls, let them drive north, south, or west. We don't want to spoil the largely rural, small town life we moved here to have or have had since childhood. Ask yourself who benefits from Pittsboro Place. I know I will not, nor will my grandchildren. I don't believe human beings in general will, only those seeking huge profits. Is that all people in the America care about these days?

Sincerely,

Judy Hogan, PO Box 253, Moncure, NC 27559-0253 (919) 545-9932

Last year when a new Board of Commissioners (BOC) was elected, the citizens of Chatham County worked HARD to prove that there CAN be government in this county that HEAR the voice of the people. This new BOC has listened to the residents of Chatham County and has acted accordingly for the good of the county, NOT for the financial benefit of themselves and a limited few, namely developers who wanted to change Chatham County from a beautiful, rural, area of this part of the State of North Carolina to a replica of the 3 triangle counties, Wake, Durham, Orange plus Johnston. We have rejoiced in the effectiveness of government that LISTENS and acts to support the PEOPLE.

It seems we still have a government in the county seat of Chatham, Pittsboro, that DOES NOT listen to the voice of the people and bases its decisions on the greed and short-sightedness of developers who come to Chatham County ONLY to line their own pockets. There is NO QUESTION that the voice of the people of Pittsboro and the County have said "N0000" to the proposal for Pittsboro Place – not once, not a few, but MANY citizens MANY TIMES!!! I attended the Public Hearings and heard the them myself!! What is required for this BOC to LISTEN to the VOICE OF THE PEOPLE?? Is the money that they will get from the proposers of this ridiculous mall WITHIN the CITY LIMITS OF OUR SMALL TOWN so great that it drowns out the message that has been sent to them LOUD AND CLEAR by the people??? The decision that is made by this group of Pittsboro Commissioners will affect this town and community forever, and consequently, they MUST respond NOT to the developers who want ONLY to obtain large sums of money from the sacrifice of this county but to THE PEOPLE who will have to live in and with this monstrosity for a new and distressing length of future.

Board of Commissioners of Pittsboro, WAKE UP!! You were elected to represent the people of Pittsboro – and of Chatham County. You are NOT DOING SO when you refuse to act on the will of the people you were asked to serve!! DO NOT cater to the developers of this insane proposal!! DO respond to what the citizens of Pittsboro and Chatham County have told you – loud and clear– we DO NOT WANT Pittsboro Place and we are telling you to VOTE NO to the proposal and, in so doing, tell the

developers to STAY OUT OF CHATHAM COUNTY!!! LISTEN and ACT for the people who asked you to be their representatives. Is this an emotional message?? YOU BET IT IS, just as many messages were emotional before the county elected representatives who listen to the people who put them there. Use your vision, your far-sightedness and picture in your mind's eye what this mall will do to Pittsboro, the County, its waterways and open spaces, the present way of life, the uniqueness we now have and hold dear. Huge is not always best, and the citizens of Pittsboro and Chatham County are telling you – HUGE is NOT good for this town and county, local businesses, and the present value of Community.

Again, hear the message OF THE PEOPLE and VOTE NO for the proposal.

Kathleen Hundley, M.Ed.

Vic-President, Friends of the Rocky River Secretary, Rocky River Heritage Foundation

Vice-Chair, Oakland Precinct

P.O. Box 1177

Pittsboro, NC 27312

**ALL OF THESE DOCUMENTS ARE RECORDED IN THE BOOK TITLED
“PITTSBORO PLACE PARTNERS”**

Mayor Voller stated Attorney Messick has an item that he wanted voted on.

Attorney Messick stated yes. He wanted the board to be aware of the fact that there were protest petitions filed in both of the matters. In Tract A there was a petition filed by Altadore Investment and in regards to Tract B there was one filed by Synnex Canada Limited which was received after the first public hearing. The petition should have been received prior to the public hearing. As he explained in his memo Altadore does not own property within 100 feet as the law requires before the petition can be deemed valid. In his opinion it is not valid. The Board needs to move on this.

Mayor Voller asked Mr. Monroe when the process began on this.

Planner Monroe stated the Planning Board first saw the applicant in March, then again in April and in May the formal review process began. The first two meetings were introductory only, the applicant explained the concept of the project and introduced themselves and their consultants to the members.

Mayor Voller said so they probably approached our office on the plats that were signed back in 2005. Correct. Planner Monroe said that was correct. Mayor Voller said they have been in process with various minor subdivisions like the State Employees Credit Union that is somewhere in the process for quite some time. Planner Monroe said that was right. Mayor Voller said at some point and time there was a 100 foot boundary. Correct. Planner Monroe said yes sir.

Motion made by Commissioner Cotten to approve the two resolutions regarding the protest petitions. Mayor Voller told him that we needed to rule on the protest petitions. Commissioner Cotten said that is what he was doing. Mayor Voller said according to our procedures Ms. Spina had contacted him to speak at this time. She did it according to the rules.

My name is Dr. Rita K. Spina; I live at 12 Matchwood and am representing a constituency of everyday citizens from all over Chatham County, including Pittsboro, in my role as Vice-President of CCEC and the CCEC-Institute, Inc. Thank you for this opportunity.

You have already listened to the views of close to 80 citizens who spoke at the two Public Hearings in the past two weeks. You already know the views of the 75% who spoke against Pittsboro Place and the 25% who spoke in behalf of it. And I believe you are quite aware of the disappointment, anger and amazement that *your attitudes about Citizen participation engendered.*

When someone visits the town website, this is what it reads.

“We are pleased you are attending a Pittsboro Board of Commissioners meeting. You are participating in the process of representative government. We appreciate your interest and hope you and your fellow citizens will attend often. Democracy cannot endure without an informed electorate.”

Based on a variety of variables, there appear to be some major discrepancies between this statement and the behaviors and voices of some members of the Board. You might try to make the statement reflect the behaviors of the Board or the other way around.

The citizen rally held outside Town Hall reveals what is going on inside people’s hearts and minds as they feel that they are not experiencing “participation in the process of representative government”. Had you been truly committed to your website statement, there would have been no necessity for their voices to be heard in this manner tonight. This is not a new way for citizens attempting to be heard either here in this County, in Raleigh state government, the Congress of the United States, or for that matter, in the world today. The sheer numbers of citizens interested in the Pittsboro Place Development, the many unanswered questions put forth at the Public Hearings, the literal lack of solid information on specifics such as water, waste water, partners, etc. and the previously expressed disdain for citizen involvement in this **LARGEST EVER DEVELOPMENT TO COME BEFORE PITTSBORO**, certainly precipitated this citizen turnout response.

You chose to ignore the overwhelming input of citizens eloquently and assertively delivered at duly called Public Hearings, and are rushing a contentious vote in spite of a citizen mandate not to do so. To further confound citizen participation, you made it impossible for the citizens to witness your deliberations and/or the potential vote. How

you came to this decision no one knows. You didn't vote on that!! And you wonder WHY the citizens wonder aloud that "this is no way to run a government".

The message you are sending, is that you do not have to be heard by citizens during your deliberations, and that you do not need to listen to them even when they do get the rare opportunity to speak en masse to you. This is not truly free and open democracy, and it surely does not feel to the People like REPRESENTATIVE democracy.

Please enter this into the Public Record for this meeting August 27, 2007.

Mayor Voller asked that the body rule separately on the protest petition first. They are different items.

Commissioner Cotten stated the protest petitions will have to be acted on before we can vote on the other two items.

Interim Manager Messick stated if the petition was deemed valid it would require 4 fifths of the Board to approve. If it is not valid it would take a majority vote. Commissioner Brooks asked if they were valid. Interim Manager Messick said that should be determined before the vote on the other matters.

Mayor Voller said what he wants to bring to the board is would you alienate someone's right to file a protest petition by moving the line. We received three plats but there are actually probably ten plats of record that were not given to the Board to look at. He knows that Mr. Monroe signed practically everyone of them except for the one that moves the line, which was signed by the Town Manager. He asked Mr. Monroe if he knew anything about this and he said no. Mayor Voller asked if anyone talked with him about this. He said no. Mayor Voller asked is it normal to ask the Town Manager without talking to the Planning Director about signing the plat. Planner Monroe stated in his experience while in Pittsboro the only time a Town Manager has signed a plat is if he didn't happen to be in the building the day it was brought in.

Grey Styers said the ordinance is very clear this is something that is set forth in GS as well as your ordinance and it basically says that a lot is either shown on a plat of record or considered as a unit of property. There is a plat of record properly filed with Chatham County. That plat 2007-99 clearly shows property lines. There is a deed of record on file as well as a warranty deed. 1350 page 224 which show a transfer. The ordinance clearly states if there is an issue about ownership your ordinance says 10.4.5 the evidence shown on the tax listing map shall be used. He showed that to the board. 10.4.5 also states that the qualifying standards of this shall be determined at the time of the vote on the zoning matter. Under the law and your ordinance they are not valid petitions.

Mayor Voller stated what you are talking about is technically correct. He said since he read all the plats he would like them entered into the record.

Year	Page	Date	Signed by
2004	399	12/08/04	Monroe
2005	135	04/12/05	Monroe
2005	337	11/04/05	Monroe
2005	384	11/24/05	Monroe
2005	399	11/23/05	not signed – the purpose apparently is to fix something that is wrong with the survey
2006	348	07/12/06	not signed – exempt
2006	525	12/14/06	Town Manager – it was created on 7/3/06 – this was not in the agenda package – there is also a labeling issue it is not showing Altadore adjoining (which was purchased a year earlier)
2007	98	03/09/07	not signed but Mr. Monroe was aware of it

Mayor Voller stated this happened, we had a meeting in December and January discussing the sewer line easement with the board is that correct. Planner Monroe said that was correct. The fairground did approve an easement is that correct. There was a recombination, it says the purpose was to show the new southern boundary line of tract nine created through the recombination of the southern 101 foot section from tract #9. And now it shows Altadore Investors as an adjoiner but low and behold they are now outside the 100 foot boundary. Mayor Voller asked Mr. Monroe if he knows about this or signed this. Mr. Monroe said no. Mayor Voller said he has to wonder what the purpose was. Was the intent to remove a boundary line or was the intent to create an actual gap so they couldn't file their statutory guaranteed right of a protest petition. One would have to wonder. The only one that did that was the one you hadn't seen. Did it go the Planning Board. The answer was no.

Commissioner Baldwin asked why was it not submitted to the Planning Board.

Gray Styers said it was filed with the County. It was surveyed and filed and the deeds were transferred. Your ordinance says you will go by the plat recorded with the County.

Commissioner Brooks asked Attorney Messick if he agreed with that. Attorney Messick said yes sir.

Mayor Voller said one came to the Town to be signed and the other one did not because it was exempt. The exempt one is the one that disenfranchises Altadore's rights. He is not sure how you can sell that as not intending to do anything other than disenfranchising them. But he understands that technically it is correct. He asked Mr. Hoyle (Planning Chair) if he knew there were restrictive covenants on this property. Did you know there was a cross collateralization recorded on this property. Both Mr. Monroe and Mr. Hoyle said no sir.

Mr. Hoyle said if you go back and look at the Planning Board minutes when this was recommended he raised the question repeatedly, are you sure you know what you are

voting for or against. He raises the same question to you folk as responsible Commissioners are you sure you know what you are voting for or against with this project.

Commissioner Cotten stated he repeats there is no hidden agenda on his part. He is just following procedures.

Mayor Voller said he pulled this information up this morning, he did the research. He couldn't make sense of what was sent to them. He found 12 plats of the various properties. It is all public record.

Commissioner Cotten stated in this instance he thinks we have to abide by our Attorney's recommendation.

Mayor Voller asked Attorney Messick if he was still standing by that recommendation. Attorney Messick said yes.

Motion made by Commissioner to approve the resolutions regarding the protest petitions in both cases, seconded by Commissioner Walker.

Lyle Estill said he just wanted you folks to think of the spirit of the law. You are taking the adjoining property that he bought to do his industrial activity and denying him the ability to say what goes on next door. And you are doing it based on a couple plats that were filed, one signed and one's not. Think of the spirit of law – why does that law exist to give us a chance to have a voice in this. Thank you.

Commissioner Baldwin said they have to rely on our Attorney Mr. Messick. He has indicated that the petition does not meet the criteria so unfortunately that would be something we would have to abide by, because that is the advice of our attorney. There are some problems with the plats, but we have to rely on our attorney for legal advice.

Vote Aye-5 Nay-0

A RESOLUTION CONCERNING A PROTEST PETITION IS RECORDED IN THE BOOK OF RESOLUTIONS NUMBER ONE, PAGES

Planner Monroe stated he had submitted a report and would like for the board to consider they are working on the Land Use Plan Update and subsequent application submitted by Chatham Park Investors and the public hearing for that is scheduled for September 10, 2007.

Mayor Voller asked if there was a list, if 5 and 6 are approved. Planner Monroe stated in the documents that were submitted to you the binder for A and B each have the basic standards for the zoning district if you were to approve the application. Where there any other items the Board members would like to put on there to deny or approve that would go on such a list.

Commissioner Brooks said he has a motion he would like to make and he would like to do Submittal B first.

Commissioner Brooks made a motion to deny Submittal B and that we consider Submittal A with the following suggestions; height limitation of 50 feet; maximum of 50 condos/townhouses/dwelling houses to be built and none of them to be built until all the commercial property has been developed; require a minimum of 25% of the parking area have permeable pavement design or drainage area within parking islands; require a maintenance plan for those, the plan should be reviewed by the Congestion Management with NCDOT; Commercial will be built first and that 50 not 330 dwellings be built; and that the recreational facilities (bowling alley and theater) suggested by the developer be built first. Those are his suggestions in the form of a motion. Commissioner Brooks repeated his motion. He reminded the Board that they only have 15,000 gallons of wastewater. The section that deals with the State Employees Credit Union has already been approved so that is not an issue here.

Commissioner Cotten asked Mr. Messick if we needed to separate the two to vote. Attorney Messick stated he believes it would be more manageable to separate them.

Motion made by Commissioner Brooks seconded by Commissioner Baldwin to deny submittal B.

Commissioner Walker said he had made some notes here and they are going to apply to Submittal A and B. He has talked with a lot of folks. He has struggled with his decision on this more than any decision he has made here in the Town of Pittsboro. Most of the citizens of Pittsboro that he has spoken to (tax paying citizens) have been in favor of this but they have some concerns. He did speak with some that were not in favor. Since he has been on this board he has been a supporter of growth for financial reasons. This town is poor. We only have somewhere between 3-4 million dollars in savings that covers both water and sewer. The developer and his staff allowed him time to meet with them this past Friday, they spent about two and a half hours together and he expressed concerns with the developers. The first concern he has is traffic. The Courthouse traffic has been deemed to fail by NCDOT whether this developer builds or not. 15-501 on numerous occasions gets backed up all the way to the old Webster Chevrolet (Pittsboro Chevrolet now). This could lead to cut through, through neighborhoods. He used to live in former Mayor Devinney's neighborhood between Old 87 and 15-501 where there was always cut through traffic. This Town does not have many major arteries, our only arteries are 15-501, Old 64 and 87. We have a couple of minor arteries Thompson and Salisbury Street. Other concerns he has are water and sewer. We don't have sewer. The project can not be built to it's full capacity until we solve that problem. He has also seen the comments by HydroStructures one of our Engineers; it says Town of Pittsboro if everything they know about gets built they are going to need 6.6 million gallons of water. One of the problems he sees is that right now the State of North Carolina is only talking about giving us 2 ½ to 4 million gallons of sewer. That is a big disconnect. Also another issue that needs to be studied with this is the fact the State has told us that we need to

be out of Roberson Creek by the end of 2011. That is not far away. Another issue we have been dealing with is TTHM's, it is a serious problem. A lot of people have asked us what we have done to address these problems. We did a study back in 2003 they looked at several different options and if he remembers correctly the cheapest option was about \$500,000 back then. He is glad we didn't take it and started the flushing system. Because if it is the same option that he is thinking it is the one that Commissioner Cotten, Brooks and himself are all worried about that chloramines potentially leaching lead. It hasn't been proven yet, but there seems to be some connection there. The other options if he remembers correctly were 2-4 million dollars, we have a plant that is probably not worth 2 million dollars. He is not in favor of putting 2-4 million dollars in a plant that is over 40 years old. He is not sure what we are going to hear on Wednesday night when we meet with Hobbs and Upchurch. But he has asked some Engineers around what does it cost to take care of these problems. What is the cost to build at 2 ½ million gallons water and sewer plant. What he heard was rule of thumb today for every gallon of water or wastewater you want to treat it is \$4 per gallon. So if you look at trying to help this Town get out of Roberson Creek that is what the State has mandated to solve our TTHM problem. That is about 20 million dollars at today's cost. He is a firm believer that growth will help us take care of some of these costs. We can not pay that type money back. He also has some other minor concerns but he is going to skip those and move on to something positive about the project.

Commissioner Walker stated he believes the developer can build about 90% of the project without rezoning. One of his fears is that we don't get just as nice of a project that we have seen if we get some mixed matched development that just don't fit. It would keep dollars here. It will also reduce gas cost to our citizens. But the banker and businessman in him in his heart says we must address these traffic concerns and water and sewer issues before we can go further with this or any other project. He has been feeling this way for a long time and he believes it is time that we put a moratorium in effect until we solve some of these problems. He believes it is time to call on the development community to help us solve these problems. Mr. Jackson, Mr. Spoon we have Mr. Goodnight over in the wings. We are going to need their help to solve these issues we are dealing with. He has done the math and it scares him to death. He will have to vote no on this project. He hopes the developer understands his feelings. He also wants to state that he will vote no on future projects unless they have full sewer capacity which we do not have today or if they fall under the 1,800 gallons per day minimum set by the Town and this Board. This is not a popular decision with his supporters and some of his family members and he is sorry but this is the way he believes in his heart and this is the way he must vote. Thank you.

Commissioner Bryan stated he has been approached by tax paying citizens of Pittsboro most of them have been for the project, some of them have not. He has some concerns as Mr. Walker does with the water and sewer. He had been told by the developer there would be some assistance to the town on the sewer. He likes Mr. Brooks's proposal but he would like to see a contract in place if the developer is serious about helping with the sewer situation.

Commissioner Baldwin said in terms of this particular project she does have reservations such as Commissioner Walker which were well stated. Particularly water and sewer is one of our main concerns in reference to this particular project. So basically it is almost impossible to go forward with approving this rezoning without being able to say we do have ample water and sewer to provide to you. In terms of growth definitely we are pro growth however growth needs to be done in a way that is planned. Basically it is not about not letting Pittsboro grow it is about doing it in the right way. Again this is a good project, however we do not have the capacity to do any of that. And just as Commissioner Bryan has said let's put something on paper in the terms of a contract in which you will say you will provide us with a certain amount of money as he stated the developers need to help us with these particular projects. So basically you have 15,000 gallons wastewater capacity and if that covers the movie theater and the bowling alley then she thinks that is wonderful go forward with it. Most of the residents seem to be interested in that portion. If you have the capacity to do that, then rezone that particular portion and go forward with it.

Commissioner Brooks stated this has been an issue that has divided his thoughts as an individual. First he can't bear to go to some of the large places near us, it depresses him. He has no desire to make Pittsboro another Cary or anything else. He doesn't want that. Based on where he lives he would probably be the most impacted of the ones sitting at this table and in this room. Because he lives in rock throwing distance. Mayor Voller said as we both do. Commissioner Brooks said what he is talking about if you leave B out and you have that 100 acres over there the industrial part. To me it became a practical matter, he has people coming up to him that just want a place they can buy some clothes. A single mother approached him and said she needs somewhere to shop she, works six days a week and it is hard. Parents say they want somewhere to go where they are not scared to death (for entertainment). Is it going to be negative as far as traffic goes – sure this thing has negatives, but people are telling him just wait we are going to get a big old bio-tech firm with six figure jobs. A \$10 per hour job is better than no job. We need some shopping. We need something to help with our tax base. If we approved all of this it would be horrible, it would be a great big project that is too big for Pittsboro in his opinion. What he is trying to propose here is that we get some commercial properties within the town limits for some shopping. That is all that he is trying to do. It has some negatives, but that is all he is trying to do, he is not trying to get the whole big thing approved just that one little section. You talk about contracts and wastewater the State of North Carolina controls the destiny of Pittsboro. He can not believe that they will allow us to put very much in Jordan Lake because there is too much in there already. There are 15 or 16 wastewater treatment plants using the Haw River or so he has been told. Jordan Lake is shallow, he can't believe they are going to let us do too much. All that we have for these people is 15,000 gallons per day and that is not going to be a huge development. If we had the money we are years and years away from getting a sewer plant. All he was trying to do was get some commercial development in that one section.

Mayor Voller stated that given that you made a very wise presentation what would be wrong with waiting until we get this land use plan back before we vote.

Commissioner Brooks stated we had our last Land Use Plan in 1976 and it is amazing to him that some of the people who spoke on this issue have reversed themselves on some issues that were brought out at that time. We do change. He surely doesn't have a vested interest in this and he doesn't think anyone else up here does. The experts from Raleigh have always told us that the land use plan was not written in stone it was a suggestion not a zoning ordinance. He feels everything that was said about that is right, we want that. But lots of people would like to have somewhere to shop. When he came here as a teacher there was the largest label mill in the world working three shifts; Kayser-Roth was running three shifts it was a hosiery plant; we had two poultry plants one of which was running three shifts; there was either six or seven full service Service Stations on Hillsboro Street; William Ray Arthurs had as good a men's store as there is or anywhere in North Carolina in his opinion; Baldwin-Stout had a great store; the family owned drug stores; family owned grocery stores; a skating rink; if you went to the Farmers Exchange on Saturday you need to plan on staying a while. We had a vibrant economy and it is gone. We are fast becoming, if we are not already, a bedroom community. We need some commercial development. He can't see how things that would go in this development would hurt the businesses uptown. He figured out one business that might be hurt. But he doesn't believe many realtors or lawyers and the specialty shops; he doesn't think they will be hurt a lot.

Mayor Voller stated it used to take the Board three meetings to talk about a 15 lot subdivision and we are going to act on the biggest development ever proposed for Pittsboro in three meetings.

Commissioner Brooks stated he would like for us to vote on B and then we can vote on A.

Commissioner Cotten said there was talk about the availability of sewer and so forth. He doesn't believe we can deny a rezoning on the basis that we don't have sewer. That is a problem for the developer. If we don't have the sewer he can't do anything beyond what we have. Mayor Voller asked Mr. Monroe if that is correct. Mr. Monroe said yes. Commissioner Cotten said he told TV 17 that malls are coming to the area it is a question of whether we want them out on the edge or in here where we can collect taxes off them. Mayor Voller said we could annex them. Commissioner Cotten stated that is not as simple as you make it sound. The developer needs to be reminded that the issue of sewer is complicated, it is not going to be resolved over night, they have been working on it since 1999 and we are not any closer in his opinion to solving it than we were then. He agrees with Mr. Brooks about the height of the buildings. But if he is correct the higher the building the more fire suppression has to be provided and that would be in his opinion the restraining factor in the height of any building here in Pittsboro unless someone has a lot of money to spend. There will be increased opportunities for our citizens. We are going to have to resolve this issue of sewer as Mr. Walker pointed out we have a financial problem and it is a lot worse than he

thinks they are recognizing. If we don't have growth we sure can't have income and revenue. You can't do away with growth and expect to have increase. If we don't get some growth the tax rate in Pittsboro it is going to go out of sight to maintain the services we are providing. Mayor Voller said you are talking about residential growth. Commissioner Cotten said yes. As he stated at a previous meeting our decisions will have to be guided by law and our ordinances. He has found nothing in either that would back us in turning down these on the basis we have heard. Mayor Voller said it was July 30th. He would like for us to vote on them tonight. He still feels we should separate them.

Mayor Voller asked Attorney Messick to clarify if we need any justification to approve any rezoning request. Attorney Messick said no sir.

Mayor Voller said the motion on the floor is to deny Tract B and it was seconded by Commissioner Baldwin. Vote Aye-5 Nay-0

REZONING REQUEST PITTSBORO PLACE PARTNERS I

Consideration of Request by Pittsboro Place Partners I to rezone parcels 7317, Tract 1; 83078, Tract 2; 83080, Tract 4; 83081, Tract 5; 83084, Tract 9; and 3.99 acres of 81979 from C-2 and M-2 to MUPD.(TRACT A)

Motion made by Commissioner Brooks to approve the rezoning request for Submittal A with a height limitation of 50 feet; maximum of 50 condos/townhouses/dwelling units that are not to be built until after the commercial property is developed; require a minimum of 25% of the parking area have permeable pavement design/planted infiltration area within parking islands; require maintenance plan for permeable pavement; the plan should be reviewed by the Congestion Management with NCDOT and also that the theater and bowling alley be constructed first using part of that 15,000 gallons of wastewater allocation that they have assigned to this property; seconded by Commissioner Cotten.

Mayor Voller said he has a question for Mr. Devinney who serves on the fire department. He wanted to know if the 50 foot issue is an issue. Mr. Devinney said no. Mayor Voller said Circle City can serve it. Mr. Devinney said yes sir.

Commissioner Walker stated to Mr. Jackson that he hopes he understands that he is not against him he is for him. But he feels we have to work through the issues. It goes for Ricky Spoon, Patrick Steele, Mr. Goodnight and Mr. Perry with East West Partners we have just got to work through these details in his opinion we must grow.

Ricky Spoon said he would ask that the developers put their money where their mouths are and he is prepared to do that. Just tell him what we need to do. He thinks we need to control how we do it. He respects all of the Board members for what you do and he does appreciate your opinions and the opinions of the public.

Commissioner Brooks asked the Board to vote their conscience.

Commissioner Baldwin asked if what Commissioner Brooks proposed would cover the 15,000 gallons. Planner Monroe said it would cover Phase I of the plan submitted by the applicant and Phase I did include the bowling alley and movie theater. Commissioner Baldwin asked what about the condos. Planner Monroe said they will not be covered by the 15,000.

Vote Aye-3 Bryan/Cotten/Brooks
Nay-2 Baldwin/Walker

Motion made by Commissioner Brooks seconded by Commissioner Walker to recess for 10 minutes.

Vote Aye-5 Nay-0

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

Vote Aye-5 Nay-0

NC PARKS AND RECREATION TRUST FUND CONTRACT PO8082

Consideration of Request to approve NC Parks and Recreation Trust Fund Contract P08082 for Pittsboro Recreation Complex.

Interim Manager Messick said this is a PARTF grant that was approved for Pittsboro Recreation Complex. The grant was approved originally for \$341,541 it is on 25.9 acres of property to be donated by 3M. Mr. Commissioner had some questions about it last time and the 45 days time limit is approaching.

Mayor Voller said this is the second PARTF grant we have received this year correct. Attorney Messick said yes.

Mayor Voller stated he strongly suggest approving this for a town of our size to get two grants within one year totally over \$800,000.

Motion made by Commissioner Baldwin seconded by Commissioner Walker to approve Contract PO8082 for Pittsboro Recreation Complex.

Commissioner Brooks asked if the Recreation Advisory Board was in favor of this.

Mayor Voller said we have a member present Ms. Chris Bouton.

Chris Bouton stated they are the ones who brought it to the public and had the public forum. They do understand that the county has put something into their master plan for the southern part of the county. Property is so expensive that a PARTF grant is probably the only way we are going to be able to acquire property.

Commissioner Brooks asked if the Resolution they passed in trying to get the County to utilize the facilities at Jordan Lake, have we sent that to them yet. Attorney Messick yes sir.

Commissioner Brooks said since this 3M project will be outside the town limits, how will it be maintained and policed and so forth? Mayor Voller said it is in the ETJ and the property is within the strategic plan for Chatham County Recreation Department as well as our Rec Board. He would remark that once we accept the grant that we would reapply for more money and enter into an Interlocal agreement with the County to discuss who would be responsible for work so that we won't strap the resources of our town. But it is a very different prospect to get 50 plus acres. The county has been looking for land and they can not find it and they are spending exorbitant amounts. So to be able to sit down with 3M and get them to freely contribute this land on 15-501 South in itself is difficult.

Commissioner Brooks stated he has had some misgivings about it but he is going to vote for it and that we lead them down there to show them the 30 something thousand acres at Jordan Lake. Mayor Voller asked if the letter has been drafted. Attorney Messick said no sir. Mayor Voller asked that it be drafted ASAP so we could get it sent. Attorney Messick said yes.

Commissioner Cotten stated he has five comments that are the reasons he is opposed to it:

- It should be a county project.
- The contract is saying matching \$466,000 the valuation is on the whole project. As a result the town may need cash.
- Town agrees to maintain the facility for 25 years.
- The day to day operation will be the Towns responsibility.
- Use of town revenue for something outside of town limits may be questionable.

Mayor Voller asked Mr. Messick to speak to item #5. Attorney Messick said obviously it would depend on what it is for, yes there is a question about spending the town's money outside the town limits but it depends on what it is for. You spend town money outside the town limits on water and wastewater. Mayor Voller asked didn't we enter into a water agreement to run water up to Chapel Ridge is that in town. Attorney Messick said it was in the ETJ.

Commissioner Cotten called for the vote.

Vote Aye-4 Brooks/Bryan/Walker/Baldwin
Nay-1 Cotten

NEW BUSINESS

VOLUNTARY WATER CONSERVATION

Consideration of Voluntary Water Conservation Measures.

Proposed measures:

TOWN OF PITTSBORO
VOLUNTARY WATER CONSERVATION MEASURES

The Town of Pittsboro asks citizens to conserve water by the following voluntary water conservation measures:

Outdoor water conservation measures include:

- Irrigate only when plants need water. Do not apply more than one inch of water per week.
- Avoid watering of impervious surfaces.
- Lawn watering should be limited by residences with even numbered addresses watering on Wednesdays, Fridays, and Sundays and residences with odd numbered addresses watering on Tuesdays, Thursdays, and Saturdays.
- Hand-held, hose-end watering devices are unrestricted.
- Watering by low-volume drip irrigation is unrestricted.
- Use compost with existing soil to create a favorable plant environment. Mulch landscape to retain moisture.
- Limit vehicle washing to minimum necessary.
- Use a broom or other non-water using devices to clean horizontal surfaces (such as sidewalks, decks, patios, driveways, or street and parking areas).
- Limit filling of swimming pools.
- Always use spring-loaded shut off valve, pistol-grip type hose nozzles.

Indoor water conservation measures include:

- Check for leaks in toilets and faucets and repair them immediately.
- Use shower for bathing and/or reduce the depth of water used for a tub bath. Take short showers.
- Do not keep faucets running while shaving, brushing teeth, or rinsing dishes.
- Install water-saving plumbing fixtures.
- Wash only full loads in clothes washers and dish washers or vary the water level setting to match the load if it is less than full.
- Do not use the toilet as a trash basket. Make every flush count.

Motion made by Commissioner Brooks to approve the measure as presented seconded by Commissioner Baldwin.

Mayor Voller said he would like to add that he thinks rain barrels are something that we should start encouraging as a town.

Vote Aye-5 Nay-0

COMMUNITY BUILDING POLICY AND FEE SCHEDULE

Consideration of Community Building policy and fee schedule.

Mayor Voller stated he feels the building should be used by the public it should be as cheap as possible. We should encourage the citizens to use it.

Chris Bouton said she is the Vice-Chair of the Parks and Recreation Advisory Committee. This committee has been recently reenacted in the last year and a half. They meet once a month to advise the Town Board on parks and recreation. The Community building had some issues that were repaired. But there are still a lot of things that need to be done to the building. They have a letter from the State Historian stating this is one of the key building in our Historical District. He did recommend a bunch of things that did need to be done a bunch of them are structural some are architectural. They will eventually need to be dealt with. This policy was created to reassess responsibility of people who were coming to use it but to create a fee schedule that would be more amenable to inviting the public to come in to use it. Many of the people that are concerned about community groups but pricing has been too much in the past to use it.

Commissioner Brooks asked are we going up on the fees. Ms. Bouton said it is a complete restructuring of the fee schedule. Commissioner Brooks said a lady that has a child that participates in the Dance Class some of the students are in town and some out how would that be handled. They are a business so it would be \$36.00.

Commissioner Brooks said if we raise the rates we need to set aside money for the repairs. When we had the dinner for the employees there last year he went back to the kitchen and he felt like he was going through the floor and there is some type of serious mold in there.

Kenneth Hoyle said to ask some of the developers he is sure they would be willing to chip in.

Commissioner Cotten stated all that were present at the last Parks and Recreation meeting know that he is opposed to this policy draft. His concern is that we may be pricing ourselves out completely. Currently Candy Brooks is the only one that uses the building on a regular basis. Even though it is a business they are serving citizens of the community and he just can not support it.

Motion made by Commissioner Cotten to retain the current fees until they look at the total picture.

Commissioner Brooks asked Commissioner Cotten if he would be willing to amend his motion that we approve the policy draft and stay with the current fee structure. Commissioner Cotten agreed and Commissioner Brooks seconded.

Chris Bouton said she brought this item to the Parks and Recreation in April stating

research that she had done.

The Board asked that she make that information available.

Commissioner Baldwin stated her daughter took classes from Candy Brooks and she would like to see them grandfathered she would hate to lose them because of the fee schedule.

Vote Aye-5 Nay-0

TRANSCRIPTION SERVICES PROPOSAL

Consideration of Transcription Services Proposal.

Interim Manager Messick reported we have received a proposal from Ms. Joyce A. Smith, retired Clerk from Chapel Hill to provide transcription services to the Town in order to help Ms. Lloyd.

Dear Alice:

It was good to hear from you, and I am pleased to be offered the opportunity to provide you with information regarding potential transcription services to the Town of Pittsboro.

I have attached a brief summary of what I believe are the most pertinent issues should you choose to accept my services. The summary should be considered as suggestions on how we might work together, and of course these are negotiable based on your and my needs.

It would be beneficial to me to understand what my employment status would be with the Town of Pittsboro if my services were accepted. For instance, would my services be provided as a “contract” employee, or as a temporary or part-time employee? Should you accept my services, I would prefer to work as a temporary or part-time employee to allow the appropriate taxes to be deducted and a W-2 issued at year’s end, rather than a 1099. I would not require any benefits such as earned or accrued vacation or sick leave, health or dental insurance, or any retirement or 401k plans.

It would be helpful to know the turnaround time expected for draft minutes of particular meetings, as well as the priority order in which drafts should be prepared.

I am currently providing transcription services to the Town of Hillsborough for their Board of Commissioners as well as to the Planning Board, Board of Adjustment, Historic District Commission, and the Parks and Recreation Commission. I am also providing services to the Chapel Hill Public Library for their Library Building Committee, as well as miscellaneous verbatim transcriptions. Please feel free to obtain references from Hillsborough Town Clerk Donna Armbrister at 732-1270, ext. 71, Hillsborough Planning Director Margaret Hauth at 732-1270, ext. 73, Chapel Hill Library Director Kathy Thompson at 968-2777, ext. 121, Chapel Hill Deputy Town Clerk Sandy Kline at 968-

2743, ext. 341, Senior Planning Technician Kay Tapp at 968-2728, ext.351, and Chatham County Clerk Sandra Sublett at sandra.sublett@chathamnc.org.

I am available to speak with you at your convenience. I may be reached at home at 967-1020 or via my mobile number at 357-5772. My email address is wmsjas@nc.rr.com if you prefer to communicate in that way.

I look forward to hearing from you soon.

Sincerely,

Joyce A Smith, MMC
Chapel Hill Town Clerk, Retired

Draft Proposal for Transcription Services
to the Town of Pittsboro, NC

Following is a summary of considerations should the Town of Pittsboro (the “Town”) enter into an agreement with Joyce A. Smith (“JAS”) for transcription services. This is not intended to be a final proposal.

1. Services provided by JAS to the Town:
 - a. Summary minutes of various meetings of boards and/or commissions of the Town. Summaries will be in a form and in the appropriate detail as prescribed by the Town.
 - b. Draft summary minutes would be emailed, in first draft form, to the Clerk to the Board or her designee. Drafts may also be provided in hard copy form if desired.
 - c. An invoice (or timesheet) would be submitted either weekly or biweekly of work completed as of that billing.
 - d. JAS will pick up and drop off materials provided by the Town to the Clerk to the Board or her designee.
 - e. Draft summary minutes would be provided on a schedule to be determined.

2. Services provided by the Town to JAS:
 - a. Recordings of meetings to be summarized in the form of CDs, DVDs, or VHS tapes, whichever is applicable.
 - b. Any printed materials provided for meetings, including agendas, agenda items, any additional materials provided at the meetings, or follow-up information provided afterwards. Printed materials may be provided electronically to JAS if desired.
 - c. A list of participants present at the meeting (if necessary), and a list of those speaking and their titles.
 - d. Invoices (or timesheets) would be paid promptly on the Town’s regular payroll schedule.

3. Services provided by JAS would be billed at a rate of \$80 per hour of meeting, i.e. a 2-hour meeting would be billed at \$160.00.
4. Billing would be calculated in quarter-hour increments, and rounded to the next quarter hour. For example, a meeting of 2:10 duration would be rounded to 2:15, and billed at \$180.00.
5. Should it be necessary for JAS to personally attend a meeting, billing would be calculated at \$30.00 per hour, billed in quarter-hour increments, in addition to the \$80/hr. transcription fee.
6. Materials provided by the Town, as well as the draft summary minutes produced by JAS, would remain the property of the Town.
7. Any printed materials provided to JAS would be recycled unless otherwise specified by the Clerk to the Board or her designee.
8. If recorded discussion is inaudible or otherwise difficult to decipher in the format provided by the Town, notations will be made in the draft to so signify. Should audio only be provided to JAS, appropriate notations will be made in the drafts if it is not possible to identify speakers.

Motion made by Commissioner Cotten seconded by Commissioner Baldwin to approve the proposal submitted by Ms. Smith.

Vote Aye-5 Nay-0

Staff/ Manager Reports

1. Work session –August 29, 2007 @7:00 Hobbs, Upchurch & Associates

Mayor Voller stated Congressman Etheridge visited Town today visiting the Biodiesel.

FYI

Monthly Project Report – Hydrostructures as follows:

3M Reclaimed Water Project

- As far as we know, status is unchanged since last report.

Chapel Ridge

- Status is unchanged since last report.

Chatham County Department of Social Services

- Status unchanged since last report, although there is a bit of dispute going around regarding the timing of approvals and the cost of construction of the outlet structure. In our opinion, the Town of Pittsboro has handled the situation properly and the matter must be resolved between DSS and their engineer and contractor.

Chatham Forest

- Park Access Road: Status is unchanged since last report.
- Bellefont Road: Status is unchanged since last report, although there continue to be complaints regarding mud in the street and flooding of low-lying properties. These are design and construction matters that must be resolved by the contractors, builders, designers and developer. The Town does not have actionable issues here other than enforcement.
- Lot 23 Sewer Connection (Springdale Road/Fox Chapel Lane): Somewhat disconcertingly, status is unchanged since last report. This matter appeared to need significant action to resolve an unsatisfactory sewer situation (see previous reports).
- Phase 9 New Sewer Line: Construction on a new sewer main was begun without approval of the Town. Initial plans had previously been submitted and Hydrostructures had issued review comments requiring action on June 25, 2007. Sources other than Hydrostructures or the Town of Pittsboro apparently reported that the plans were approved prior to revised plans being submitted to the Town or Hydrostructures. Revised plans were provided to Hydrostructures on Thursday August 16 and are currently under review (comments will be issued on August 21).

Collection System Rehabilitation

- At the August 13 regular Board meeting, the Board approved going forward with the Credle basin sewer rehabilitation project pending Paul Messick confirming that there is an extra \$35,000 to go with the already-committed \$200,000 (this is the Town's match to the \$200,000 grant provided by the Rural Center). Construction will begin near Oct. 1.

Piedmont Biofuels

- John Poteat reported to the Board on August 13 regarding the status of a chemical release to the sewer system from Piedmont Biofuels. Mr. Poteat's report was detailed and accurate. A representative of Piedmont Biofuels attempted to refute portions of Mr. Poteat's report but the representative's comments do not reconcile with the facts observed in the collection system and at the wastewater treatment plant, particularly with respect to the volume of the release. Potentially thousands of gallons of free product (pure chemical) were observed floating atop the wastewater. The representative made the point that Coca Cola is also a chemical. It might be noted that thousands of gallons of Coca Cola introduced to the wastewater treatment plant would also deliver a detrimental BOD load on the plant. Furthermore, there was discussion that inflow and infiltration might create operational difficulties equivalent to the massive BOD loading caused by the chemical release. This is not so. Wastewater treatment plants are designed to accept inflow and infiltration. They cannot accept massive BOD loading. This is evidenced in the plant history. Large inflow and infiltration loads pass through the plant on a semi-routine basis. This one event of massive BOD loading created distinct damage at the plant.

Potterstone Village

- Status is unchanged since last report.

Powell Place

- Phase 2A : Status is unchanged since last report.
- Phase 2C: Status is unchanged since last report.
- Phase 2B : Water and sewer services have been connected to their respective mains. Water main pressure test, low pressure air test of sewer mains and vacuum tests of manholes have all been successfully completed.
- Hydrostructures, P.A. has been informed that MH #64 in Phase 1 just west of the 2nd traffic circle on Powell Place lane has been paved over. The top course of pavement was applied by Barnhill Construction in March 2007. Hydrostructures, P.A. investigated the situation and the manhole has either been paved with asphalt or covered over by the placement of the concrete lane divider. Withers & Ravenel have been advised of this situation and Barnhill is said to be tending to the problem.

Powell Place – Millbrook Road

- For several months we have been trying to assess whether water seeping up between the concrete curb and gutter and the asphalt road course is water from leaking water mains or groundwater. At this point, it appears that it is groundwater. Withers & Ravenel have designed a French drain to divert the ground water to the storm drainage system. The drain has been installed by Dean Patterson Construction but the pavement on Millbrook Road which was removed when looking for a water main leak has to be repaired. We will keep an eye on this arrangement to see if it is successful in preventing the ground water from seeping onto Millbrook Drive. Results cannot be verified until pavement has been repaired and ground water levels return to normal.

Spoon Commercial Project (Bellemont Station).

- Status is unchanged since last report.

Water Distribution System Modeling

- Hydrostructures recommends that this report be presented to Staff (and Board) in a work session. A key point that is made in the report is that water demand could reach up to and beyond 6.0 mgd in future years. This is based upon known potential projects within the ETJ. Demand projections did not take into account all undeveloped area in the ETJ.

Sewer System Master Plan

- Hydrostructures recommends that this report be presented to Staff (and Board) in a work session. A key point that is made in the report is that sewer needs could reach up to and beyond 12.0 mgd in future years. This is based upon the assumption that all undeveloped area within the ETJ is eventually developed and requires sewer service.

Water and Sewer System Mapping

- These projects have been delivered and implemented with the Public Works Director. This product has received much use and positive feedback.

Progress Energy letter.

COMMISSIONER CONCERNS

Commissioner Cotten stated he felt we should have the next meeting at the Superior Courtroom because of the public hearings we have scheduled. So that it can be advertised that way.

Motion made by Commissioner Cotten seconded by Commissioner Brooks to schedule the September 10, 2007 meeting for the Superior Courtroom.

Vote Aye-5 Nay-0

Hydrostructures has made reference in their monthly report that they would like to have a work session with the board also. He feels we should schedule on.

Commissioner Cotten stated he will be on vacation from September 16-23, 2007.

ADJOURNMENT

Motion made by Commissioner Brooks seconded by Commissioner Cotten to adjourn at 10:12 p.m.

Vote Aye-5 Nay-0

Randolph Voller, Mayor

ATTEST:

Alice F. Lloyd, CMC, Town Clerk